

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

TUESDAY

10:00 A.M.

FEBRUARY 17, 2015

Board members present: Chairman Gary Berndt; Vice-Chairman Obie O'Brien and Commissioner Paul Jewell.

Others: Julie Kjorsvik, Clerk of the Board; Kathy Jurgens, Finance Systems Manager/Interim Public Works Director; Candie Leader, Administrative Assistant/Interim Airport Manager; Judy Pless, Budget & Finance Director; Angela Bugni, Legal Secretary; Christopher Horner, Deputy Prosecutor; Roy Chance, Construction Manager; Lindsey Ozbolt, Staff Planner; Christina Wolman, Staff Planner; Brett Wachsmith, Treasurer; Doug D'Hondt, Engineer; Jim Van De Venter, Maintenance Manager; Neil Caulkins, Deputy Prosecutor; Marsha Weyand, Assessor; Doug Mitchell, Deputy Prosecutor; Mandy Buchholz, Deputy Clerk of the Board; Nick Henderson, Coroner; Jeff Watson, Staff Planner; Robin Read, Public Health Administrator; Tiffany Ray, Tax Roll Deputy; Jan Ollivier, Transportation Manager; Doc Hansen, Planning Official and approximately 18 members of the public.

CALL TO ORDER

Chairman Berndt called the meeting to order.

PLEDGE OF ALLEGIANCE

Chairman Berndt led the Pledge of Allegiance.

INTRODUCTION OF NEW COUNTY EMPLOYEES

Brett Wachsmith, Treasurer introduced Tiffany Ray as their new Tax Roll Deputy.

PROCLAMATION

ROYLENE CRAWFORD DAY

COMMISSIONERS

Commissioner Jewell moved to approve a Proclamation declaring February 19, 2015 as Roylene Crawford Day in Kittitas County. Commissioner O'Brien seconded. Motion carried 3-0.

AWARDS & RECOGNITIONS - NONE

APPROVAL OF AGENDA

Chairman Berndt explained that due to the holiday closure on Monday February 16, 2015 the Board of County Commissioners did not have an Agenda Study Session therefore they would review each item on the Consent Agenda before making a motion. He noted there was an Executive Session anticipated at the conclusion of the Agenda Session.

Chairman Berndt asked that Consent Item L be moved to Board Discussion & Decision.

Commissioner O'Brien moved to amend the Agenda by moving Consent Item L to Board Discussion & Decision. Commissioner Jewell seconded. Motion carried 3-0.

Commissioner O'Brien 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 Berndt noted Consent Item L had been moved to Board Discussion & Decision.

The following motion was approved upon reviewing each item under the Consent Agenda.

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

MINUTES

DATE	MINUTES
01/07/2015	Law & Justice Study Session
01/20/2015	Agenda Session
01/26/2015	Public Works Study Session
01/28/2015	Rodeo Board Contract
01/30/2015	Executive Session
02/02/2015	Office Admin.
02/02/2015	Dept. Head - BOCC
02/02/2015	Dept. Head - Event Center

02/02/2015	Dept. Head - Maint.
02/02/2015	Agenda Study Session
02/03/2015	Agenda Session
02/03/2015	Public Hearing - Surplus County Property
02/09/2015	Office Admin.
02/09/2015	Dept. Head - Cancelled

APPOINTMENT JOY STOCHOSKY - ASAPB COMMISSIONERS

Approve the appointment of Joy Stochosky to the Kittitas County Alcohol & Substance Abuse Program Board, for a three year term effective immediately and ending on December 31, 2017.

RESOLUTION 2015-035 CLOSURE OF FUND 146 AUDITOR

Approve Resolution No. 2015-035, Authorizing the Closure of Fund 136, Adult Misdemeanor Pre-Charging Diversion Fund and any money received from the Diversion Program will be deposited directly into the Kittitas County General Fund and only used according to RCW 10.01.220.

SET PUBLIC HEARING RE-SALE TAX TITLE PROPERTY COMMISSIONERS

Approve Setting a Public Hearing to consider an Application for Re-sale of Tax Title property of .17 acres, Timber Valley Lot 111 Sec. 26; Twp. 20; Rge. 14 Kittitas County, Washington (Parcel No. 20-14-26053-0011), to be held on Tuesday March 3, 2015 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.

CONTRACT WA. STATE HEALTH CARE AUTHORITY PUBLIC HEALTH

Approve Contract #K1407 between the Washington State Health Care Authority and the Kittitas County Public Health Department to support Medicaid related outreach and linkage activities beginning April 1, 2015 through March 31, 2017.

RESOLUTION 2015-036 ON-CALL ENVIRONMENTAL/ARCHAEOLOGICAL PUBLIC WORKS

Approve Resolution No. 2015-036, for Environmental Sciences Associates to provide On-Call Environmental and Archaeological services until December 31, 2017, and to authorize the Chairman to sign the Consultant Agreement and the Public Works Director and Engineer to sign Task Orders totaling less than \$50,000.00 per project.

RESOLUTION 2015-037 FEDERAL TRANSIT ADMINISTRATION PUBLIC WORKS

Approve Resolution No. 2015-037, Revising the Federal Transit Administration FY 2015 Certifications and Assurances for Agreement GCB 1746; to rescind Resolution No. 2015-015 and authorize the Chairman to sign documents.

RESOLUTION 2015-038 ASPHALT MATERIALS PUBLIC WORKS

Approve Resolution No. 2015-038, Awarding a Bid to Furnish the 2015 Asphalt Materials to Granite Construction Company and Columbia Ready Mix, Inc. for Schedules "A" and "B", and to authorize the Public Works Director to sign the Contract documents.

RESOLUTION 2015-039 LIQUID ASPHALT MATERIALS PUBLIC WORKS

Approve Resolution No. 2015-039, Awarding a Bid to Furnish the 2015 Liquid Asphalt Materials to Asphalt Supply, Inc. for Schedule "A" and to Albina Asphalt for Schedule "B", and to authorize the Public Works Director to sign the Contract documents.

RESOLUTION 2015-040 CRACK SEALANT MATERIALS PUBLIC WORKS

Approve Resolution No. 2015-040, Awarding a Bid to Furnish Crack Sealant Materials for 2015, to Special Asphalt Products for Schedule "A" and Arrow Construction Supply for Schedule "B", and to authorize the Public Works Director to sign the Contract documents.

RESOLUTION 2015-041 WEED SPRAY MATERIALS PUBLIC WORKS

Approve Resolution No. 2015-041, Awarding a Bid to Furnish Weed Spray Materials for 2015, to Helena Chemical Company and Wilbur-Ellis Company, and to authorize the Public Works Director to sign the Contract documents.

REQUEST TO APPROVE A RESOLUTION ADOPTING THE DISTRIBUTION OF LODGING TAX FUNDS FOR CAPITAL PROJECTS - ITEM MOVED TO BOARD DISCUSSION & DECISION.

FINAL MYLARS SUNCADIA PHASE 1 DIVISION 13B CDS

Approve the Final Mylars granting Final Approval of Suncadia Phase 1 Division 13B, Osprey Ridge, located at the end of Big Hill Drive in the center of Section 09, T.20N, R15E, W.M. in Kittitas County (Tax Parcel Number 20-15-19056-0080).

ADMINISTRATIVE MATTERS - NONE

CITIZEN COMMENTS ON NON-AGENDA ITEMS

Greg Laycock said he was a concerned citizen and wanted an opportunity to express those concerns relating to the distribution of Lodging Tax Funds as they are currently written. Chairman Berndt explained that the item was on the Agenda and that comments were only allowed on items that are not on the Agenda.

BOARD DISCUSSION/DECISION ITEMS

RESOLUTION 2015-033 RECORDS MANAGEMENT POLICY IT

Commissioner O'Brien moved to approve Resolution No. 2015-033, Adopting the Revised Records Management Policy effective January 1, 2015. Commissioner Jewell seconded. Motion carried 3-0.

At 10:54 a.m. the Board took a 6 minute recess.

At 11:00 a.m. the Board reconvened back into session.

RESOLUTION 2015-034 HOTEL/MOTEL TAX FUNDS COMMISSIONERS

Commissioner O'Brien moved to approve Resolution No. 2015-034, Adopting the Distribution of the 2015 Hotel/Motel Tax Funds for Capital Projects and County Operations to the City of Cle Elum - Washington State Horse Park \$41,500.00; City of Roslyn - Slim Runje Park \$25,000.00; Kittitas County - Yakima County Interpretive Center \$8,500.00 annual for 20 years; Kittitas County - Operations \$110,350.00 for a total amount of \$475,350.00. Commissioner Jewell seconded. Motion carried 3-0.

CLOSED RECORD HEARING BLACK HORSE AT WHISKEY CREEK REZONE CDS

Commissioner O'Brien announced he would recused himself from the Closed Record Hearing and left the meeting.

Jeff Johnson, Watershed Sciences answered questions from the Board of County Commissioners relating to concerns of onsite flooding and downstream impacts. Doug D'Hondt, Engineer also answered questions directed by the Commissioners.

At 12:14 p.m. Commissioner Jewell moved to continue the Closed Record Hearing until 1:30 p.m. Chairman Berndt seconded. Motion carried 2-0.

EXECUTIVE SESSION

At 12:20 p.m. Commissioner O'Brien noted Chairman Berndt had another meeting to attend and was not available to attend the Executive Session. He announced the Board would recess into Executive Session with

Commissioner Jewell; Brett Wachsmith, Treasurer; Neil Caulkins, Deputy Prosecutor and Christopher Horner, Deputy Prosecutor for 20 minutes relating 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. Possible action was anticipated.

At 12:40 p.m. the Board reconvened out of Executive Session. Commissioner O'Brien noted there had been an Agenda item inadvertently left off of the Agenda that should have been carried forward from the previous Agenda relating to a Resolution which would cancel taxes assessed upon Personal Property pursuant to RCW 84.56.240.

Commissioner Jewell moved to remove the item from consideration at this time. Commissioner O'Brien seconded. Motion carried 2-0.

Commissioner Jewell instructed Deputy Prosecutor Horner to look into the previous Treasurer's Bond to see if the County could recover Fair Point's outstanding property taxes as discussed in Executive Session. Commissioner O'Brien seconded. Motion carried 2-0.

Commissioner Jewell moved to continue the Agenda Session until 1:30 p.m. Commissioner O'Brien seconded. Motion carried 2-0.

Meeting recessed at 12:44 p.m. until 1:30 p.m.

The Board reconvened back into the Agenda Session at 1:30 p.m. Chairman Berndt and Commissioner Jewell were in attendance as Commissioner O'Brien had recused himself previously.

Deputy Prosecutor Neil Caulkins explained how the Board did not have the ability to make changes to the Ordinance as it was previously given preliminary approval and if the applicant had met the conditions then they must issue a Final Plat. He indicated any appeal would have had to have been made at the time of the SEPA determination or the Preliminary Plat appeal period. He said there had been no appeals filed at that time. Chairman Berndt asked if they could require off site mitigations. Deputy Caulkins said that as a matter of law you cannot make a landowner do something to another person's property. Lindsey Ozbolt, Staff Planner said SEPA had been a part of the project specific and there was no appeal filed and therefore that is what document is riding with the project.

Commissioner Jewell noted that it had met conditions of approval; they went over all of the water issues and concerns relating to flooding;

Staff claims everything has been met and there had been an analysis conducted by the developer. He said the appropriate time to appeal was at the Preliminary Approval stage and that the present Commissioners are therefore limited on their ability to do anything else.

Commissioner Jewell moved to approve Final Development of Black Horse at Whiskey Creek (RZ-06-00015) and to include an amendment as referenced in Staff Memo dated January 29, 2015 for an additional Plat Note that reads as follows "The Open Space tracts shall be (1) owned in a proportionate and unseverable manner as tenants in common by each lot owner and (2) assessed taxed and foreclosed upon each building lot". Chairman Berndt seconded.

Commissioner Jewell said he was still concerned with the potential impacts to neighboring property, but noted it should have been dealt with previously.

Motion carried 2-0.

ADJOURNMENT

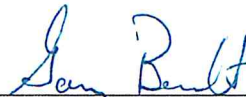
Commissioner Jewell moved to adjourn the meeting at 1:54 p.m. Chairman Berndt seconded. Motion carried 2-0.

Meeting adjourned at 1:54 p.m.

CLERK OF THE BOARD

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON


Julie Kjørsvik


Gary Berndt, Chairman