

**COMMISSIONERS' MINUTES
KITITAS COUNTY, WASHINGTON
AGENDA SESSION**

TUESDAY

10:00 A.M.

JULY 20, 2010

Board members present: Chairman Mark McClain; Vice-Chairman Paul Jewell and Commissioner Alan Crankovich.

Others: Julie Kjorsvik, Clerk of the Board; Judy Pless, Budget & Finance Manager; Jan Ollivier, Transportation Manager; Kirk Holmes, Public Works/Interim Community Development Services Director; Jerry Pettit, Auditor; Neil Caulkins, Deputy Prosecutor; Patti Johnson, Solid Waste Director and approximately 8 members of the public.

CALL TO ORDER

Chairman McClain called the meeting to order.

PLEDGE OF ALLEGIANCE

Chairman McClain led the Pledge of Allegiance.

INTRODUCTION OF NEW COUNTY EMPLOYEES - NONE

PROCLAMATIONS - NONE

AWARDS & RECOGNITIONS - NONE

APPROVAL OF AGENDA

Chairman McClain announced there would be one item added under Administrative Matters; Item C under Consent Agenda had been moved for consideration after an Executive Session which would be held at the conclusion of the Agenda.

Commissioner Jewell moved to approve the Agenda, as amended. Commissioner Crankovich seconded. Motion carried 3-0.

CONSENT AGENDA

Items listed under the Consent Agenda were distributed to the Board of County Commissioners in advance for study and were enacted by one motion with separate discussion to the extent any items were removed from the Consent Agenda at the request of a Board member.

APPROVED
8/3/2010

Commissioner Crankovich moved to approve the Consent Agenda, as amended. Commissioner Jewell seconded. Motion carried 3-0.

MINUTES

COMMISSIONER MEETINGS

COMMISSIONERS

DATE	MINUTES
07/05/2010	Dept. Head Meetings (cancelled)
07/06/2010	Executive Session (3:30)
07/06/2010	Executive Session (4:00)
07/06/2010	Office Administration
07/06/2010	Agenda
07/07/2010	Law & Justice Reps.
07/12/2010	Office Administration
07/12/2010	Dept. Head Meetings (cancelled)
07/12/2010	DPW Study Session

AGREEMENT

FCI CUSTOM CARS

SHERIFF

Approve a Professional Services Agreement between Kittitas County and FCI Custom Cars, to provide service and maintenance on installed vehicle equipment as needed, for the period beginning July 15, 2010 through December 31, 2011.

REQUEST TO APPROVE A LETTER TO THE DEPARTMENT OF ECOLOGY RE: WATER AVAILABILITY FOR THE CREATION OF NEW PARCELS & ISSUANCE OF BUILDING PERMITS IN KITTITAS COUNTY - ITEM MOVED FOR CONSIDERATION FOLLOWING AN EXECUTIVE SESSION AT THE CONCLUSION OF THE AGENDA

AGREEMENT

DSHS - JUVENILE REHABILITATION

JUVENILE

Approve Program Agreement No. 1063-96523 for the Consolidated Contract FY 2011, between Kittitas County and the Washington State Department of Social & Health Services, Juvenile Rehabilitation, between July 1, 2010 through June 30, 2011.

AGREEMENT

DEPARTMENT OF NATURAL RESOURCES

NOXIOUS WEED

Approve an Interagency Agreement between Kittitas County through the Kittitas County Noxious Weed Control Board and the Washington State Department of Natural Resources for Project No. KCNWC-10-01, to provide weed control work on State lands and rights of ways within Kittitas County, beginning July 1, 2010 through June 30, 2011, not to exceed \$12,000.00 per fiscal year for time and materials.

AGREEMENT**B & F SERVICES****AUDITOR**

Approve an Agreement between Kittitas County through the Kittitas County Horticultural Pest and Disease Board and B & F Services, to provide services for apple maggot control, between July 6, 2010 through December 31, 2010, in an amount not to exceed \$40,000.00.

CONTRACT**WA STATE MILITARY DEPARTMENT****AUDITOR**

Approve Contract No. Ell-003 (reissue) between Kittitas County and the Washington State Military Department, for Enhanced 911 Funds, in the amount of \$278,248.00, beginning July 1, 2010 through February 28, 2011.

RESOLUTION 2010-77**KITTITAS COUNTY FAIR REVOLVING FUND****AUDITOR**

Approve Resolution NO. 2010-77, Establishing the Kittitas County Fair Revolving Fund/Petty Cash Accounts, in the amount of \$28,000.00, and to be remitted to the County Auditor before November 5, 2010.

AGREEMENT**WASHINGTON STATE PATROL-MARIJUANA ERADICATION****SHERIFF**

Approve a Request for Budget Amendment and Agreement No. C100885FED between the Kittitas County Sheriff's office and the Washington State Patrol, in the amount of \$15,000.00 for the 2010 Marijuana Eradication between January 1, 2010 and December 31, 2010.

AGREEMENT**PROPERTYROOM.COM****SHERIFF**

Approve an Agreement between PropertyRoom.com, Inc. and the Kittitas County Sheriff's office, who will on owner's behalf, pick-up, store and list property for sale by auction to the public on the internet on one or more domain names selected by PropertyRoom.com.

AMENDMENT**DEPARTMENT OF ECOLOGY****SOLID WASTE**

Approve Amendment No. 1 to Agreement No. G000419 between the State of Washington Department of Ecology and Kittitas County Solid Waste, to not allow spending of funds for Phase Two and changing the date for spending of Phase One funding to June 30, 2011.

CHANGE ORDER**HULTZ/BHU ENGINEERS, INC.****MAINTENANCE**

Approve Change Order No. 1 between Hultz/BHU Engineers, Inc., Kittitas County and Holmberg Company, in the amount of \$12,249.00 for the Kittitas County Jail mechanical repairs.

CHANGE ORDER

HULTZ/BHU ENGINEERS, INC.

MAINTENANCE

Approve Change Order No. 2 between Hultz/BHU Engineers, Inc., Kittitas County and Holmberg Company, in the amount of \$20,471.00 for the Kittitas County Jail mechanical repairs.

SET PUBLIC HEARING

COUNTY ROAD MAINTENANCY SYSTEM

PUBLIC WORKS

Approve setting a Public Hearing to consider adopting portions of Hobert Avenue, Plumbridge Avenue, Magnolia Street and Pfenning Road that are in the Vista View Division I Plat, on to the Kittitas County Road Maintenance System, identifying the placement of stop signs and establishing a speed limit in Kittitas County, to be held on Tuesday August 17, 2010 in the Commissioners Auditorium, Room 109, Kittitas County Courthouse, 205 West 5th Avenue, Ellensburg, WA and to authorize the Clerk to publish said notice.

RESOLUTION 2010-78 DISTRESSED COUNTY SALES & USE TAX FUNDS PUBLIC WORKS

Approve Resolution No. 2010-798, Awarding the 2011 Distressed County Sales and Use Tax Funds for public facilities in Rural counties, as recommended by the Conference of Governments.

CORRESPONDENCE - NONE

ADMINISTRATIVE MATTERS

RESOLUTION 2010-74

OUTDOOR BURN BAN

FIRE MARSHAL

Commissioner Jewell moved to ratify Board signature on Resolution No. 2010-74, Declaring an Emergency Ban on Outdoor Burning, due to severe dry conditions, high energy release components for fuel models and low 100-hr fuel moisture contents. Commissioner Crankovich seconded. Motion carried 3-0. The Board expressed their desire to create a process for the Fire Marshal to have authority to declare an emergency burn ban, if necessary.

CITIZEN COMMENTS ON NON-AGENDA ITEMS

John R. Jensen distributed a letter regarding the Easton Ridge CUP application No. CU-09-00003, and requested the Board to reconsider their decision and revoke the CUP, per Kittitas County Code Chapter 17.60A.100.

BOARD DISCUSSION/DECISION ITEMS

CONTRACT EXTENSION OF UPPER CO MUNICIPAL SERVICES PROSECUTOR

This item will be placed on a future Agenda when documents are available from the Prosecutors office. No action was taken by the Board.

AGREEMENT CITY OF CLE ELUM - UPPER COUNTY FACILITY COMMISSIONERS

Commissioner Crankovich moved to delay consideration of the Interlocal Agreement between Kittitas County and the City of Cle Elum for the Upper Kittitas County Law & Justice Facility, until after the Public Hearing at 2:00 p.m. Commissioner Jewell seconded. Motion carried 3-0.

RESOLUTION 2010-75 SETTLEMENT AGREEMENT WITH SUNCADIA PROSECUTOR

Commissioner Jewell moved to approve Resolution No. 2010-75, authorizing execution of a Settlement Agreement with Suncadia, LLC providing for continued Performance Guarantees, as recommended by the Prosecutors office. Commissioner Crankovich seconded. Motion carried 3-0. Kirk Holmes, Public Works /Interim Community Development Services Director indicated he felt comfortable with Settlement Agreement, and all of the elements associated have been completed, with the exception of hydro-seeding. Steve Lathrop, Attorney representing Suncadia, thanked the Board of County Commissioners and the Prosecutors office for their cooperation.

PUBLIC HEARING HABITAT FOR HUMANITY COMMISSIONERS

Judy Pless, Budget & Finance Manager said Nancy Goodloe, Homeless & Affordable Housing Committee was unable to be at the public hearing and that the Prosecutors office was still reviewing the documents. She requested the Board continue the public hearing until the next Agenda.

Commissioner Jewell moved to continue the Public Hearing to consider enabling documents for Habitat for Humanity House 11, until Tuesday August 3, 2010 at 10:00 a.m. in the Commissioners Auditorium, Room 109, Kittitas County Courthouse, noting the record was closed. Commissioner Crankovich seconded. Motion carried 3-0.

PUBLIC HEARING PERMIT, PUBLICATION & LAND USE FEES CDS

Jan Ollivier, Transportation Manager reviewed enabling documents for proposed modifications of certain permit and land use application fees.

Commissioner Jewell moved to approve Resolution No. 2010-76, Modifying Certain Permit, Land Use Application, and Publication Fees collected by Community Development Services, Fire Marshal and the Public Works Department, effective July 26, 2010. Commissioner Crankovich seconded. Motion carried 3-0.

CLOSED RECORD MEETING**YELLOWSTONE TRAIL ESTATES PRELIM. PLAT****CDS**

Dan Valoff, Staff Planner, reviewed an application from Encompass Engineering & Surveying, agent for property owner Gary Maughan, for a 27-lot long plat on approximately 18.09 acres of land zoned Forest & Range. He indicated the project was proposed to be served the Snoqualmie Pass Utility District. The property is located at the end of Yellowstone Road, east of Interstate 90 near the summit of Snoqualmie Pass at the eastern half of Section 9, T22N, R11E, WM, Kittitas County. He explained the Hearing Examiner held an open record hearing and issued a recommendation of approval of the Yellowstone Trail Estates Preliminary Plat (LP-09-06).

Commissioner Jewell moved to approve the Yellowstone Trail Estates Preliminary Plat (LP-09-06), adopting the Hearing Examiner's Findings of Fact, Conclusions of Law, Decisions and Conditions of Approval, and to direct staff to prepare enabling documents. Commissioner Crankovich seconded. Motion carried 3-0.

CLOSED RECORD MEETING**WHITE WATER PERFORMANCE BASED CLUSTER PLAT****CDS**

Dan Valoff, Staff Planner, reviewed an application from Dave Blanchard of Mist Mountain LLC, authorized agent for Lonny Peter White and Joanne White, Peter A. White and Michael Lee White, landowners, for a 67-lot Performance Based Cluster Plat on 113.04 acres of land zoned Ag-3. He indicated the proposal is for 44.82 acres of open space, a Class A water system and active recreation in the form of water and trails, with lot sizes ranging from 0.51 acres to 4.01 acres. He noted the project would be served by a Group A water system and individual onsite septic systems. The project is located south of Lower Peoh Point Road, east of Iron Mountain Road, west of Godawa Lane, Cle Elum, WA. The Hearing Examiner conducted an open record hearing and issued a recommendation of approval of the White Water Performance Based Cluster Plat (LP-08-28).

Commissioner Jewell questioned the soil classification and the County's obligation to protect Ag-Lands of Long Term Commercial Significance, but none of the land was designated as such. Mr. Valoff said the original designation was done early on in the process and although it is a unique piece of farm land in the Upper County, it was not designated as such, and the underlying zoning was Rural and designated as Ag-3.

Commissioner Jewell moved to approve the White Water Performance Based Cluster Plat (LP-08-28), adopting the Hearing Examiner's Findings of Fact, Conclusions of Law, Decisions and Conditions of Approval, and to direct staff to prepare enabling documents. Commissioner Crankovich seconded.

Commissioner Crankovich felt the application far exceeds any idea of what the Performance Based Cluster Plat's were to be when it was adopted. He noted there were continued and existing agriculture operations in the area, and the proposed development rivals the size of the current LAMRID'S. Chairman McClain agreed that the Cluster Based ordinance does need to be revised, but the application appears to meet the elements. He noted proposed changes were to be on the annual Comprehensive Plan amendments. Commissioner Jewell said he understands the Boards comments, and is not happy with the way the ordinance was used in this instance, but it does appear to meet the current code and would be voting in favor of the request. Motion carried 2-1 (Commissioner Crankovich was opposed).

MISCELLANEOUS - NONE

EXECUTIVE SESSION

At 10:40 a.m. Chairman McClain announced the Board would recess into Executive Session for 20 minutes with Kirk Holmes, Public Works/Interim Community Development Services Director; Patti Johnson, Solid Waste Director and Neil Caulkins, Deputy Prosecutor to consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price; to evaluate the qualifications of an application for public employment or to review the performance of a public employee; and to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. He announced there may be possible action following the Executive Session.

At 11:00 a.m. the Board reconvened out of Executive Session. No action was taken. Chairman McClain announced the Board would recess back into Executive Session for 20 minutes with Kirk Holmes, Public Works/Interim Community Development Services Director; Patti Johnson, Solid Waste Director and Neil Caulkins, Deputy Prosecutor to consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood

of increased price; to evaluate the qualifications of an application for public employment or to review the performance of a public employee; and to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. He announced there may be possible action following the Executive Session.

At 11:20 a.m. the Board reconvened out of Executive Session. No action was taken. Chairman McClain announced the Board would recess back into Executive Session for 15 minutes with Kirk Holmes, Public Works/Interim Community Development Services Director; Patti Johnson, Solid Waste Director and Neil Caulkins, Deputy Prosecutor to consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price; to evaluate the qualifications of an application for public employment or to review the performance of a public employee; and to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. He announced there may be possible action following the Executive Session.

At 11:35 a.m. the Board reconvened out of Executive Session. Chairman McClain gave direction to Public Works to put together an employment plan for the Community Development Services Department, for consideration by the Board for August 3, 2010, and directed staff to continue to seek potential property in Kittitas County.

LETTER

DEPT. OF ECOLOGY

COMMISSIONERS

Commissioner Jewell moved to approve a letter to the Department of Ecology, as amended. Commissioner Crankovich seconded. Motion carried 3-0.

ADJOURNMENT

Commissioner Jewell moved to adjourn at 11:41 a.m. Commissioner Crankovich seconded. Motion carried 3-0.

Meeting adjourned at 11:41 a.m.

CLERK OF THE BOARD


Julie Kjorsvik

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON


Chairman Mark McClain