COMMISSIONERS' MINUTES
KITTITAS COUNTY, WASHINGTON
SPECIAL MEETING
TUESDAY 4:00 P.M. JULY 19, 2005

Board members present: Chairman Perry D. Huston, Vice-Chairman David Bowen & Commissioner Alan Crankovich.

Others: Julie Kjorsvik, Clerk of the Board; Judy Pless, Budget & Finance Manager; Amy Mills, Treasurer; James Hurson, Chief Civil Deputy Prosecutor; Patti Johnson, Interim Public Works Director; Ryan Roberts, Public Works Staff; Joy Potter, Public Works Staff; Randy Carberry, Public Works Staff; John Wolpers, Environmental Health Director; Nancy Goodloe, Public Health Administrator. There were approximately 12 members of the public in attendance.

✓ PUBLIC HEARING

At approximately 4:00 p.m. CHAIRMAN HUSTON opened the continued public hearing to consider a County Wide Franchise with Charter Communication for cable service. He acknowledged receipt of a new document from the Public Works Department.

PATTI JOHNSON, INTERIM PUBLIC WORKS DIRECTOR explained the previous document had several sections relating to levels of service, rates and reporting requirements. She said those sections have been deleted, but noting they would still be requiring that a full and complete set of plans, records and strand maps showing the location of the cable system to be available to the county for inspection. She said the 5% fee was revenue based on county wide customers.

JAMES HURSON, DEPUTY PROSECUTOR explained there are two different franchises - a road franchise and utility (cable) operation franchise. He wanted to verify that the proposal was for a road franchise and not for a utility franchise. He offered to research the 5% rate and would verify that it would be for cable services only not telecommunication service. He said the County could negotiate with the company and set fee structure accordingly.

CHAIRMAN HUSTON reviewed the history of the hearings. He said it was the same as the other cable TV companies have within the County. He said there was not the infrastructure in place to monitor level of service, etc. including staffing. He said the County does not want to get in the business of regulating but he wanted to ensure they were operating within the appropriate right of ways etc.
He said collecting a fee was within the county’s legal authority. His predisposition was to step back from the notion of franchise fees and tying it back to specific project in which the fees would be reimbursable. COMMISSIONER CRANKOVICH felt it would be better to address the costs for project specific basis. COMMISSIONER BOWEN agreed and said anyone who wanted to put in infrastructure they could ask the County.

CHAIRMAN HUSTON moved to continue the public hearing until Tuesday August 23, 2005 at 4:00 p.m. in the Commissioner’s Auditorium, Room 109, County Courthouse, noting the record was to remain open. COMMISSIONER CRANKOVICH seconded. Motion carried 3-0.

PUBLIC HEARING  HOMELESSNESS HOUSING & ASSISTANCE ACT  AUDITOR

At approximately 4:18 p.m. CHAIRMAN HUSTON opened the public hearing to consider the County’s role in Engrossed Second Substitute House Bill 2163, Homelessness Housing & Assistance Act.

JUDY PLESS, BUDGET & FINANCE MANAGER gave a staff report and reviewed ESSHB 2163 and its requirements. She said that effective August 1, 2005 the County Auditor will start collecting an additional $10.00 for each recorded document, which will be in addition to any other charge allowed by law. The Auditor shall retain two percent for a collection fee and the remainder shall remit 60% to the County to be deposited into a fund that must be used by the County and its cities and towns to accomplish the purposes of the Act, and six percent of which may be used by the County to for administrative costs. The Auditor shall remit the remaining funds to the State Treasurer for deposit into the Homelessness Housing account. If the County declines to participate in the program the funds will be forwarded to the State.

SUSAN GRINDLE EXECUTIVE DIRECTOR OF HOPE SOURCE said they had been working with the Housing Authority in collaboration for a proposed plan for ESSHB 2163. She reviewed information they compiled including current resources and responses to At-Risk Housing Population; At-Risk Factors Propelling Families toward Homelessness; and Preliminary Phasing and Program Development. She felt if they are proactive they will have the ability to have input on guidelines set forth by the State at a later date. She urged the Board to participate in the Act. PERRY ROWE, EXECUTIVE DIRECTOR OF THE HOUSING AUTHORITY said they would rather deal with the funds locally instead of trying to request the funds back from the State. BRUCE TABB, EXECUTIVE DIRECTOR FOR ELMVIEW said the proposal could also assist in utilizing the 2060 monies. He was supportive of managing the funds locally. JAMES HURSON, CHIEF DEPUTY PROSECUTOR clarified
some of the statutory structure stating that 60% of money must be used for local homeless project. He said the State guidelines have yet to be developed and the county must adhere to them no matter how they turn out. He said the local cities could opt in regardless of if the County opts out. He explained that 60% of the money would come back through grants and programming from the Department of Community Trade & Economic Development. He said it is all a matter of who gets to control and what level of involvement the County wants to have. COMMISSIONER BOWEN questioned the unknown guidelines and asked if the County could opt out at a later date? MR. HURSON said that was silent in the bill and no guideline on dates to opt out, it only has the August 1st effective date for the Act. NANCY GOODLOE, PUBLIC HEALTH ADMINISTRATOR spoke in favor of the Act.

THERE WAS NO ONE INTERESTED IN TESTIFYING AND THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

COMMISSIONER BOWEN said he was glad to hear that everyone’s involved and working together and felt local control was better for the citizens of the county. COMMISSIONER CRANKOVICH expressed concerns of the State making rules as they go along. He was in favor of having local control over Olympia making decisions for County.

CHAIRMAN HUSTON noted that if the County were to proceed there was no contract in place with a certain agency. He felt there was a lot of work left to be done such as creating a process for proposals; ways of evaluating certain programming; choosing an individual entity or a variety; and how other funds could be used as part of the program. He said between Public Health, the Community Development Services and the Auditors office, they could assist with staff support to assemble the committee. He acknowledged the representatives needed for a local advisory group to create a local homeless housing plan including a representative of the county, at least one homeless or formerly homeless person, a representative of a private nonprofit organization with experience in low-income housing.

RESOLUTION 2005-96   HOMELESSNESS HOUSING & ASSISTANCE   AUDITOR

COMMISSIONER BOWEN moved to approve Resolution No. 2005-96, Establishing Fund 114 Homelessness Housing & Assistance, as passed in Engrossed Second Substitute House Bill 2163, effective August 1, 2005. COMMISSIONER CRANKOVICH seconded. Motion carried 3-0.
At approximately 4:42 p.m. CHAIRMAN HUSTON opened the public hearing to consider a request from Port Quendall Development Company to purchase Tax Title property (.79 acres).

AMY MILLS, TREASURER presented a staff report. She felt it was in the best interest of the County to sell the Tax Title property. She reviewed the Board’s options and said if the Board did not approve the request, she would refund the application fee of $75.00 that had been paid. She said the County had been paying a Sewer District assessment as well as weed & fire control since 1993. There is no RCW which reflects that the minimum bid would be the taxes owed, but she felt it was the intent.

THOSE PRESENT & TESTIFYING: CATHERINE DUNN, REPRESENTING PORT QUENDALL DEVELOPMENT COMPANY explained that their property surrounds the Tax Title property and it is currently used as a parking lot and for snow removal. She noted there were no easements to property that has been recorded.

COMMISSIONER BOWEN asked for clarification of the rules for tax title property without having to go to a competitive bid. CHAIRMAN HUSTON said the question before the Board was if it was their intention to sell the property and if so, he would direct staff to prepare enabling documents, to determine if it’s unbuildable and set value to begin negotiations. The Board agreed that it would be in the best interest of Kittitas County to sell the Tax Title property.

DARRYL PIERCY, DIRECTOR OF COMMUNITY DEVELOPMENT SERVICES explained they had reviewed the property to see if it was buildable. He does not believe that the property would be buildable due to the slope on the property and the small flat section would not support a septic system and the lack of access points. JAMES HURSON, CHIEF CIVIL DEPUTY PROSECUTOR said it was a statutory right to not have a piece of land landlocked.

CHAIRMAN HUSTON said it was a practical assertion that it’s not a buildable lot and if there was any question that it was a practical building site, he would not support the request, but does not believe it was. He noted there was no one at the public hearing interested in the land other than a representative of the applicant.

COMMISSISONER BOWEN moved to sell the Tax Title property and to direct staff to enter into private negotiations with applicant. COMMISSIONER CRANKOVICH seconded. Motion carried 3-0.

It was noted that Mr. Piercy would take the lead on negotiations and directed him to try and recover any costs that’s owed to the County.
CHAIRMAN HUSTON moved to continue the public hearing until Tuesday August 2, 2005 at 2:00 p.m. in the Commissioner's Auditorium, Room 109, County Courthouse, noting the record was to remain open. COMMISSIONER BOWEN seconded. Motion carried 3-0.

PUBLIC HEARING FOOD HANDLING STANDARDS PUBLIC HEALTH

At approximately 5:12 p.m. CHAIRMAN HUSTON opened the public hearing to consider adopting an Ordinance which would amend Kittitas County Code Title 8, Section 8 and Section 4 as the Food Handling Standards for Kittitas County.

NANCY GOODLOE, PUBLIC HEALTH reviewed the proposed standards. She said that the Board of Health held a public hearing on June 16, 2005 and at that time, the Deputy Prosecutor recommended that the public hearing be extended to the regularly scheduled July meeting of the Board of Health so that the Kittitas County Board of Commissioners could conduct their own hearing and amend Kittitas County Code Title 8. She urged the Board to approve the proposed Ordinance. She noted the Ordinance title should strike "And Title 4" as it should be Title 8.

THERE BEING NO ONE WISHING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

ORDINANCE 2005-27 FOOD HANDLING STANDARDS PUBLIC HEALTH

COMMISSIONER CRANKOVICH moved to approve Ordinance No. 2005-27, amending Title 8 for the Food Handling Standards for Kittitas County. COMMISSIONER BOWEN seconded. Motion carried 3-0.

PUBLIC HEARING SPEED ZONE - SUSAN ROAD PUBLIC WORKS

At approximately 5:30 p.m. CHAIRMAN HUSTON opened the public hearing to consider amending the speed zone on Susan Road.

PATTI JOHNSON, INTERIM PUBLIC WORKS DIRECTOR gave a staff report. She explained that the Public Works Department received requests to lower the speed limit on Susan Road and they conducted traffic studies to analyze the request. Upon review of the traffic studies and information, they recommended that the Board approve establishing a speed zone of 35 mph on Susan Road.
THOSE PRESENT & TESTIFYING: TOM MORRIS urged the Board to adopt the proposed speed limit change to 35 mph. He suggested that at a future date the Board should consider changing/lowering the speed limit on Strande Road. BRUCE SKIVINESS endorsed the proposed speed limit. He felt that Strande Road should be also lowered. KIMBERLY GREEN urged the Board to adopt the proposed speed limit, but was also in favor of lowering the speed limit on Strande Road. CYNTHIA MURRAY said there had been numerous pets hit at various times and she supported lowering the speed limit on Strande Road. CLAYTON MYERS representing himself supported the recommendation for lowering the speed limit on Susan Road and would like to encourage the Board to consider lowering it on Strande Road as well. THERE BEING NO ADDITIONAL TESTIMONY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

COMMISSIONER BOWEN explained that the notice of Public Hearing was advertised for Susan Road only and would be in favor of setting another hearing to consider the speed limit on Strande Road.

ORDINANCE 2005-28 SPEED LIMIT-SUSAN ROAD PUBLIC WORKS

COMMISSIONER BOWEN moved to approve Ordinance No. 2005-28, Establishing a Speed Zone and the Placement of a Speed Limit Sign on Susan Road and to Amend Section 10.08.020 of the Kittitas County Code. COMMISSIONER CRANKOVICH seconded. Motion carried 3-0.

CHAIRMAN HUSTON moved to direct staff to prepare a hearing notice for the August 2, 2005 Commissioner Agenda to consider the speed limit of Strande Road. COMMISSIONER CRANKOVICH seconded. COMMISSIONER CRANKOVICH directed staff to prepare the legal notice advertising the entire Strande Road, not just up to Susan Road. Motion carried 3-0.

The Board recessed for ten minutes at 5:35 p.m. The Board reconvened back into session at 5:45 p.m.

PUBLIC HEARING ROAD STANDARDS PUBLIC WORKS

At approximately 5:45 p.m. CHAIRMAN HUSTON opened the public hearing to consider amendments to the Kittitas County Road Standards.

CHAIRMAN HUSTON reviewed the history of the Road Standards and explained that there needed to be some road regulation for access points together.

PATTI JOHNSON, INTERIM PUBLIC WORKS DIRECTOR acknowledged copies of modifications that had been made to the Road Standards noting that there were additional pages added to the staff report. She reviewed
each of the proposed amendments and the reasons behind each one. **CHAIRMAN HUSTON** asked if the language was in the existing Subdivision Code? **MS. JOHNSON** acknowledged that some of the sections were in the Subdivision code as well as changes to certain other sections.

**THOSE PRESENT & TESTIFYING:** **WAYNE NELSON** gave remarks on the proposed language. He explained that he had problems with 12.010.090, stating he was not familiar with what a serial plat was so he felt it should be defined; building permit versus occupancy permits and RCW should reference completed OR bonded; clarification with recording with Auditor easements that are not required prior to final plat. He felt due to proper noticing to the public, the Board may want to send it back to Planning Commission for review of the new language referencing the subdivision code. **MARK KIRKPATRICK** representing **COMPASS ENGINEERING & SURVEYING** said he’s been using the current standards for a year now and he has not had any problems. He requested more time to review the additional comments presented by staff. He felt the Planning Commission should have a chance to review the additional language as proposed by staff. He would like to review RCW 58.17.130 in its entirety and said he did not understand the difference between road spacing and access spacing. **URBAN EBERHART** speaking on behalf of the Kittitas County Farm Bureau Road Committee said he needed additional time to review the new amendments. He explained that there are times that irrigation water may have to be conveyed in a county road right-of-way. **CHRIS CRUSE** felt there were many conflicts within the document. He submitted a letter dated January 12, 2004 into the record from the Department of Transportation regarding access spacing. He would like to see roads grandfathered into existing access. **CHUCK CRUSE** submitted a copy of the Washington Land Title Association for the Boards review. He felt the document needs to reference primitive roads. He asked for additional time to review the proposed revisions made by staff. **RON HUGHES** spoke of easements going across private easements. **THERE BEING NO ADDITIONAL TESTIMONY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

**CHAIRMAN HUSTON** addressed the proposed amendments that had been brought out of subdivision code. He wanted to know how much of the draft subdivision code that the planning commission reviewed or brand new. **MS. JOHNSON** explained that it was all reviewed by the Planning Commissioner in either the existing subdivision code or the proposed changes. **CHAIRMAN HUSTON** requested that prior to Monday’s study session on July 25, 2005 that staff identify language in the existing subdivision code, and which was proposed amendments so the Board could compare notes at that time. **COMMISSIONER BOWEN** referenced language within the document and made suggestions, he
felt there should be clarification made of private versus public roads.

CHAIRMAN HUSTON moved to continue the public hearing until Wednesday August 3, 2005 at 3:00 p.m. in the Commissioner’s Auditorium, Room 109, County Courthouse, and to keep the record open. COMMISSIONER BOWEN seconded. Motion carried 3-0.

Meeting adjourned at 7:25 p.m.

CLERK OF THE BOARD

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

Julie A. Kjorsvik

Perry D. Huston, Chairman