COMMISSIONERS' MINUTES
KITTITAS COUNTY, WASHINGTON
AGENDA SESSION

TUESDAY 10:00 A.M. FEBRUARY 2, 2010

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

Others: Julie Kjorsvik, Clerk of the Board; Patti Johnson, Solid Waste Director; Dan Valoff, Staff Planner; Brent Bottoms, Deputy Prosecutor; Jan Ollivier, Transportation Manager and 5 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 S under the Consent Agenda had been moved to Board Discussion & Decision. He also noted there may be a possible Executive Session at the end 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.

Chairman McClain noted Item S had been moved to Board Discussion & Decision. Commissioner Jewell moved to approve the Consent Agenda, as amended. Commissioner Crankovich seconded. Motion carried 3-0.
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**REPORT 2009 TAXPAYER REFUNDS TREASURER**

Acknowledge the Kittitas County Treasurer’s report of a List of Refunds made to Taxpayers during the Year 2009.

**AGREEMENT TERRASCAN, INC. TREASURER**

Approve a Software License and Use Agreement between TerraScan, Inc. and Kittitas County for the implementation of Real Estate Tax Automation documents to the Washington State Department of Revenue,

**RESOLUTION 2010-10 UNCOLLECTABLE PERSONAL PROPERTY TAXES TREASURER**

Approve Resolution No. 2010-10, to Cancel Uncollectable Personal Property Taxes in the Amount of $53,927.82.

**RESOLUTION 2010-11 KVEC & FAIR UNCOLLECTABLE DEBT FAIR**

Approve Resolution No. 2010-11, to Allow the Kittitas Valley Event Center and Kittitas County Fair to forgive $2,403.90 in Uncollectable Debt.
MEMORANDUM OF AGREEMENT  NATIONAL STOCKPILE ANTIVIRAL  PUBLIC HEALTH

Ratify the Public Health Officer’s signature on Memorandum of Agreements between the Kittitas County Public Health Department and the Kittitas Valley Community Hospital Pharmacy, Super One Pharmacy, Downtown Healthmart Pharmacy, Fred Meyer Pharmacy, Cavalini’s Pharmacy, Community Health of Central Washington Pharmacy, Safeway Pharmacy, Central Washington University and Cle Elum Drug, for the purpose of dispensing antiviral medications provided from the Strategic National Stockpile for the Influenza Virus H1N1 outbreak.

CONTRACT AMENDMENT  DEPARTMENT OF HEALTH  PUBLIC HEALTH

Approve and ratify the Public Health Administrator’s signature on Amendment 21, to the 2007-2011 Consolidated Contract No. C14952, between the Department of Health and the Kittitas County Public Health Department, in the amount of $178,990.00.

CONTRACT AMENDMENT  DEPARTMENT OF HEALTH  PUBLIC HEALTH

Approve and ratify the Public Health Administrator’s signature on Amendment 22, to the 2007-2011 Consolidated Contract No. C14952, between the Department of Health and the Kittitas County Public Health Department, in the amount of $150,853.00.

LEASE AGREEMENT  PINELL, INC.  SHERIFF

Approve and authorize the Chair to sign a Lease Agreement between Pinnell, Inc. and Kittitas County, for copy machines at the Kittitas County Jail and Sheriff’s Office.

AGREEMENT  CREST COUNSELING SERVICES  JUVENILE

Approve and authorize the Chair to sign an Agreement between Julie Crest, Crest Counseling Services, and the Kittitas County Probation Services (Juvenile Department) for the Special Sex Offender Disposition Alternative evaluation and treatment program.

LEASE AGREEMENT  PINELL, INC.  JUVENILE

Approve and authorize the Chair to sign a Lease Agreement between Pinnell, Inc. and Kittitas County, for a copy machine at the Juvenile Court Administration office.
RESOLUTION 2010-12  AMEND SMALL WORKS & PURCHASE ROSTER  PROSECUTOR

Approve Resolution No. 2010-12, Amending the Kittitas County Procedures for Small Works, Small Purchase Roster and Leases of Personal Property.

CERTIFICATION  2010 ROAD LEVY  PUBLIC WORKS

Approve and authorize the Chair to sign the County Road Administration Board’s Digital Submittal Certification form for the 2010 County Road Levy.

APPOINTMENT  JIM GROSECLOSE – AIRPORT ADVISORY  COMMISSIONERS

Approve the appointment of Jim Groseclose to the Kittitas County Airport Advisory Committee, to serve as the General Aviation Pilot position.

CALL FOR BIDS  LIQUID ASPHALT MATERIALS – 2010  PUBLIC WORKS

Approve a Notice of Call for Bids to furnish Liquid Asphalt Materials for the 2010 Calendar Year, in accordance with specifications prepared by Kittitas County, to be accepted until February 17, 2010 at 2:00 p.m. at the Kittitas County Department of Public Works, 411 North Ruby, Suite #1, Ellensburg, Washington, and to authorize the Clerk to publish said notice.

CALL FOR BIDS  ASPHALT MATERIALS – 2010  PUBLIC WORKS

Approve a Notice of Call for Bids to furnish Asphalt Materials for the 2010 Calendar Year, in accordance with specifications prepared by Kittitas County, to be accepted until February 17, 2010 at 2:00 p.m. at the Kittitas County Department of Public Works, 411 North Ruby, Suite #1, Ellensburg, Washington, and to authorize the Clerk to publish said notice.

CALL FOR BIDS  CRACK SEALANT MATERIALS – 2010  PUBLIC WORKS

Approve a Notice of Call for Bids to furnish Crack Sealant Materials for the 2010 Calendar Year, in accordance with specifications prepared by Kittitas County, to be accepted until February 17, 2010 at 2:00 p.m. at the Kittitas County Department of Public Works, 411 North Ruby, Suite #1, Ellensburg, Washington, and to authorize the Clerk to publish said notice.

RESOLUTION 2010-13  STURGIS PLAT (LP-09-00005)  CDS

Approve a Resolution No. 2010-13, Approving the Sturgis Preliminary Plat (LP-09-00005), submitted by Chuck Cruse, authorized agent for the Henley Group, Inc., landowner, for a division of 49.48 acres into 9 lots, located 12 miles east of Cle Elum, off Highway 97 at Bettas Road and Low Road (Map Numbers 19-17-04051-0001 and 19-17-0451-0002).
REQUEST TO APPROVE A RESOLUTION FOR THE F&G PERFORMANCE BASED CLUSTER PLAT (LP-08-19) – ITEM MOVED TO BOARD DISCUSSION & DECISION

CORRESPONDENCE

LETTER    TITLE III EXPENDITURE CERTIFICATION    COMMISSIONERS

Commissioner Crankovich moved to approve and ratify the Chair’s signature on a letter to the Secretary of Interior, BLM Oregon State Office, certifying all Title III expenditures, noting Kittitas County elected not to receive any Title III funds for 2009. Commissioner Jewell seconded. Motion carried 3-0.

ADMINISTRATIVE MATTERS – NONE

CITIZEN COMMENTS ON NON-AgENDA ITEMS – NONE

BOARD DISCUSSION/DECISION ITEMS

CLOSED RECORD MEETING    HENSHAW LAKE PERFORMANCE CLUSTER PLAT    CDS

Dan Valoff, Staff Planner reviewed an application from Wayne Nelsen, authorized agent for Bernie Henshaw, landowner, for a 26-lot Performance Based Cluster Plat on approximately 39.73 acres of land zoned Agriculture-3. He said the proposed lot sizes range from 0.46 to 0.72 acres, and would be served by a Class “A” water system and community onsite septic systems. The property is located north of SR-970 and Airport Road, south of Danko Road and east of White Road at 871 Airport Road, Cle Elum, Washington (Map Number 20-16-30030-0001). He indicated the Hearing Examiner conducted an open record hearing and issued a recommendation of preliminary plat approval for the Henshaw Lake Performance Cluster Plat (P-07-44).

Commissioner McClain explained that the Prosecutor’s office had been asked if they could consider a letter from Brookside Consulting that was received after the Hearing Examiners recommendation, and their office indicated that they could not consider anything outside of the record. Commissioner Crankovich questioned the storm water requirement, and if it were standard, how it was arrived at. Mr. Valoff said the drainage report was part of the application which was peer reviewed, and the event level noted was to what the applicant indicated they would design to. He felt the 25-year event was medium-high level to engineer to. Commissioner Crankovich said there have been three, one-hundred year events in the last 15 years, which have lead to significant damage, prior to development in the area. Mr. Valoff said Condition #40 is for the life of the project, for houses and roads that will be constructed on site. Commissioner Crankovich commented on the Younger ditch, and if
there is any authority the water can be diverted to that place, and if there were any off site impacts listed. Mr. Valoff said it has been used in other projects such as Lannigan Meadows. He said during public testimony, the applicants engineer said the proposed lake would act as a detention pond facility, which would be controlled at the other end. Commissioner Jewell asked if the Department of Ecology would be responsible for permitting and engineering the downstream flows during storm water events, to make sure there are no impacts. Mr. Valoff said it would be the County’s responsibility, and the Department of Ecology is responsible for the construction discharge permit. He indicated once construction is complete, an overall storm water plan would be reviewed by the County Engineer (Condition #40). Commissioner Crankovich also mentioned how there were several comments made regarding the flight path from the airport, and noted there is no airport overlay zone. Mr. Valoff said lacking any airport overlay zone adopted for the Cle Elum Airport, there is nothing in code to protect that area or restrict any development in the area. Commissioner Jewell reviewed comments the applicants have requested for adjustments to some of the conditions of approval. Chairman McClain noted the Board could modify conditions as long as they are supported by the record.

Commissioner Jewell moved to approve the Henshaw Lake Performance Based Cluster Plat by amending the Conditions of Approval regarding the site information by striking the minimum average lot width, which shall be 250 feet and by adding minimum lot width requirements from Kittitas County Code Chapter 17.28.030, as they do not apply to Performance Based Cluster Plats; Condition 8 by striking Kittitas County Code 17.28 and add Kittitas County Code Chapter 16.09.060 regarding the minimum lots by striking the average and width and add the area within the Henshaw Lake Performance Based Cluster Plat, striking 250 feet and add that they are to comply with the Health Department requirements; to amend Condition 15 by striking lots 1-15 and lot 26, and add language to include that some of the lots will need to cross the Puget Sound Energy (PSE) easement with private driveways and approval must be obtained by them prior to final approval and to adopt the remainder of Hearings Examiners Findings of Fact, Conclusions of Law and Conditions and to direct staff to prepare enabling documents. Commissioner Crankovich seconded.

Commissioner Crankovich said although there has been a great deal of effort in analyzing the current situation, he was not comfortable approving the request, knowing there has been no off site mitigation to the storm water impacts that continue to be a problem in the area, and seeing there is no relief being provided in the proposal.

Motion carried 2-1 (Commissioner Crankovich opposed the motion).
Dan Valoff, Staff Planner reviewed an application submitted by Property Holdings & Speculation, LC, landowner, for a subdivision of approximately 25.01 acres into 5 lots on land that is currently zoned Rural 5, located east of South Cle Elum Ridge Road and south of Westside Road in Cle Elum, Washington (Map Number 19-15-09050-0002). He indicated the Hearing Examiner held an open record hearing and issued a recommendation of preliminary approval of the request.

Commissioner Jewell mentioned a letter received from the Department of Ecology and their review of the Alyssa Preliminary Plat and Lesh Long Plat applications, and their belief they were one project. During the review of applications, the Lesh project is going to the Hearing Examiner in the near future, but has not become before the Board yet. Commissioner Crankovich questioned a letter submitted by Public Works regarding second access, stating it cannot be given preliminary approval because identified as potential the Apple Tree Amendment must receive final approval before. Mr. Valoff explained how the Apple Tree amendment would allow secondary access to the nearest county road, and it has been their departments past practice to keep the other applicants on hold until it has become developed, realizing it was a risk the applicants know about.

Commissioner Jewell moved to approve the Alyssa Preliminary Plat, adopting the Hearing Examiners Findings of Fact, Conclusions of Law and Conditions of approval and direct staff to prepare enabling documents. Commissioner Crankovich seconded. Motion carried 3-0.

Patti Johnson, Solid Waste Director, requested the Coordinated Prevention Grant with the Department of Ecology, for the Moderate Risk Waste Facility and the Recycling Programs be removed, due to corrections that are needed on the document. There was no action taken by the Board.

Commissioner Jewell moved to approve Resolution No. 2010-09, for Preliminary Plat Approval of the F&G Performance Based Cluster Plat (LP-08-19), a division of 89.10 acres into 51 lots, located southeast of Woods & Steel Road and Forest Services Road #4510, Cle Elum, Washington. Chairman McClain seconded. Motion carried 2-1 (Commissioner Crankovich opposed the motion).
MISCELLANEOUS – NONE

EXECUTIVE SESSION

At 10:45 a.m. Chairman McClain announced the Board would recess into Executive Session for 15 minutes to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. He did not anticipate any action following. Those remaining in attendance were the Board of County Commissioners and Brent Bottoms, Deputy Prosecutor.

At 11:00 a.m. the Board reconvened out of Executive Session. No action was taken. Chairman McClain announced the Board would go back into Executive Session for 5 minutes to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. He did not anticipate any action following.

At 11:05 a.m. the Board reconvened out of Executive Session. No action was taken. Chairman McClain announced the Board would go back into Executive Session for 10 minutes to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. He did not anticipate any action following.

At 11:15 a.m. the Board reconvened out of Executive Session. No action was taken.

ADJOURNMENT

Commissioner Crankovich moved to adjourn the meeting at 11:15 a.m. Commissioner Jewell seconded. Motion carried 3-0.
Meeting adjourned at 11:15 a.m.

CLERK OF THE BOARD

Julie Kjorsvik

KITTITAS COUNTY COMMISSIONERS

KITTITAS COUNTY, WASHINGTON

Chairman Mark McClain