



MINUTES

KITSAP COUNTY BOARD OF COMMISSIONERS November 27, 2006

NOTE: The Board of Commissioners met on the above-stated date. Present were Chair Jan Angel, Commissioner Chris Endresen, Commissioner Patty Lent, County Administrator Cris Gears and Clerk of the Board Opal Robertson. (THE BOARD OF COMMISSIONERS' PUBLIC MEETINGS AND PUBLIC HEARINGS ARE AUDIO AND VIDEO TAPED).

10:00 AM) Meeting Called to Order with Pledge of Allegiance.

PROCLAMATIONS/RESOLUTIONS/RECOGNITION:

1) Employee of the month for November (Kim Dunn, Dept of Community Development). **Staff Contact:** Erin Neff, 337-4447.

Congratulations and a Certificate of Appreciation is presented to Kim Dunn, Dept of Community Development on being selected employee of the month for November.

2) Employee Service Awards. **Staff Contact:** Mary Seals, 337-3519.

Congratulations and a Certificate of Appreciation is presented to Rebecca Brown for her years of service to Kitsap County.

3) Recognizing and honoring *Dave Peters*, Department of Public Works, for his volunteer work with helping to implement the *Habitat for Humanity Builders Bargain Store*. **Staff Contact:** Opal Robertson, 337-4428.

Don Nelson, Habitat for Humanity of Kitsap County, thanked Dave Peters, Department of Public Works, for his volunteer work on helping to implement the Habitat for Humanity Builders Bargain Store in Bremerton, WA. Nelson also presented Peters with a Certificate of Appreciation.

4) Presentation by WA State Public Works Board acknowledging Kitsap County as one of the very first loans executed by the Board 20-years ago. **Staff Contact:** Kathy Brown, 337-4426. (**Note: This item has been rescheduled to a later date**).

PUBLIC HEARINGS:

**** Please note that starting times are estimates and may be impacted by the amount of public input.**

10:10) Public hearing to consider a Petition to Vacate an undeveloped portion of a county road known as **Nevada Avenue** filed by Elaine Smith. The proposed vacation is located in South Kitsap, Commissioner District # 2. **Fiscal Impact:** \$550 to be paid by petitioner. **Staff Contact:** Molly Foster.

Molly Foster, Public Works, gave a brief summary of the proposed petition to vacate.

Discussion is held, comments called for and hearing no objection, a motion is made by Commissioner Lent and seconded by Commissioner Endresen that the Board approves the petition to vacate an undeveloped portion of a county road known as **Nevada Avenue** filed by Elaine Smith; further that an Order be executed so stipulating. Motion carries unanimously.

10:15) Public hearing to consider an **Appeal** filed by Irwin Kringsman, et al of the Hearing Examiner's decision to grant subject to conditions the request for a **Critical Areas Variance (filed by Shaun & Alida Mullenix)** allowing for reduction of the wetland buffer from a Category III Wetland from 60 feet to a minimum of 25 feet and elimination of the building setback from said buffer and allowing elimination of the 15 foot building setback from a Type N stream. The proposed project is located in Central Kitsap, Commissioner District #3. **Staff Contact:** Karanne Gonzalez, 337-4993.

Commissioner Endresen gave the guidelines for the "closed record" appeal process.

Karanne Gonzalez, Department of Community Development, gave an overview of the proposed project.

Shaun Mullenix, Applicant, said the purchase of this property was done using every means possible to settle on a wise investment. He said he waived the feasibility study, as recommended by his agent, due to the understanding that the Building Site Application (BSA) was submitted and all other utilities were available as the listing presented. He said no disclosure of wetland was made or determined prior to the closing in January. The BSA was approved in the wetland area by the County Health Department and the submitted building permits included an approved revised BSA with the house in the wetlands. He said the neighbors have indicated that they were not given ample time to prepare their case prior to this hearing but they have been well aware of our plans to build since last February. Mullenix said strict application of the critical areas ordinance would eliminate the entire 1.21-acres as a building site. He said they have changed their site plans multiple times coming to an agreement that significantly diminishes the impact to the wetlands yet would meet their needs. Mullenix also said they can not afford to prolong building any further without having significant financial troubles. He said their delineation report identifies the property as mostly wetland and would therefore be hard pressed to sell it and get their money back. He said granting this variance would allow them to commence managing their land as a preserve and thus stewardship of the land would actually improve the critical

area. He said the Board's favorable response would be beneficial to all parties upon completion of the development.

Ryan Vancil, Attorney representing the Appellants, said this appeal is brought by the members of the Illahee Forest Preserve Citizen organization. Vancil said the subject property lies at the headwaters of the South Fork of Illahee Creek and this stream has a history of contamination problems. He said Illahee Creek has had failing fecal coli form levels in seven of the last nine years and the Citizens are concerned that this property which is primarily a wetland with a stream flowing through it, could contribute to the problem of fecal coli form contamination. He further states the following: the record does not support the Examiner's Findings that the project meets the county's variance criteria and even if one of the six criteria is not satisfied the variance must be denied; the mitigation plan required for this project has not been submitted or approved; the Examiner did not have sufficient evidence to determine that the variance would not result in substantial detrimental impacts; the county did not analyze hydrological conditions at the site and evidence was presented at the hearing concerning the deeply saturated level of the soils; the county should have analyzed the hydrological conditions of this site to determine a proper horizontal separation of the project's septic system from the wetland; the vertical separation of the project septic system from the seasonal high water mark was not sufficiently analyzed; the wetland report relied on by the county was inaccurate – the Examiner failed to consider evidence provided by the Citizens that the wetland delineation report (exhibit 4) contained errors; and the project is not the minimum necessary to accommodate the permitted use. Vancil said the Citizens were not able to adequately prepare for appeal hearing because information was missing from the project file and was not otherwise available. He request that the Commissioners overrule the Examiner's decision in this matter and deny the Variance.

Chair Angel closes the comment portion of the hearing and continues the matter for decision only on December 4, 2006.

10:25) Public hearing to consider adopting a **Resolution** to Vacate a 10-foot strip of undeveloped and unused right-of-way adjacent to Fairgrounds Road in Central Kitsap, Commissioner District #3. **Staff Contact:** Jim Roda, 337-3127.

The Board discloses that they know the owner of this property, Paul Pazooki, but did not believe this would bias their decision on this matter.

Robert McGinely, Public Works, gave an overview of the proposed vacation and staff's recommends approval.

Discussion is held, comments received and hearing no objection, a motion is made by Commission Lent and seconded by Commissioner Endresen that the Board adopts **Resolution No. 199-2006*** approving the vacation of a 10-foot strip of undeveloped and unused right-of-way adjacent to Fairgrounds Road in Central Kitsap, Commissioner District #3. Motion carries unanimously.

10:30) Public hearing to consider adopting a **Resolution** amending the 2005-2006 Biennial Budgets in the amount of \$1,476,141. **Staff Contact:** Arley Bright, 337-4787.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board adopts **Resolution No. 200-2006*** amending the 2005-2006 Biennial Budgets in the amount of \$1,476,141. Motion carries unanimously.

10:35) **Resolution** amending the contract with **McCormick Land Company** that addresses construction of the McCormick Village Park. **Staff Contact:** Jeff Rowe-Hornebaker, 337-4816.

Discussion is held, comments called for and hearing no objections, a **motion** is made by Chair Angel and seconded by Commissioner Lent that the Board adopts **Resolution No. 201-2006*** amending the contract agreement with McCormick Land Company regarding construction of the McCormick Village Park. Motion carries unanimously.

PUBLIC COMMENTS ON REMAINING AGENDA ITEMS ONLY:

(Please limit comments to 3 minutes or less. Written comments may also be submitted to the Board if 3 minutes is insufficient.)

CONSENT ITEMS AND OTHER BUSINESS:

Note: Unless otherwise noted, all expenditures for the remaining agenda items have been included in the 2006 Biennial Budget.

A. A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves the consent agenda. Motion carries unanimously.

1) MISCELLANEOUS ITEMS:

B. Approve Minutes of November 1 and 6, 2006.

C. Approve Warrant Nos. 3265266 – 3256332 in the amount of \$524,350.11.

D. Approve Payroll Warrant Nos.

E. Refer the following to the Prosecutor's Office and Risk Management: 1) Claim for Damages filed by Brynan Slezak; 2) Claim for Damages filed by Christian Aase; 3) Claim for Damages filed by Patience Ecklund; 4) Claim for Damages filed by Mary Duvall; 5) Claim for Damages filed by Rose Oesterle; 6) Claim for Damages filed by Katleen Pyne; 7) Claim for Damages filed by Robert Spence; 8) Claim for Damages filed by Daniel K. Miller; and 9) Claim for Damages filed by Veda H. Richardson.

2) DEPARTMENT OF ADMINISTRATIVE SERVICES:

A. A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves the contract with **Emmanuel Q. Lacsina, MD (KC-441-06)**

for administering autopsies and inspection services for the Coroner's Office for the period of January 1, 2007 through December 31, 2007. **Fiscal Impact:** \$192,600 to be paid by the Coroner's Office. **Staff Contact:** Greg Sandstrom, 337-7077. Motion carries unanimously.

3) DEPARTMENT OF EMERGENCY MANAGEMENT:

- A. A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves the contract with **WA State Military Dept and Dept of Homeland Security (KC-440-06)** to provide funds for enhancing the capability of state and local government units to prevent, respond to, and recover from incidents of terrorism. **Fiscal Impact:** \$567,671 is 100% grant funded. **Staff Contact:** Phylis Mann, 307-5870. Motion carries unanimously.

4) AUDITOR' S OFFICE:

- A. A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board adopts **Resolution No. 202*** establishing the Superior Court-Drug Court Cost Center in the General Fund for programs funded by Federal and State grants and substance abuse service fees. **Staff Contact:** Lillian Shierk, 337-4909. Motion carries unanimously.

5) DEPARTMENT OF CENTRAL COMMUNICATIONS:

- A. A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves the contract amendment with **Intergraph (KC-148-03E)** for upgrades to the CENCOM's Computer Aided Dispatch System and Dept of Information Services/Sheriff's Dept Regional Records Management System. **Fiscal Impact:** \$75,000 to be paid from CenCom Operations Fund. **Staff Contact:** Ron McAfee, 307-5810. Motion carries unanimously.

6) DEPARTMENT OF PUBLIC WORKS:

- A. Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Lent and seconded by Commissioner Endresen that the Board approves the petition for the sale of tax title land filed by **Elaine Smith** located in the Manchester area (Section 21, Township 24 North, Range 2 East, W.M.) in South Kitsap Commissioner District #2. **Fiscal Impact:** \$670 to be paid by the Petitioner. **Staff Contact:** Molly Foster, 337-3686. Motion carries unanimously.
- B. Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Lent and seconded by Commissioner Endresen that the Board approves the petition for the sale of tax title land filed by **Elaine Smith** located in the Manchester area (Section 21, Township 24 North, Range 2 East, W.M.) in South Kitsap Commissioner District #2. **Fiscal Impact:** \$715 to be paid by the Petitioner. **Staff Contact:** Molly Foster, 337-3686. Motion carries unanimously.

C. A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves the contract amendment with **Parametrix (KC-237-04A)** extending contract end date to June 30, 2007 for improvements to the Miller Bay Road traffic signal design in North Kitsap Commissioner District #1. **Fiscal Impact:** \$52,069 to be paid from the Road Fund. **Staff Contact:** Dick Dadisman, 337-3556. Motion carries unanimously.

D. A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves the interlocal agreement amendment with the **Port of Bremerton (KC-424-05A)** for the South Kitsap Industrial Area (SKIA) Access Study in South Kitsap Commissioner District #2. **Fiscal Impact:** \$51,250 to be paid from the Road Transportation Fund. **Staff Contact:** Greg Cioc, 377-4660. Motion carries unanimously.

7) DEPARTMENT OF PERSONNEL AND HUMAN SERVICES:

A. A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board adopts **Resolution No. 203-2006*** reclassifying a division manager position in the Department of Community Development. **Fiscal Impact:** \$1,930 including salary and associated benefit costs in 2006. **Staff Contact:** Lynn Flanig, 337-3536. Motion carries unanimously.

8) PROSECUTOR'S OFFICE:

A. A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves the final settlement agreement and release of claims between Dawn Brighton and Kitsap County. **Staff Contact:** Ione George, 337-4992. Motion carries unanimously.

9) DEPARTMENT OF COMMUNITY DEVELOPMENT:

A. A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves the contract with **WA State Dept of Fish & Wildlife (KC-337-01F)** for additional grant monies for the Salmon Recovery and Restoration project through June 30, 2007. **Fiscal Impact:** \$65,000 is grant funded. **Staff Contact:** Kathleen Peters, 337-4679. Motion carries unanimously.

B. A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves the contract amendment with **Buck and Gordon LLC (KC-387-05B)** for Phase II of the Kitsap County Code development. **Fiscal Impact:** \$75,000 to be paid from the General Fund. **Staff Contact:** Eric Baker, 337-4495.

10) BOARD OF COUNTY COMMISSIONERS:

A. Discussion is held, comments received and hearing no objection, a **motion** is made by Chair Angel and seconded by Commissioner Lent that the Board adopts

Resolution No. 204-2006* appointing **Joseph Drouin** and reappointing **Doug Dillon, Ken Kramer and John Chittenden** to the *Kitsap County Fair Board*. **Staff Contact:** Jan Koske, 337-4650. Motion carries unanimously.

- B. Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board adopts **Resolution No. 205-2006*** reappointing **Althea Paulson** to the *Kitsap Regional Library Board of Trustees (District #1)*. **Staff Contact:** Jan Koske, 337-4650. Motion carries unanimously.
- C. Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board adopts **Resolution No. 206-2006*** appointing **James Heins** to the *Public Facilities District Board of Directors (District #1)*. **Staff Contact:** Jan Koske, 337-4650. Motion carries unanimously.
- D. Discussion is held, comments received and hearing no objection, a **motion** is made by Chair Angel and seconded by Commissioner Lent that the Board adopts **Resolution** appointing **Ken Vander Does** (Dist #3), **Mallory Jackson** (Dist #2) and **Susan Buster Thomas** (Dist #1) to the *Art Advisory Board*. **Staff Contact:** Jan Koske, 337-4650. Motion carries unanimously.
- E. A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board adopts **Resolution** increasing the vehicle allowance from \$400 to \$500 per month paid to the Board of County Commissioners in lieu of mileage reimbursement. **Fiscal Impact:** \$18,000 per year paid from the General Fund. **Staff Contact:** Carolyn Siems, 337-4412. Motion carries unanimously.
- F. Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves the employment contract with **Larry Keeton (KC-471-06)** to serve as Director of the Department of Community Development beginning November 27, 2006 through November 27, 2009. **Fiscal Impact:** \$101,733 plus benefits (first year) to be paid from the General Fund. **Staff Contact:** Cris Gears, 337-5361. Motion carries unanimously.
- G. A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves the employment contract amendment with **Cris Gears (KC-105-05B)** amending Section 3.d. (3) and clarifying termination language in Section 8.a. **Fiscal Impact:** No additional expense. **Staff Contact:** Bert Furuta, 337-7185. Motion carries unanimously.
- H. A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves the employment contract amendment with **Bud Harris (KC-045-05A)** amending Section 3.d. (3), clarifying termination language in Section 8.a. and adding a new sentence in Section 3.a. **Fiscal Impact:** \$1,328

additional in 2006 will be paid from the General Fund. **Staff Contact:** Cris Gears, 337-5361. Motion carries unanimously.

- I. A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves the employment contract with **Randy Casteel (KC-460-06)** to serve as Director of the Department of Public Works beginning November 27, 2006 through November 27, 2009. **Fiscal Impact:** No additional expense. **Staff Contact:** Cris Gears, 337-5361. Motion carries unanimously.
- J. A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves the employment contract with **Ben Holland (KC-461-06)** to serve as Director of the Department of Administrative Services beginning November 27, 2006 through November 27, 2009. **Fiscal Impact:** \$1,328 additional in 2006 will be paid from the General Fund. **Staff Contact:** Cris Gears, 337-5361. Motion carries unanimously.
- K. A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves the employment contract with **Jeff Rowe-Hornbaker (KC-459-06)** to serve as Assistant Director of the Department of Community Development beginning November 27, 2006 and indefinite in duration. **Fiscal Impact:** No additional expense. **Staff Contact:** Cris Gears, 337-5361. Motion carries unanimously.
- L. A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves the employment contract with **James Bolger (KC-458-06)** to serve as Assistant Director of the Department of Community Development beginning November 27, 2006 and indefinite in duration. **Fiscal Impact:** No additional expense. **Staff Contact:** Cris Gears, 337-5361. Motion carries unanimously.
- M. Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Lent and seconded by Commissioner Endresen that the Board adopts **Resolution No.209-2006*** honoring Pierce County Fire Prevention Bureau for investigative services performed for the Kitsap County Fire Marshall's office in 2006. **Staff Contact:** Dave Lynam, 337-4691. Motion carries unanimously.
- N. Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Lent and seconded by Commissioner Endresen that the Board adopts **Resolution No. 210-2006*** proclaiming December 1, 2006 as *World Aids Day* in Kitsap County. **Staff Contact:** Joyce Figueroa de Raschke, 337-4667. Motion carries unanimously.

- 11) **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD:**
(Please limit comments to **3 - 5 minutes**. Written comments may also be submitted to the Board if this timeframe is insufficient.)

A. Leslie Hussett addresses the Board with concerns about the Woods View Development that is being constructed on Woods Road in South Kitsap.

12) COUNTY ADMINISTRATOR’S COMMENTS:

A. Cris Gears notes that the 2020 Economic Development workshop has been rescheduled to the Norm Dicks Government Center in Bremerton. He also asked that the Board convene to a brief executive session at 12:00 p.m. for approximately 10 minutes to discuss potential litigation matters and action is not anticipated to be taken.

13) BOARD OF COMMISSIONER’S COMMENTS:

A. Commissioner Endresen said she attended/participated in or will be attending the following: Art Opening for the New Administration Building and the National Housing Authority Finance Conference in New Orleans.

B. Commissioner Lent said she attended/participated in or will be attending the following: Health of Puget Sound Committee meeting, Puget Sound Regional Council and annual leave trip to Mexico.

C. Chair Angel said she attended/participated in or will be attending the following: Congratulated the South Kitsap High School Marching Band on receiving first place in the Seattle Thanksgiving Day Parade and highlights of annual leave trip to Phoenix, AZ.

Public meeting adjourned at 11:50 a.m.

**BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY WASHINGTON**

JAN ANGEL, CHAIR

CHRIS ENDRESEN, COMMISSIONER

PATTY LENT, COMMISSIONER

ATTEST:

OPAL ROBERTSON
Clerk of the Board

DATE APPROVED

* See Resolution Journal Volume No. 61

** See Ordinance Journal Volume No. 15

OTHER MEETINGS ATTENDED BY THE BOARD:

11/27/06	1:00 PM 5:00 PM	KRCC Economic Dev Steering Committee (Island Lake Ctr) Port of Bremerton Reception (Island Lake Center)
11/28/06	9:00 AM	KRCC Economic Dev Steering Committee (Long Lake Ctr)
11/29/06	8:30 AM 11:30 PM	Work Study - Board's Conference Room Executive Session (Re: potential litigation)

(The Board of County Commissioners public meetings are televised on public access television BKAT (ComCast Ch.12 and Wave Broadband Ch. 3) Mondays at 7:00 PM and Tuesdays at 11:00 AM and 1:00 AM).

Next regular Board of Commissioners public meeting will be held **December 4, 2006**.

NOTE: Kitsap County does not discriminate on the basis of disability. Individuals who require accommodations should contact the Commissioners Office at (360) 337-7146 or TDD (360) 337-7275 or 1-800-816-2782. (Please provide five business days notice for interpreter services).

UPCOMING TIMED AGENDA ITEMS:

(PLEASE NOTE: These dates and times are tentative and subject to change)

December 4, 2006:

10:00) Public hearing to consider testimony on the matter of adopting the Preliminary 2007 Kitsap County Budget. **Staff Contact:** Arley Bright, 337-4787.

10:00) Public hearing to consider enacting **Ordinances** implementing amendments to the Kitsap County Comprehensive Plan that include Volume I: Plan and Policy Document, Volume II: Final Environmental Impact Statement and development regulations resulting from the **Kitsap County 10-Year Comprehensive Plan Update process**. Staff Contact: Eric Baker, 337-4495.

10:10) Public hearing to consider an **Appeal** filed by **McCormick Land Company/GEM I LLC** of the Hearing Examiner's decision to approve subject to conditions the applicant's request to subdivide approximately 51.45 acres of land into 185 residential lots within the McCormick Urban Village located on the northwest side of Old Feigley Road at its intersection with Hudson

Drive in South Kitsap, Commissioner District #2. **(Note: SAID MATTER FOR DECISION ONLY)**. Staff Contact: Merita Trohimovich, 337-3674.