

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

TUESDAY

3:00 P.M.

MARCH 4, 2003

CALL TO ORDER

Chairman Golladay called the meeting to order.

Board members present: Max A. Golladay, Perry D. Huston & Bruce Coe.

Others: Julie Kjorsvik, Clerk of the Board; Paul Bennett, Public Works Director; Patti Johnson, Solid Waste Director; Joy Potter, Public Works Department; Rob DeGroot, Undersheriff; Gene Dana, Sheriff; Gregg Hall, Staff Planner; Jane Wright, Public Health Department; Rhonda Holden, Public Health Department; Warren Beed, Facilities Maintenance Director and approximately 20 members of the public.

AWARDS AND RECOGNITIONS

The Board of Commissioner's recognized Paul Bennett, Director of Public Works, for receiving the Airport Manager of the Year award, from the Washington State Department of Transportation, Aviation Division.

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. Chairman Golladay noted that Item B was removed at the request of the Human Resources Director.

Commissioner Huston moved to approve the Consent Agenda as presented, with the exception of Item B being removed from the Agenda. Commissioner Coe seconded. Motion carried 3-0.

MINUTES

01-16-03	Study Session	BOCC/Judy Pless, Budget & Finance
01-28-03	Study Session	Passenger/Commuter Rail Transport.
02-04-03	Public Hearing	Jail Facilities/Options
02-06-03	Study Session	8 th Street Entrance to Fair/Rodeo
02-10-03	Study Session	BOCC/Public Works Dept.

02-18-03	Study Session	BOCC/Public Works Dept.
02-18-03	Agenda Session	BOCC
02-20-03	Study Session	BOCC/Judy Pless, Budget & Finance

REQUEST TO APPROVE A RESOLUTION IN THE MATTER OF CREATING AN ADA COMPLIANCE PLAN: ITEM REMOVED AT THE REQUEST OF THE HUMAN RESOURCES DIRECTOR

RESOLUTION 2003-27 UPDATE PERSONNEL POLICIES MANUAL HUMAN RESOURCES

Approve Resolution No. 2003-27, In the Matter of Updating the Personnel Policies Manual, revising Employment Categories; Solicitation; Deferred Compensation; Medical Savings Account; Employee Assistance Program; and Flexible Benefits Plan (Section 125).

LETTER OF UNDERSTANDING AFSCME LOCAL 792CH (COURTHOUSE) HUMAN RESOURCES

Approve a Letter of Understanding with AFSCME Local 792CH (Courthouse Union) relating to the Office Assistant position within the Community Services Department, effective February 1, 2003.

RESOLUTION 2003-28 AWARD BID-WEED SPRAY MATERIALS PUBLIC WORKS

Approve Resolution No. 2003-28, Awarding a bid to Helena Chemical, to furnish weed spray materials for the year 2003, and to authorize the Public Works Director to sign contract documents.

CERTIFICATION RD. FUND EXPENDITURES-FISH PASSAGE BARRIER PUBLIC WORKS

Approve and authorize the Chair to sign the Certification of Road Fund Expenditures for Fish Passage Barrier Removal, noting there were no expenditures in the year 2002.

RESOLUTION 2003-29 SURPLUS COUNTY PROPERTY-BRICK ROAD PUBLIC WORKS

Approve Resolution No. 2003-29, Ordering the Surplus of County Property located on Brick Road, Kittitas County, and to authorize the Board of County Commissioners authorize signature of the real estate documents necessary to deed the surplus property to the City of Ellensburg, a Municipal Corporation.

RESOLUTION 2003-30 AWARD CONTRACT-2003 ROAD STRIPING PUBLIC WORKS

Approve Resolution No. 2003-30, awarding a contract to Stripe Rite, Inc. for the 2003 County Road Striping, in the amount of \$114,780.00, and to authorize the Public Works Director to sign contract documents for said project.

✓ **CALL FOR BIDS**

NEW DUAL STEEL VIBRATORY ROLLER

PUBLIC WORKS

Approve a Notice of Call for Bids, for one (1) New Dual Steel Vibratory Roller, to be accepted until March 17, 2003 at 10:00 a.m. to be publicly opened and read aloud in the Public Works Department 411 North Ruby, Suite #1, Ellensburg, and to authorize the Clerk to publish said notice.

CORRESPONDENCE

✓ **LETTER**

NANCY GOODLOE-DEPARTMENT ASSESSMENT

COMMISSIONERS

Chairman Golladay read a letter into the record addressed to Nancy Goodloe, Public Health Administrator, for the Public Health Department receiving exceptionally high scores in recent statewide evaluation and assessment, and commending their department and its employees for their outstanding performance in delivering essential services, despite less resources.

✓ **LETTER**

COUNTY GOVERNMENT WEEK-COLORING CONTEST

COMMISSIONERS

The Board of Commissioners announced in honor of National County Government Week, their office would be sponsoring a coloring/drawing contest for elementary school children ages K-5, with a theme "Kittitas County Cares for Kids". All entries would be displayed in the Courthouse from April 2 - 12, 2003.

ADMINISTRATIVE MATTERS

✓ **ROBERT DeGROOT, UNDERSHERIFF**, presented a request to access and utilize approximately \$1,500.00 in drug fund money, to purchase NIK Presumptive Drug Field Test Kits and to acquire rifles for the Major Crimes Unit and the K-9 Deputy.

✓ **CHAIRMAN GOLLADAY** questioned the Sheriff's current inventory and asked if the current request for additional rifles were necessary. **COMMISSIONER COE** said he would approve the purchase of NIK Presumptive Drug Field Test Kits, however, he felt the need for additional discussion on the acquisition of additional rifles. **COMMISSIONER HUSTON** suggested the Sheriff's department review their priorities relating to the Major Crime Unit, Special Response Team, etc. and determine where their level of service is for the citizens, along with their intentions of funding. He said he needed additional information presented to him in order to have a better understanding for their request.

MOTION

DRUG FIELD TEST KITS

SHERIFF

Commissioner Huston moved to approve the request to purchase NIK Presumptive Drug Field Test Kits, in the amount of \$326.75, from the Drug Enforcement Fund, and to postpone consideration of the request to purchase rifles, until the Sheriff's Department schedules a study session with the Board of County Commissioners, to provide an overview of their intentions. Commissioner Coe seconded. Motion carried 3-0.

✓ **LETTER**

TRI-COUNTY RESOURCE AGENCY DISPUTE

COMMISSIONERS

Commissioner Huston acknowledged receipt of a letter from Greg Zempel, Prosecutor, relating to the Tri-County Resource Agency and their conducting further business as the Agreement expired December 31, 2002. He said in Mr. Zempel's opinion, the Board could decide to move forward with an injunction. Commissioner Huston suggested scheduling a public hearing to consider if the County should proceed with legal action, where members could come and explain their actions that are in violation of the Inter-local Agreement.

✓ **SET PUBLIC HEARING**

TRI-COUNTY RESOURCE

COMMISSIONERS

Commissioner Huston moved to set a public hearing to consider whether an injunction should be sought to enjoin further meetings of the Tri-County Water Resource Agency, in violation of the enabling Inter-local Agreement, to be held at 4:00 p.m. on Tuesday April 1, 2003 in the Commissioner's Auditorium, Room 109, County Courthouse, Ellensburg Washington, and to authorize the Clerk to publish said notice. Commissioner Coe seconded. Motion carried 3-0.

CITIZEN COMMENTS ON NON-AGENDA ITEMS: NONE

BOARD DISCUSSION/DECISION

PUBLIC HEARING

CONTINUED/AMENDMENT TO RODEO AGREEMENT

FAIR

At approximately 3:08 p.m. Chairman Golladay opened the continued public hearing (from February 18, 2003), to consider an Amendment to the January 19, 1999 Agreement between Kittitas County and the Ellensburg Rodeo Association for the Saturday Night Bull Riding Event for 2003.

WARREN BEED, FACILITIES MAINTENANCE DIRECTOR said he had not received another document from the Rodeo Board, with the proposed language from the previous public hearing. He recommended continuing the public hearing to March 18th, and offered to be the lead contact on obtaining the document.

Commissioner Huston moved to continue the public hearing to Tuesday March 18, 2003 at 3:00 p.m. in the Commissioner's Auditorium, Room 109, County Courthouse, Ellensburg, Washington. Commissioner Coe seconded. Motion carried 3-0.

✓ **CLOSED RECORD HEARING NEIBEL-LEAVITT REZONE COMM. DEV. SERV.**

DAVID TAYLOR, DIRECTOR OF COMMUNITY DEVELOPMENT SERVICES, reviewed the Niebel/Leavitt rezone request (Z-01-03), and said the Planning Commission held public hearings on the matter and has forwarded their recommendation of approval with a 6-0 decision. He indicated the request was for a rezone of 9.7 acres from Suburban-2 to Highway Commercial, located east of the City of Cle Elum and northeast of the Interchange of I-90 and SR 970, within the Cle Elum Urban Growth Area. He acknowledged the request was consistent with the County's Comprehensive Plan.

Commissioner Huston felt the proposed conditions were "project specific" and not a part of the rezone Ordinance. Commissioner Coe recognized the Board could not require hookups etc. as part of a rezone request.

Commissioner Huston moved to approve the Niebel/Leavitt rezone request (Z-01-03), and to direct staff to prepare the enabling documents for the Board's consideration at a later date. Commissioner Coe seconded. Motion carried 3-0.

✓ **CLOSED RECORD HEARING OTTO SEIBER CLUSTER SUBDIVISION COMM. DEV. SERV.**

DAVID TAYLOR, DIRECTOR OF COMMUNITY DEVELOPMENT SERVICES, reviewed the Otto Seiber Cluster Subdivision request (P-02-03). The property is 84.89 acres, and the proposal is for 7 lots ranging from 2.41 acres to 3.93 acres, leaving the residual parcel at 63.30 acres. He said the Planning Commission held public hearings on the request and has forwarded their recommendation of approval with a 6-0 decision. He further reviewed the suggested conditions of approval. Commissioner Huston said preliminary approval does not guarantee final approval, and he would only consider final approval, if all conditions were met.

Commissioner Huston moved to grant preliminary approval for the Otto Seiber Cluster Subdivision (P-02-03), and to direct staff to prepare the enabling documents with suggested conditions, for the Board's consideration on March 18, 2003. Commissioner Coe seconded. Motion carried 3-0.

REQUEST TO APPROVE AN AGREEMENT WITH WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES TO DEFINE WORK PRODUCT RE: FIRE PROTECTION GRANT: ITEM REMOVED AT THE REQUEST OF THE COMMUNITY DEVELOPMENT SERVICES DIRECTOR.

REQUEST TO APPROVE A RESOLUTION TO EXTEND THE 2002 TITLE III GRANT TIME FOR FIRE MARSHAL PROJECTS: ITEM REMOVED AT THE REQUEST OF THE COMMUNITY DEVELOPMENT SERVICES DIRECTOR.

✓ MOTION INVESTIGATION OF ANIMAL CARCASS DUMPING COMM. DEV. SERV.

David Taylor, Director of Community Development Services, requested Board direction relating to a Code Enforcement inspection of animal carcass dumping in the rural areas. Lisa McPherson, Code Enforcement officer went to investigate the dumping of animal carcasses, both wild and domestic and talked with the complainant, took pictures and reported back to the Department Director.

Commissioner Golladay said the Sheriff's Department needed to pursue the complaint and its relation to health and trespassing issues. Commissioner Coe expressed concerns of the possible threat and spread of the West Nile Virus, and felt the public should be fully aware of the situation. Commissioner Huston announced the site was a crime scene, and mentioned it could be a possible poaching ring, and needed to be dealt with immediately.

Commissioner Huston moved to authorize the Board to send a letter to the Washington State Department of Fish & Wildlife and Sheriff Gene Dana, urging them to investigate the matter and pursue the criminal charges as appropriate. Commissioner Coe seconded. Motion carried 3-0.

✓ AGREEMENT INDIGENT SERVICES-UPPER DISTRICT COURT DISTRICT COURT

Commissioner Huston moved to approve an Agreement for Indigent Defense Services, between Richard F. Bueschel and Judge Darrel R. Ellis, Upper Kittitas County District Court. Commissioner Coe seconded. Motion carried 3-0. It was noted the date of the Agreement needed to be changed. Commissioner Huston explained there was a need to deliver the services, and would be continuing to review issues relating to the violation of County Policy with in the Upper District Court.

✓ MOTION EASTON MEMORIAL DAY PARADE COMMISSIONERS

Commissioner Huston moved to approve a request from Don Fronsdaahl, to hold the 12th Annual Easton Memorial Day Parade on Saturday May 24, 2003. Commissioner Coe seconded. Motion carried 3-0.

✓ APPOINTMENT ENERGY FACILITY SITE EVALUATION COUNCIL COMMISSIONERS

The Board expressed their appreciation to Steve Griswold, Robert Walker, Lee Bates, David Black and Patti Johnson for their interest in serving on the Energy Facility Site Evaluation Council.

Commissioner Huston moved to appoint Patti Johnson, Solid Waste Department, as the County's representative to the Energy Facility Site Evaluation Council, for the Kittitas Valley Wind Power Project. Commissioner Coe seconded. Motion carried 3-0.

✓ **RESOLUTION 2003-23** **CDBG GRANT APPLICATION/KCAC** **COMMISSIONERS**

Commissioner Coe moved to approve Resolution No. 2003-23, Certification of Compliance and to authorize the Chair to sign grant application documents for the Community Development Block Grant Public Service Funds #03-64003-007. Chairman Golladay seconded. Motion carried 2-0. Commissioner Huston abstained due to serving on the Kittitas County Action Council Board.

AGREEMENT **SUB-RECIPIENT AGREEMENT-KCAC** **COMMISSIONERS**

Commissioner Coe moved to postpone consideration of a Sub-recipient Agreement between Kittitas County and the Kittitas County Action Council, until Tuesday March 18, 2003 at 3:00 p.m. Chairman Golladay seconded. Motion carried 2-0. Commissioner Huston abstained due to serving on the Kittitas County Action Council Board.

✓ **APPOINTMENT** **CIVIL SERVICE - DENNIS R. KELLY** **COMMISSIONERS**

Commissioner Huston moved to re-appoint Dennis R. Kelly, to the Kittitas County Civil Service Commission, for a six-year term, expiring on June 30, 2009. Commissioner Coe seconded. Motion carried 3-0.

✓ **APPOINTMENT** **NOXIOUS WEED CONTROL BOARD-JIM HANSON** **COMMISSIONERS**

Commissioner Coe moved to re-appoint Jim Hanson to the Kittitas County Noxious Weed Control Board, for a four-year term, expiring on June 1, 2007. Commissioner Huston seconded. Motion carried 3-0.

✓ **RESOLUTION 2003-24** **BOWERS ROAD EXTENSION** **PUBLIC WORKS**

BRAD CAMPBELL expressed concerns of the many changes with the Bowers Road proposal, and felt Bender Road was being destroyed. He felt the County should not be taking on a major project when budgets are tight, and the County would end up taking on additional maintenance of the noxious weeds, Sheriff's responsibilities, etc. **STEVE WELLS** said it was not the right time to be doing the Bower's Road extension, and was not convinced it needed to be done at all. **DICK STRAND** encouraged the Board to stay on the Section lines when constructing the road. **DESMOND KNUDSON** explained the Phoenix buildings out at the Airport were not the business incubators, and encouraged development in that area, rather than "spot" businesses. **PAUL BENNETT, PUBLIC WORKS DIRECTOR** agreed that

Bender Road should be placed on the six-year improvement plan.

Commissioner Coe moved to approve Resolution No. 2003-24, for the Bowers Road Extension and Airport Industrial Roads Improvement Project for Completion and Authority to Begin Right-of-Way Acquisition, and to direct the Department of Public Works to proceed with the required right-of-way acquisition and completion of the improvement project in accordance with the preliminary design. Commissioner Huston seconded. Motion carried 3-0.

✓ **RESOLUTION 2003-25** **FAUST ROAD IMPROVEMENTS** **PUBLIC WORKS**

WALTER FARRER expressed support of the project on Faust Road, claiming it would improve safety. He felt it was an ideal spot for a Trail Head and parking. **MARK SINCLAIR** felt straightening out the road was a good idea, but mentioned he still needed access to his property and enough room for a semi-truck to get through.

Commissioner Huston moved to approve Resolution No. 2003-25, for the Faust Road improvements from MP 0.46 to MP 0.74, and to direct the Department of Public Works to proceed with the required right-of-way acquisitions and completion of the safety improvement project in accordance with the preliminary design. Commissioner Coe seconded. Motion carried 3-0.

✓ **AGREEMENT** **W & H PACIFIC - BULLFROG ROAD & SR 903** **PUBLIC WORKS**

Commissioner Coe moved to approve and authorize the Chair to sign an Agreement with W & H Pacific for the design of the intersection at Bullfrog Road and SR 903, in the total amount of \$98,890.16, to be completed by August 1, 2003. Commissioner Huston seconded. Motion carried 3-0.

✓ **AGREEMENT** **MARY & PAT BURKE-CULVERTS** **PUBLIC WORKS**

PAUL BENNETT, PUBLIC WORKS DIRECTOR explained he had drafted changes to the Culvert Agreement between Kittitas County and Pat & Mary Burke for culverts located in the Burke Hartman Ditch in the Ridgway Development, and had submitted them to all parties involved for their review. He recommended not signing the document in its present form.

Commissioner Coe moved to approve the proposed Agreement between Kittitas County and Pat & Mary Burke for culverts located in the Burke Hartman Ditch. Commissioner Huston seconded.

Commissioner Coe did not see any reason to keep putting off the Agreement, when it should have been done before. He found no compelling reason to not approve it and move forward.

Commissioner Huston explained the County had spent countless hours with the parties during appeals etc. He announced he would not sign an Agreement without obtaining all comments from the Attorney's involved, including Mr. Martin (the Burke's Attorney). Commissioner Golladay said if the developer had any integrity, the County and parties involved would not be in the current situation that it's in.

Motion denied 1-2 (Commissioner Huston and Chairman Golladay voted against the motion).

Commissioner Huston moved to postpone consideration of an Agreement between Kittitas County and Pat & Mary Burke, for culverts located in the Burke Hartman Ditch, until Tuesday March 18, 2003 at 3:00 p.m. in the Commissioner's Auditorium, Room 109, County Courthouse. Commissioner Coe seconded. Motion carried 3-0.

ADJOURNMENT

Commissioner Huston moved to adjourn the meeting at 5:29 p.m. Commissioner Coe seconded. Motion carried 3-0.

Meeting adjourned at 5:29 p.m.

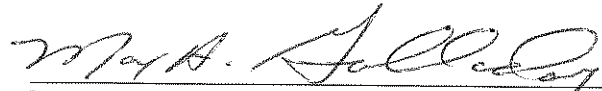
VOUCHERS:

<u>WARRANT NUMBER</u>	<u>AMOUNT</u>	<u>DATE APPROVED</u>
#128420 - #128422	\$ 4,178.93	02-12-03
#128388 - #128410	\$ 10,894.06	02-12-03
#128423 - #128425	\$ 77,568.63	02-14-03
#128475 - #128477	\$ 9,000.00	02-20-03
#128529 - #128718	\$395,985.69	02-24-03
#127309, #126418, #125543	\$ 76.74	02-25-03
#128870 - #128872	\$470,738.18	02-27-03
#128893 - #128915	\$340,005.14	02-27-03
#045808 - #046030	\$418,320.84	02-28-03
#129066 - #129110	\$ 3,423.11	02-28-03
#129093 - #129094	\$ 230.00 (void)	02-28-03
#129111 - #129114	\$ 230.00 (reissue)	02-28-03
#46031 - #46072	\$ 61,760.59	03-03-03
#129119 - #129134	\$ 76,771.72	03-04-03
#46073 - #46096	\$ 11,448.21	03-05-03

CLERK OF THE BOARD


Julie A. Kjorsvik

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON


Max A. Golladay, Chairman