

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

WEDNESDAY

1:30 P.M.

JUNE 10, 2009

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

Others: Mandy Robinson, Deputy Clerk of the Board; Kirk Holmes, Public Works Director/Interim Community Development Services Director; Stephanie Happold, Deputy Prosecutor and Steve Lathrop, Attorney representing Suncadia LLC.

SPECIAL MEETING

SUNCADIA/WINSTON ROAD BRIDGE

COMMISSIONERS

At 1:30 p.m. Chairman Crankovich opened a Special Meeting to meet with representatives from Suncadia, the County Public Works Department and County Prosecutors Office to negotiate a request from Suncadia to acquire an easement with the County for the Winston Bridge Road.

Stephanie Happold, Deputy Prosecutor indicated that this is a similar situation of the Bullfrog Road Easement that went on between 2005-2006. She explained that the County requires franchise agreements and would like to see that continue in this situation. She explained that Franchise Agreements are in the best interest of the citizens of the County and after numerous discussions with Suncadia and County staff they have been unable to come to a resolution and have opted to come to the Board for their direction and decision because at the end of the day it is ultimately the Board's decision.

Steve Lathrop, Attorney representing Suncadia gave the history of Suncadia from its beginning with what the County expectations have been with easements vs. franchises. He referred to the Bullfrog Road issues and how it was handled at the County level and indicated that we are up against the same problem. He explained that Suncadia is not asking the County to set a precedent for them but the truth is, the utilities will never go away. Suncadia does not have the same authority that PSE or a PUD would have.

The Board questioned the difference between Franchise Agreements and Easements.

Ms. Happold indicated that a Franchise Agreement can be terminated anytime and an easement will be around forever.

Mr. Lathrop indicated that County staff holds the same position they always have and ultimately Suncadia is looking for the same results they got with Bullfrog Road.

Ms. Happold explained why the County does Franchise Agreements. She indicated that its in the best interest of her client, "the County" and the citizens for the County to enter into a Franchise Agreement and that as far back as the County could look back, they have never terminated a Franchise Agreement.

Commissioner Crankovich questioned if any of the Agreement Options can be mutually terminated at anytime. Ms. Happold indicated that they could terminate pending language in the document.

Commissioner McClain questioned the pre-existing Easement with the Forest Service. He questioned where staff stood with the options presented. Kirk Holmes explained that Public Works would prefer a Franchise and that nothing being said today is new information for Suncadia to hear. He referred to the numerous Franchise Agreements that had come before the Board and explained that they are the safest bet for the County.

Commissioner Jewell questioned the location of the road and if it was located completely in Suncadia. He asked what would be reasons the County would terminate a Franchise Agreement.

Ms. Happold explained that we have the option to do a Franchise Agreement for up to fifty years and most are done for twenty-five. She indicated that Suncadia has drafted very good language and done a remarkable job with the documents, but her job is to protect her client.

Commissioner Crankovich questioned the difficulty in terminating an Easement or Franchise Agreement, if need be.

Mr. Lathrop asked the Board to look at the Bullfrog Franchise Agreement and the proposed Suncadia Easement side by side and compare them. He indicated that he doubted the Board would see a difference other than the title of the document.

The Board indicated that they wanted time to review both documents and directed staff to continue the meeting to June 22, 2009 for the Public Works / CDS Study Session in the Commissioners Auditorium at 1:30 p.m.

Meeting adjourned at 2:10 p.m.

DEPUTY CLERK OF THE BOARD

Mandy Robinson

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

Alan Crankovich, Chairman