

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

TUESDAY

10:00 A.M.

SEPTEMBER 7, 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; Neil Caulkins, Deputy Prosecutor; Stephanie Happold, Deputy Prosecutor; Patti Johnson, Solid Waste Director; Kirk Holmes, Public Works/Interim Community Development Services Director; Jan Ollivier, Transportation Manager; Doug D'Hondt, Engineer; William Holmes, Probation Services Director; Jerry Pettit, Auditor; Steve Panattoni, Patrol Sergeant and seven (7) 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 noted Item M had been removed from the Consent Agenda and placed under Board Discussion & Decision and that an Executive Session will be held at the conclusion of the Agenda.

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

MINUTES

COMMISSIONER MEETINGS

COMMISSIONERS

DATE	MINUTES
02/10/2010	Hotel Motel Funds
03/18/2010	Monthly Finance Meeting
03/29/2010	Suncadia
04/05/2010	Project Management
04/15/2010	Suncadia
04/20/2010	Agenda
04/21/2010	Water Availability Discussion
05/20/2010	Monthly Finance Meeting
06/07/2010	Continued DOE Water Discussion
07/07/2010	DOE
07/15/2010	Monthly Finance Meeting
08/09/2010	BOCC Office Administration
08/09/2010	DPW Study Session
08/09/2010	CDS Study Session
08/10/2010	HR Study Session
08/10/2010	Executive Session
08/10/2010	KITTCOM Excise Tax
08/16/2010	BOCC Office Administration
08/16/2010	Dept. Head Meetings (1)
08/16/2010	Agenda Study Session
08/16/2010	Executive Session
08/17/2010	Agenda
08/17/2010	Public Hearings
08/18/2010	Executive Session
08/18/2010	Armory Architects Discussion
08/19/2010	Monthly Finance Meeting
08/23/2010	BOCC Office Administration
08/23/2010	Dept. Head Meetings (2)
08/23/2010	DPW Study Session
08/23/2010	CDS Study Session
08/23/2010	Executive Session
08/24/2010	Slothower - Jim Hand BLA Appeal Hearing
08/24/2010	Executive Session
08/26/2010	Monthly Finance Meeting
08/30/2010	BOCC Office Administration
08/30/2010	Dept. Head Meetings (3)
08/30/2010	Public Health Water Meeting
08/30/2010	Municipal Court Agreement Cost Recovery

09/01/2010

Municipal Court Agreement Cost Recovery
(Postponed)

SET PUBLIC HEARING

DISPOSE OF COUNTY ASSETS

AUDITOR

Approve setting a Public Hearing to consider the disposition of County assets to be sold at the surplus sale designated for October 2, 2010 or transferred to another governmental agency, to be held on Tuesday September 21, 2010 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.

CHANGE ORDER

HULTZ/BHU ENGINEERS, INC.

SHERIFF

Approve Change Order No. 3 with Hultz/BHU Engineers, Inc. in the amount of \$1,833.00 for a total contract of \$1,269,953.00, for the jail mechanical repairs.

CONTRACT AMENDMENT

DEPT. OF SOCIAL & HEALTH SERVICES

JUVENILE

Approve Contract Amendment No. 0663-98328-05 with the Washington State Department of Social & Health Services, Division of Operations Support Services, in the amount of \$10,580.00 bringing the total amount to \$50,580.00 beginning September 1, 2010 through August 31, 2011.

RESOLUTION 2010-093

DIGITAL SIGNATURES

INFORMATION SERVICES

Approve Resolution No. 2010-093, Authorizing the Use of Digital Signatures for employees who are designated by a Department Head or Elected Official to digitally sign county documents.

LEASE AGREEMENT

PINNELL, INC.

UPPER DISTRICT COURT

Approve a Lease Agreement with Pinnell, Inc. for a Sharp MX C401 copy machine at the Upper District Court.

ORDINANCE 2010-007

SIERRA GROUP HOLDINGS REZONE

CDS

Ordinance No. 2010-007, approving the Sierra Group Holdings Rezone (Z-06-39) an application from Sierra Group Holdings, LLC and Collins Investments, LLC, landowners, for a zone change of approximately 60.00 acres from Forest & Range to Rural-3, located east of SR-903 and north of the City of Roslyn (Map Numbers 20-15-08000-0002 & 0003).

INTERLOCAL AGREEMENT

CITY OF CLE ELUM - COURT SERVICES

PROSECUTOR

Approve an Interlocal Agreement for Court Related Services between

Kittitas County and the City of Cle Elum, for the period ending on November 1, 2010.

INTERLOCAL AGREEMENT CITY OF ROSLYN - COURT SERVICES PROSECUTOR

Approve an Interlocal Agreement for Court Related Services between Kittitas County and the City of Roslyn, for the period ending on November 1, 2010.

RESOLUTION 2010-094 AMENDMENT TO MOA - TEANAWAY SOLAR RESERVE CDS

Approve Resolution No. 2010-094, Approving the execution of the Third Amendment to a Memorandum of Agreement for costs associated with review of the Teanaway Solar Reserve Project.

SET PUBLIC HEARING TEANAWAY SOLAR RESERVE DEVELOPMENT AGREEMENT CDS

Approve setting a Public Hearing to consider the Teanaway Solar Reserve Development Agreement, to be held on Tuesday September 21, 2010 at 2:00 p.m. in Room 109, Kittitas County Courthouse, 205 West 5th Avenue, Ellensburg, WA and to authorize the Clerk to publish said notice.

SET PUBLIC HEARING 6 YR TIP & ANNUAL CONSTRUCTION PROGRAM PUBLIC WORKS

Approve setting a Public Hearing to consider the Six Year Transportation Improvement Plan for the years 2011-2016 and the Annual Construction Program for 2011, to be held on Tuesday September 21, 2010 at 2:00 p.m. in Room 109, Kittitas County Courthouse 205 West 5th Avenue, Ellensburg, WA and to authorize the Clerk to publish said notice.

REQUEST TO APPROVE A RESOLUTION TO AWARD A BID TO FURNISH 2 NEW MOTOR GRADERS AND DISPOSE OF 2 MOTOR GRADERS - ITEM MOVED TO BOARD DISCUSSION & DECISION.

SET PUBLIC HEARING AMENDMENT TO APPEAL PROCESS PROSECUTOR

Approve setting a Public Hearing to consider proposed amendments to the administrative appeal process, to be held on Tuesday September 21, 2010 at 2:00 p.m. in Room 109, Kittitas County Courthouse 205 West 5th Avenue, Ellensburg, WA and to authorize the Clerk to publish said notice.

SET PUBLIC HEARING LEASE OF CARAVAN ESPRESSO COMMISSIONERS

Approve setting a Public Hearing to consider the renegotiation of the lease of Caravan Espresso located at 411 N. Ruby Street Ellensburg, WA and to authorize the Clerk to publish said notice.

CONTRACT**HOMELAND SECURITY****SHERIFF**

Approve Contract No. E09-131 with the Washington State Military Department and a Budget Amendment in the total amount of \$45,252.00 as part of the ongoing Homeland Security grants that are managed through Region 7 Interlocal Agreements for salaries and equipment.

CONTRACT**HOMELAND SECURITY****SHERIFF**

Approve Contract No. K461 with the Washington State Military Department and a Budget Amendment in the total amount of \$3,651.00 as part of the ongoing Homeland Security grants that are managed through Region 7 Interlocal Agreements for salaries and equipment.

CORRESPONDENCE - NONE

ADMINISTRATIVE MATTERS**RESOLUTION 2010-090 REJECT BIDS-COOKE CANYONE RD. BRIDGE PUBLIC WORKS**

Commissioner Crankovich moved to approve Resolution No. 2010-090 to Reject the Bid for the Cooke Canyon Road Bridge Replacement Project, as it was determined the bid did not meet the bidding document specifications, and to authorize the Public Works Director to reject the bid. Commissioner Jewell seconded. Motion carried 3-0.

PERSONNEL ACTION FORMS**KITTITAS COUNTY EMPLOYEES****HUMAN RESOURCES**

The Board signed the following Personnel Action Forms: William Raab, Connor "Max" Bellah and Grace Kladnik.

VOUCHERS**VOUCHER APPROVAL****AUDITOR**

The Board approved and signed the following Vouchers:

#080796 - #080842 in the amount of \$119,132.94
#080551 - #080795 in the amount of \$667,717.28
#080843 - #080875 in the amount of \$ 29,732.78
#M00120-#M00124 in the amount of \$1,586.69
#810228272 - #810228284 in the amount of \$205,825.76
#810228203 - #810228271 in the amount of \$332,938.49
#810228079 - #810228147 in the amount of \$ 2,812.50
#810228150 in the amount of \$6,759.28

CITIZEN COMMENTS ON NON-AGENDA ITEMS

Catherine Clerf noted the Board should have received an email from Paul Bennett regarding the potential action of Suncadia's Letter of Credit. She felt the topic should be open to the public to comment on since it

affects the entire County.

BOARD DISCUSSION/DECISION ITEMS

PUBLIC HEARING

LITTLE CREEK RANCHES PLAT ALTERATION

CDS

Commissioner Jewell moved to continue the public hearing continued from August 3, 2010 to consider the Little Creek Ranches Plat Alteration (LP-10-01), to Tuesday September 21, 2010 at 10:00 a.m. to allow review of the enabling documents (noting the record is closed). Commissioner Crankovich seconded. Motion carried 3-0.

PUBLIC HEARING

HABITAT FOR HUMANITY HOUSE 11

COMMISSIONERS

Judy Pless, Budget and Finance Manager explained that Zera Lowe, Deputy Prosecutor had been working with the Habitat for Humanity's attorney on some changes to the contract language dealing with requirements of the house remaining in low income per RCW's. Chairman McClain asked why that information was not part of the grant application and understands why there is an advantage to including the language, but felt it was separate and apart from this process. Ms. Pless indicated Ms. Lowe was out of the office and not able to attend today's hearing. Commissioner Jewell noted there was no Exhibit B attached for their review.

Commissioner Crankovich moved to continue the public hearing to September 21, 2010 at 10:00 a.m. in the Commissioners Auditorium, and to direct the Commissioners staff to schedule a meeting with Zera Lowe and Greg Zempel to discuss the status since the issue has been going on since last May. Commissioner Jewell seconded. Motion carried 3-0.

REQUEST CHANGES IN THE AFFORDABLE HOUSING FUNDING GUIDELINES - ITEM CONTINUED TO SEPTEMBER 21, 2010 AT 10:00 A.M.

LETTER OF CREDIT

SUNCADIA

PUBLIC WORKS

Neil Caulkins, Deputy Prosecutor explained the history of a Settlement Agreement between the County and Suncadia, which dealt with the security arrangement for the possible construction of Jenkins Drive and that involved Letters of Credit and the extension of them. He believed the deadline for receiving the replacement Letters of Credit was September 4th. He said the County received the contemplated Settlement Agreement, extension letters that would go through May, and then some other replacement letters that would go out on through 2013. He said there are also replacement Letters of Credit which go out another month, allowing further time for what he presumably thought was to allow for re-capitalization. He said it was a policy question for the Board if it was in the County's best interest to amend the Settlement Agreement to allow for a one month extension or does the County want to call the Letters of

Credit.

Steve Lathrop, Attorney representing Suncadia, reviewed the proposed Settlement Agreement and explained that it states both Jeld-Wen and US Bank would be willing to provide letters to the County, as well as indicating their willingness and ability to extend Letters of Credit (Jeld-Wen through May of 2010 and US Bank through June of 2011). He indicated the Settlement Agreement does not say the extensions have to come in one jump, but the Letters of Credit have to remain at least 31 days prior to their expiration. He said the current extensions came in well within the time frame and they do not believe an amendment is required according to its specific terms. He reviewed the dates for the extensions and said one goes up by \$500,000.00 and one goes down by \$500,000.00.

Commissioner Crankovich explained how the first date the Board was given (for completion of re-capitalization) was back in mid-June and they keep extending it outward. He questioned what guarantees/assurances does the County have that they will not come back next month and request another extension. Mr. Lathrop said they have been thinking it was going to be done in the first quarter of this year. He said it has been a difficult set of negotiations between the parties, but ultimately the County has the Letters of Credit. He said based upon the information he received this morning, the principals and lenders have targeted a drop dead date between themselves. Mr. Lathrop said it was difficult to get a commercial transaction closed in these economic times and the County will continue to be as secure as they always have.

Commissioner Jewell noted changing the Letters of Credit was part of the Settlement Agreement which had already been agreed upon.

Commissioner Jewell moved to authorize the Public Works Director to sign any documents reflecting a change to increase one Letter of Credit to \$5.5 million dollars and decrease the other Letter of Credit to \$500,000.00. Commissioner Crankovich seconded. Motion carried 3-0.

Commissioner Jewell moved to instruct the Prosecutors office to prepare language for the Settlement Agreement specifying Paragraph 1.3.4 to state more clearly the intent, that if further extensions are needed, the Board must authorize them if it goes beyond 31 days from November 5th. Commissioner Crankovich seconded. Motion carried 3-0.

CLAIM FOR DAMAGES

JARED L. STALOCH - APPROVED

PROSECUTOR

Commissioner Jewell moved to approve payment in the amount up to \$45.00 as recommended by the Prosecutor's office, conditioned upon a signed Release of All Claims for a Claim for Damages filed with the Kittitas County Auditor's office on August 9, 2010 by Jared L. Staloch.

Commissioner Crankovich seconded. Motion carried 3-0.

CLAIM FOR DAMAGES

ARIC DUNCAN - APPROVED

PROSECUTOR

Commissioner Jewell moved to approve payment in the amount of \$436.59 as recommended by the Prosecutor's office, conditioned upon a signed Release of All Claims for a Claim for Damaged filed with the Kittitas County Auditor's office on August 5, 2010 by Aric Duncan. Commissioner Crankovich seconded. Motion carried 3-0.

RESOLUTION 2010-091 SETTLEMENT AGREEMENT - CARAVAN ESPRESSO PROSECUTOR

Neil Caulkins, Deputy Prosecutor, presented a draft Resolution and Settlement Agreement for the Caravan Espresso Stand. He indicated that even if Ms. Stewart's sale of her business occurred and the lease was terminated, she would still be responsible for any debts that have incurred during her lease with the County. Ms. Stewart will provide \$3,500.00 contingent upon the sale of her business and will pay \$200.00 per month until she has satisfied all of the debt owed to the County. Commissioner Crankovich did not see it necessarily as being right and although he understands the initial payment of \$3,500 followed by \$200 per month payments, he did not see how it would benefit anyone else. Chairman McClain said it's probably in the best interest of the County to collect what they can, even if it's \$200 per month.

Commissioner Jewell moved to approve Resolution No. 2010-091, authorizing acceptance on a Settlement Agreement for past-due rent involving the Caravan Espresso Stand and to authorize the Chair to sign a Settlement Agreement. Chairman McClain seconded. Motion carried 2-1 (Commissioner Crankovich opposed).

MISCELLANEOUS - NONE

EXECUTIVE SESSION

At 11:08 a.m. Chairman McClain announced the Board would recess into Executive Session for ten minutes with Patti Johnson, Director of Solid Waste, 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. He said there was possible action upon the conclusion.


At 11:18 a.m. the Board reconvened out of Executive Session. Staff was given direction to make an offer and to include some portion of earnest money if necessary.

ADJOURNMENT

Commissioner Jewell moved to adjourn the meeting at 10:13 a.m.
Commissioner Crankovich seconded. Motion carried 3-0.

Meeting adjourned at 10:13 a.m.

CLERK OF THE BOARD


Julie Kjorsvik

**KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**


Chairman Mark McClain