

**COMMISSIONERS' MINUTES
KITITAS COUNTY, WASHINGTON
SPECIAL MEETING**

WEDNESDAY

11:00 A.M.

March 12, 2003

Those in attendance: Commissioners Max Golladay, Perry Huston and Bruce Coe.

Others: Shannon Carlson, Deputy Clerk of the Board; Paul Bennett, Director of Public Works; Greg Zempel, Prosecutor.

✓ **AGREEMENT KITT. CO. CULVERT AGREEMENT (BURKE DITCH) PUBLIC WORKS**

At 11:00 a.m. a special meeting was called to order to approve and sign an agreement with Kittitas County and Pat and Mary Burke.

Paul Bennett, Director of Public Works gave a brief history on the subject and why the agreement had been drafted. The draft was written by Larry Martin, (the Burkes attorney) and then Paul made some comments. Mr. Martin accepted those changes, and copy of the changes was also sent to the Prosecutors office. Paul made a comment about the dates referenced in the agreement that they are "target" dates and if it takes until July 1st instead of June 1st, then it is okay with the Burkes (in case there are problems with obtaining the bonds). They wanted something in writing to get the ball rolling.

Commissioner Golladay said that at the last study session the Prosecutor's were suppose to start an injunction and wanted to know if that had been done.

Before Greg Zempel started his comments Commissioner Huston asked the Board to waive Attorney/Client privilege to place a letter the Board received from Civil Deputy Jim Hurson into the record. The Board agreed and the letter was submitted into the record.

Greg Zempel Prosecuting Attorney stated that this kind of an agreement is not the normal practice of government. In the past when this kind of agreement occurred, it has always come back onto the county. Mr. Zempel suggested that the Board wait and not sign the agreement, direct the departments to place this issue on top priority, and to have the Prosecutor's Office to take legal action to force compliance. Mr. Zempel strongly opposed the agreement and expressed concern that the public would view this agreement as a gifting of public funds, and using public funds to fix a private problem. He also went on to say that this agreement should not be a "quick fix" because it can create more

problems for the future. It is also putting the county at a huge liability.

Commissioner Huston expressed his appreciation for Mr. Zempel's remarks. He also stated he was disappointed with many people telling the Board what they can't do but not providing any solutions. He explained that from one Commissioners perspective, something has to be done and he feels the Board has tried everything they could. He doesn't feel that the Sheriff's Department has put effort into enforcing the trespassing. People are working hard to avoid the situation and all the Board wants to do is fix the situation and stay within compliance with the law.

✓ **MOTION KITT. CO. CULVERT AGREEMENT (BURKE DITCH) PUBLIC WORKS**

COMMISSIONER COE moved to approve and sign Agreement between Kittitas County and Pat and Mary Burke. **COMMISSIONER HUSTON** seconded the motion. Motion passed 3-0.

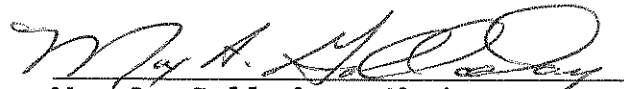
Commissioner Huston directed Paul Bennett Public Works Director to get with all other involved departments to get everything worked out. Commissioner Coe said he would take lead on the project to make sure departments are working on a solution.

The Special Meeting was adjourned at 11:40 a.m.

DEPUTY CLERK OF THE BOARD


Shannon L. Carlson

**KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**


Max A. Golladay, Chair