

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

TUESDAY

10:00 A.M.

AUGUST 4, 2015

Board members present: Chairman Gary Berndt; Vice-Chairman Obie O'Brien; and Commissioner Paul Jewell.

Others: Mandy Buchholz, Clerk of the Board; Neil Caulkins, Deputy Prosecutor; Doc Hansen, Planning Official/Interim Planning Director; Jeff Watson, Staff Planner; Mark Cook, Public Works Director; Brenda Larsen, Fire Marshal; Jan Ollivier, Transportation Manager; Christina Wollman, Staff Planner; Holly Myers, EH Supervisor; Jim Goeben, IT Director; Jason Eklund, GIS Coordinator; Tip Hudson, WSU Extension Agent; Alison White, Extension Agent and 3 members of the public.

CALL TO ORDER

Chairman Berndt called the meeting to order.

PLEDGE OF ALLEGIANCE

Chairman Berndt led the Pledge of Allegiance.

INTRODUCTION OF NEW COUNTY EMPLOYEES

Tip Hudson, WSU Extension Agent introduced Alison White, Extension Agent.

PROCLAMATION - NONE

AWARDS & RECOGNITIONS

Jim Goeben, IT Director & Jason Eklund, GIS Coordinator presented the Board with the SAG (Special Achievement in GIS) Award received at the ESRI User Conference in San Diego, California that Mr. Eklund attended and was recognized for his work during the Kittitas County wild fires in 2014. The Board expressed their appreciation for Mr. Eklund's work and noted they had watched him work at the EOC during the fires and were very impressed.

APPROVAL OF AGENDA

Commissioner O'Brien announced the Board would be holding an Executive

Session at the conclusion of the Agenda 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 also noted that the Board would remove items I and P from consideration on the Consent Agenda.

Commissioner O'Brien moved to approve the Agenda, as amended. Commissioner Jewell 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.

Commissioner O'Brien moved to approve the Consent Agenda, as presented. Commissioner Jewell seconded. Motion carried 3-0.

MINUTES

DATE	MINUTES
06/10/2015	Solid Waste, Maintenance & Fair Study Session
07/20/2015	Agenda Session
07/20/2015	Department Head - Cancelled
07/20/2015	Office Administration
07/21/2015	Special Meeting- Boards Committees & Commissions Clean Up
07/21/2015	Special Meeting- Budget Retreat Planning
07/21/2015	Agenda Session
07/21/2015	Public Hearing-Amend KCC 10.06
07/22/2015	Special Meeting- KCWD #7 - Cancelled
07/22/2015	Special Meeting- Mitigation Requirements
07/23/2015	Special Meeting- Contract Clarke Dykstra
07/23/2015	Special Meeting- Executive Session
07/23/2015	Special Meeting- State Auditor Entrance Conf.

AGREEMENT

JRT MECHANICAL

SOLID WASTE

Approve a Professional Service Agreement with JRT Mechanical to replace the sewage pumps in the Kittitas County Jail, commencing July 22, 2015

AGREEMENT WITH NORTHWEST OPEN ACCESS NETWORK AKA NOANET – ITEM REMOVED FROM THE AGENDA

SET PUBLIC HEARING CLEMAN ROAD IRRIGATION FRANCHISE PUBLIC WORKS

Approve Setting a Public Hearing to consider an Irrigation Franchise along Cleman Road, to be held on September 1, 2015 at 2:00 p.m. in the Commissioners Auditorium, Room 109, Kittitas County Courthouse 205 West 5th Avenue Ellensburg, WA and to authorize the Clerk to publish said notice.

SET PUBLIC HEARING NOEL COMMUNICATIONS FRANCHISE AG. PUBLIC WORKS

Approve Setting a Public Hearing to consider a Countywide Franchise Agreement, to be held on September 1, 2015 at 2:00 p.m. 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 2015-114 CALL FOR BIDS NO.6 ROAD PUBLIC WORKS

Approve Resolution No. 2015-114, Authorizing a Notice of Call for Bids for the No. 6 Road Improvements, to be received until Thursday August 27, 2015 at 10:00 a.m. in the Kittitas County Public Works Department 411 North Ruby, Suite 1, Ellensburg, WA and to authorize the Clerk to publish said notice.

RESOLUTION 2015-113 ROLAND RESOURCES/FLOOD CONTROL DIST. PUBLIC WORKS

Approve Resolution No. 2015-113, Authorizing the Chairman to sign the Local Agency A&E Professional Services Negotiated Hourly Rate Consultant Agreement with Roland Resources, Inc. to assist with land acquisition, easement acquisition and relocation assistance in Kittitas County, Washington, following the procedures within RCW 8.26.180, Chapter 468-100 WAC and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The Consultant will assist the County with tasks necessary to acquire land or easements including, but not limited to: landowner negotiations, title review, closing services, and coordination of environmental, cultural and archeological assessment services. Agreement not to exceed 12/31/2017, consultant will provide a task order describing the task and cost for each project prior to Agreement.

RESOLUTION 2015-110 C.O.G - IPZ TRANSFER OF FUNDS PUBLIC WORKS

Approve Resolution No. 2015-110, transferring the Innovation Partnership Zone Award from Distressed County Sales and Use Tax Funds to the Professional Business Centers as Recommended by the Conference of

Governments, awarding up to \$500,000.00.

MYLARS

PONDEROSA PINES PLAT LP-07-00042

CDS

Approve the Mylars for the Ponderosa Pines Plat LP-07-00042, located north of Columbia Avenue and east of Montgomery Ave, Cle Elum, WA 98922, within a portion of the south ½ Section 24, the south ½ of Section 25, the northeast ¼ of Section 26, T20N, R15E, WM in Kittitas County, (Map Number 20-15-25058-0004).

REQUEST TO SIGN A RESOLUTION ADOPTING INTERLOCAL AGREEMENT BETWEEN KITTITAS COUNTY AND THE CITY OF ELLENSBURG ENERGY SERVICES FOR A COOPERATIVE AGREEMENT FOR THE USE OF GEOGRAPHIC INFORMATION SYSTEM AND IT EQUIPMENT, MATERIALS, AND PERSONNEL - ITEM REMOVED FROM THE AGENDA

ADMINISTRATIVE MATTERS - NONE

CITIZEN COMMENTS ON NON-AGENDA ITEMS - NONE

BOARD DISCUSSION/DECISION ITEMS

CLOSED RECORD HEARING

BIG BUCK RIDGE PLAT (LP-07-00040)

CDS

Jeff Watson, Staff Planner reviewed a Staff Rreport for a continued Closed Record Hearing on the Big Buck Ridge Preliminary Cluster Plat (LO-07-00040), from July 7, 2015. He gave a brief summary of the discussion that took place during that meeting for Commissioner Jewell as he was not able to attend. He reviewed the application from Wayne Nelson authorized agent for Becky Andrus, landowner for a Performance Based Cluster Plat to create 14 one acre single family parcels and approximately eleven acres of Open Space. The Plat proposes a Group B water system and onsite individual septic systems, noting the zoning is vested as Residential 3. He said the property is 2 parcels located approximately ½ mile north of Yakima Avenue in the City of Cle Elum at 140 Big Buck Ridge Road (outside the City limits), Cle Elum, WA. He reviewed the history from the application that was submitted to Community Development Services back on June 20, 2007. He said the Hearing Examiner disagreed with the Staff assessment that the application was "de facto" deemed complete in August 2007 and that in his recommendation he stated "the traffic impact analysis was intended to be submitted with the application materials for any future development" and that it was "required to be submitted in order for there to be a fully complete application". He stated that on July 7, 2015 the BoCC held a Closed Record Hearing for discussion and decision on the Big Buck Ridge Plat and Staff presented a power point outlining the nature and history of the project. He stated that at that time the Board followed up with questions and discussion, but were not prepared to make a decision at that time; the hearing was continued to August 4,

2015. Staff recommends the BoCC conduct the Closed Record Hearing as scheduled to consider accepting the Hearing Examiner's recommendation of the Big Buck Ridge Preliminary Cluster Plat (LP-07-00040).

Chairman Berndt stated that Commissioner Jewell had indicated early on that he wanted to participate in the discussion and would check with legal to see if there were any issues with him participating.

Commissioner Jewell indicated that he has already listened to the audio from the July 7, 2015 Agenda, read the minutes and reviewed the documents, so he would be up to speed. He stated that he checked with the Prosecutors Office and Neil Caulkins, Deputy Prosecutor indicated there were no concerns or issues with him participating in the discussion.

There were no issues with Commissioner Jewell participating and therefore he remained seated.

Commissioner Jewell questioned the large time gaps between when the application was accepted in 2007 and is now before the Board in 2015. He questioned the back and forth confusion of memos allowing extensions and then the Hearings Examiner (HE) decision of remanding the plat application back to staff with a deemed complete date of 1/26/2015, the date that the notice of application. He felt the Board needed to determine how to address the vesting issues first as that will determine the direction of the discussion. He questioned if it was in 2007 at the time of application or later as the Hearings Examiner suggests. He stated that he didn't feel the record supports Staff's recommendation of the application was "de facto". Commissioner O'Brien stated that he agrees with the Hearings Examiner and that it's vested as of early this year. The Board discussed the HE statements of the traffic impact analysis (TIA) and whether his statements of "the intention was for it to be submitted with the application materials for any future development" and that it was "required to be submitted in order for there to be a fully complete application" and the reference of findings in numbers 24 - 45. There was discussion on project action and if the Board is in agreement.

Doc Hansen, Planning Official/Interim Planning Director; Jan Ollivier, Transportation Manager and Jeff Watson, Staff Planner clarified information within the record and answered questions from the County Commissioners. Doc stated that Staff hadn't come to the same conclusion that the BoCC seemed to be heading towards and explained how Staff viewed the application.

Commissioner Jewell reviewed his analysis. He questioned Neil Caulkins, Deputy Prosecutor, on whether or not he supported the application and that it was determined "de facto" or would he follow the HE

recommendation. Commissioner O'Brien questioned if the application is remanded back to Staff, what they would do differently. Doc Hansen, Planning Official/Interim Planning Director stated that they would review the record in its entirety.

Commissioner Jewell moved to deny the Big Buck Ridge Preliminary Cluster Plat (LO-07-00040), as presented and direct Staff to prepare Findings of Fact and enabling documents, noting that the denial is primarily based on the TIA is not complete or sufficient. Commissioner O'Brien seconded. Motion carried 3-0.

MISCELLANEOUS - NONE

EXECUTIVE SESSION

At 11:27 a.m. Chairman Berndt announced the Board would recess into Executive Session for 15 minutes with, Mark Cook, Public Works Director; Candie Leader-Bird, Administrative Assistant & Neil Caulkins, Deputy Prosecutor 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. No action was anticipated.

At 11:42 a.m. the Board reconvened out of Executive Session. No action was taken.

At 11:42 a.m. Chairman Berndt announced the Board would recess back into Executive Session for 5 minutes 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. No action was anticipated. No action was anticipated.

At 11:47 a.m. the Board reconvened out of Executive Session. No action was taken.

At 11:47 a.m. Chairman Berndt announced the Board would recess back into Executive Session for 5 minutes 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. No action was anticipated. No action was anticipated.

At 11:52 a.m. the Board reconvened out of Executive Session. Staff was directed to continue negotiations.

ADJOURNMENT

Commissioner O'Brien moved to adjourn the meeting at 11:52 a.m. Commissioner Jewell seconded. Motion carried 3-0.

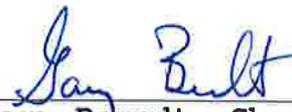
Meeting adjourned at 11:52 a.m.

DEPUTY CLERK OF THE BOARD

**KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**



Mandy Buchholz



Gary Berndt, Chairman