COMMISSIONERS' MINUTES
KITTITAS COUNTY, WASHINGTON
PUBLIC HEARING

TUESDAY 4:00 P.M. JULY 6, 2004

Board members in attendance: Chairman Max A. Golladay, Vice-Chairman Perry Huston and Commissioner Bruce Coe.

Others: Shannon Carlson, Deputy Clerk of the Board; Paul Bennett, Public Works Director, Allison Kimball, Operations Supervisor for the Community Development Department; Rob Omans, Community Development Services, James Hurson, Chief Civil Deputy Prosecuting Attorney and approximately 5 members of the public.

PUBLIC HEARING CDBG CLOSEOUT BLOCK GRANT AUDITOR

At approximately 5:00 p.m. CHAIRMAN HUSTON opened the public hearing to consider the CDBG Closeout Block Grant for Kittitas County Action Council Lead Base Paint Program.

SUSAN GRINDLE, DIRECTOR OF KITTITAS COUNTY ACTION COUNCIL, gave the Board a break down and process of the lead base paint contract from August 3, 2001 to January 31, 2003. She talked about the projects and houses that were rehabilitated.

THERE BEING NO OTHERS IN ATTENDANCE TO TESTIFY, CHAIRMAN HUSTON CLOSED THE PUBLIC TESTIMONY PORTION OF THE HEARING.

MOTION CDBG CLOSEOUT BLOCK GRANT AUDITOR

COMMISSIONER COE moved for Vice Chair's signature on the closeout documents for the Community Development Block Grant Closeout Block Grant. COMMISSIONER GOLLADAY seconded. Motion carried 2-0. COMMISSIONER HUSTON abstained on voting since he is a member of the Kittitas County Action Council Executive Board.

PUBLIC HEARING CIRCLE LAZY H, INC REZONE CDS

At approximately 5:08 p.m. CHAIRMAN HUSTON opened the public hearing to consider an Ordinance in the Matter of the Circle Lazy H Inc. Rezone.

JAMES HURSON, CHIEF CIVIL DEPUTY PROSECUTING ATTORNEY gave the Board a background on the rezone requested. He explained that the application

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was submitted for a rezone of approximately 160 acres on June 20, 1994. The property is located in the NE 4 Sec. 17, T.17 R18 adjacent to the Manastash Road. The Planning Commission held a public hearing on August 29, 1994, October 3rd and October 24th, 1994. Resolution 1995-95 was signed on July 18, 1995 and on August 11, 1995 the matter was appealed in Superior Court. After a Study Session the Board had with CDS it was requested to verify that the conditions of the rezone had been met. Conditions had been met and the Ordinance was now ready to be adopted by the Board.

COMMISSIONER COE questioned the language in the ordinance and questions on the zoning map. CHAIRMAN HUSTON clarified the language in the "Now Therefore it be Ordained" wording to add language that reflected the zoning map.

CHAIRMAN HUSTON opened the public hearing to public testimony.

THERE BEING NO OTHERS IN ATTENDANCE TO TESTIFY, CHAIRMAN HUSTON CLOSED THE PUBLIC TESTIMONY PORTION OF THE HEARING.

☑️ ORDINANCE 2004-20

CIRCLE LAZY H, INC REZONE

CDS

COMMISSIONER COE move to amend Ordinance 2004-20 zoning map to reflect 160 acres from Ag-20 to Ag-3. COMMISSIONER GOLLADAY second. Motion carried 3-0.

COMMISSIONER GOLLADAY moved to adopt, Ordinance No. 2004-20 as amended, In the Matter of the Circle Lazy H, Inc. Rezone (Z-94-07). COMMISSIONER COE second. Motion passed 3-0.

☑️ PUBLIC HEARING

AIRPORT MASTER PLAN

PUBLIC WORKS

At approximately 5:20 p.m. CHAIRMAN HUSTON opened the public hearing to consider Approving a Resolution to Approve the Airport Aeronautical and Industrial Areas Master Plans and Sign the Airport Layout.

PAUL BENNETT, DIRECTOR OF PUBLIC WORKS gave a staff report with regard to the rental rates and suggested this issue be revisited to evaluate fair market values.

☑️ RESOLUTION 2004-76

AIRPORT MASTER PLAN

PUBLIC WORKS

COMMISSIONER GOLLADAY moved to approve Resolution 2004-76, Approving the Airport Aeronautical and Industrial Areas Master Plans and Sign the Airport Layout. COMMISSIONER COE second. Motion carried 3-0.
At approximately 5:24 p.m. **CHAIRMAN HUSTON** opened the public hearing to consider granting Charter Communications a County Wide Franchise for Cable Services.

**PAUL BENNETT, DIRECTOR OF PUBLIC WORKS** gave an engineers report. Mr. Bennett explained that a request came from Charter Communications requesting a Countywide Franchise Agreement to offer cable services to the Residents of Kittitas County. This franchise would replace numerous area specific franchises currently in place. The franchise agreement includes language that would activate the Level 3 dark fibers that the County acquired in March 2000 and provide broadband capability to public entities between Ellensburg and the Cle Elum area. Level 3 Communications was notified of the proposed use of the dark fibers and has not voiced opposition to these arrangements. It is the recommendation of the Public Works Department that the Commissioners conduct the public hearing and provide staff with direction on final format for the franchise documents.

**CHAIRMAN HUSTON** questioned the capacity of the dark fibers and asked for further explanation and also if there was liability to use the infrastructure if the county was unable to fulfill the responsibility. **COMMISSIONER COE** said he would like to see the County go through the bid process and ask for RFP. He doesn’t want to see conflicts with contracts with other municipalities. He requested more detailed information about the service plan and build out plan from Charter. He also wanted to hear from the television district and how it would impact that.

**RANDY LEE, GENERAL MANAGER FOR CHARTER COMMUNICATIONS** explained that they wanted to provide service to the City of Cle Elum and understood the process of upgrading those service. They would like to make the services the same in the City of Cle Elum as they are in the City of Ellensburg. He explained that the County has no use for the dark fiber between Ellensburg and the Upper County. The County was offered the franchise fees and the law approved a 5% use fee. Language in the franchise would support implementing that fee. **COMMISSIONER GOLLADAY** asked if there was a survey taken or a projection of how many citizens would take advantage of this service and the impacts on the T.V. district. **MR. LEE** said that they would build a cost effective project. The extension and upgrade to Cle Elum would give Charter an increase in customers. He said that there wasn’t a survey conducted the numbers would come from an estimate made from looking at housing projects. **COMMISSIONER COE** asked if there was a computer connected to a satellite and asked if rural residents have been dissatisfied with their current service. **MR. LEE** stated that there was a computer connected with a satellite and that there hasn’t been any issues with the Ellensburg
area. Service standards would remain the same and there would be language in the franchise to protect customers. COMMISSIONER COE questioned if rates for internet access remained competitive with others. MR. LEE said they do remain competitive and that they received a request from West Richland to over build, however, they do not expect to do that in Kittitas County.

CHAIRMAN HUSTON declared that he had no contact with any parties pertaining to this hearing as an appearance of fairness and asked if there were any objections to him continuing the hearing. COMMISSIONER GOLLADAY said he was contacted by the TV district of the impacts the franchise could have on the T.V. district, and Commissioner Golladay told them he didn’t know what the impacts were. COMMISSIONER COE disclosed that he ran campaign ads with Charter Communications and that Inland Internet had contacted him to request a bid process so that would give everyone an equal and fair chance at a franchise with the County. There were no objections to any of the Board members continuing with the hearing.

CHAIRMAN HUSTON opened the public hearing to public testimony.

THOSE PRESENT AND TESTIFYING:

JIM MAPES REPRESENTING THE TELEVISION DISTRICT BOARD OF DIRECTORS, requested more information on a tax base how would this effect the television district. At this time they could not testify for or against the franchise.

BEN KERN, testified that he is on the television district board and has served on there for many years and had many concerns on the impact this would have on the county. He also said it was a disappointment that the franchise money would go to the road fund instead of to the T.V. district and that the T.V. district was not included in the process at all.

CHRIS SCHMIDT REPRESENTING KVALLEY COMPUTERS AND INTERNET said that choice is important to give the citizens of the county. He had some questions about Charter’s level of service and turn around time on calls. COMMISSIONER GOLLADAY asked if Mr. Schmidt would write out his testimony in an outline with all his concerns.

THERE BEING NO ONE ELSE IN ATTENDANCE TO TESTIFY, CHAIRMAN HUSTON CLOSED THE PUBLIC TESTIMONY PORTION OF THE HEARING.

COMMISSIONER COE had some questions for Mr. Bennett that he would like to be addressed at a later date. He wanted to know why the franchise fee was going to the Road Fund instead of General Fund and if he could go to the General Fund, what were the impacts to this franchise to the
citizens, what is the capacity that they will be dealing with, what is the availability of services to the citizens, what is the use of the dark fiber, and what are the legal issues around leasing public property for a commercial venture?

CHAIRMAN HUSTON directed staff to re-notice the public hearing notice and send the notice to other providers and companies that would be involved. COMMISSIONER GOLLADAY moved to continue the public hearing to August 17th, 2004 at 4:00 p.m. in the Commissioners Auditorium. COMMISSIONER COE second. Motion carried 3-0.

COMMISSIONER HUSTON moved to take a 3 minute recess.

Commissioners reconvened at 6:28 p.m.

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PUBLIC HEARING

At approximately 6:28 p.m. CHAIRMAN HUSTON opened the public hearing to consider Amendments to the Kittitas County Community Development Services’ Building Permit Valuation and Fee Schedule.

ALLISON KIMBALL, OPERATIONS SUPERVISOR gave a staff report giving the history of the adoption of the 2003 International Building Code Adoption. In that process of adoption staff noticed that the notice did not include the proposed amendments to the resolution establishing permit fees.

CHAIRMAN HUSTON opened the public hearing to public testimony.

PATRICIA CLERF, testified that she was an architect and looked at the fees for a homebuilder. She said it would cost $610.00 to have the plans checked and another $4000 for a permit from the home builder. She did not feel the public was aware of the increase of the permit fees. She drew up plans for some residents on a tight budget and didn’t think that the $4000 was a reasonable cost. COMMISSIONER GOLLADAY asked Ms. Clerf if she had any thoughts or suggestions in determining the fee since the County can not gift public funds the costs should be compared to the work that staff produces. Ms. Clerf gave some examples and some ideas. She suggested using a percentage of the estimated cost of the building. She said she had some experience in estimating the table standard. She also suggested that plans already stamped with a Professional Engineering signature should get a discount. She believes that the increase in fees will impact the finishing of a house and would like to see like county comparisons.

JERRY GILMORE, was in favor of the stamped plans idea, and felt that way
the County holds no liability if the plans are stamped by a P.E. He said that an increase in permit fees does not guarantee that it is a good house. He discussed pole buildings and the decrease in value that they have and referred to a depreciation chart. He was in favor of raising the schedule fees 5%.

ALLISON KIMBALL clarified some questions that were raised. ROB OMANS, from COMMUNITY DEVELOPMENT SERVICES answered some questions about equitable fees and the valuation schedules. He explained that it is the value of the house at closing not an increase value as materials to build a house increase. He said that there is some defining that needs to be done for example the good vs. average in valuing a home.

COMMISSIONER COE asked if there were any ideas around the dilemma. The County is not allowed to make money on the fees just recoup the staff time and he doesn’t want to see the County lose money on statutory services. CHAIRMAN HUSTON explained the methodology used and that the fees support the Community Development Services as a whole from start to finish. He explained the revenues v. expenses. The recommendation from Community Development Services is to keep the current fee scale and re-evaluate it in December 2004.

THERE BEING NO ONE ELSE IN ATTENDANCE TO TESTIFY, CHAIRMAN HUSTON CLOSED THE PUBLIC TESTIMONY PORTION OF THE HEARING.

COMMISSIONER COE said he would like to see enabling documents addressing the pole building issues and revisit the fees in December. He would also like to discuss the level of service and turnaround time, he suggested that this could be something to be discussed in a CDS study session.

COMMISSIONER HUSTON moved to continue the public hearing for review of enabling documents specifically for pole buildings with and without concrete slabs for July 20, 2004 at 3:00 in the Commissioners Auditorium. Record closed. Commissioner Coe second. Motion carried 3-0.

Meeting adjourned at 7:35 p.m.

DEPUTY CLERK OF THE BOARD
Shannon L. Carlson

KITITAS COUNTY COMMISSIONERS
KITITAS COUNTY, WASHINGTON
Perry Huston, Chairman

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