

COMMISSIONERS RECORD 48
FRANKLIN COUNTY
Commissioners' Proceeding for December 19, 2007

The Honorable Board of Franklin County Commissioners met on the above date. Present for the meeting were Bob Koch, Chairman; Neva J. Corkrum, Chair Pro Tem; and Rick Miller, Member; Fred Bowen, County Administrator; and Mary Withers, Clerk to the Board.

OFFICE BUSINESS

Secretary Patricia Shults met with the Board. Present in audience: Chris Giles.

Consent Agenda

Motion – Mrs. Corkrum: I move for approval of the consent agenda for December 19, 2007, as listed:

1. Approval of **joint Resolution 2007-659** in the matter of the request for signature from the Chairman of the Boards of Benton and Franklin County Commissioners on the Personal Services Contract between the Juvenile Justice Center and Knowledge Counseling, terminating June 30, 2008. (Exhibit 1: Information sheet.)
2. Approval to award a Certificate of Appreciation to Bill Fredrickson for dedicated service as Coordinator of the Franklin County Noxious Weed Control Board, November 10, 1986, through January 2, 2008. (Exhibit 2)
3. Approval of **Resolution 2007-660** for the Franklin County Correctional Center Agreement for Medical Services with Ginger Emigh / Son Shine Medical Services, effective January 1, 2008, through December 31, 2008.
4. Approval of **Resolution 2007-661** authorizing the Franklin County Treasurer's Office to lease a Canon IR3030 copier from IKON Office Solutions as identified on the Product Schedule and authorizing the Chairman to sign said lease and Equipment Removal or Buyout Authorization form on behalf of the Board.
5. Approval of **Resolution 2007-662** raising the mileage rate for travel to \$.505 cents per mile effective January 1, 2008. (Exhibit 3)
6. Approval to cast an affirmative vote and authorizing the Chairman to sign to re-appoint Ed Kinion to the position as General Contractor on the Mid-Columbia Building Appeals Commission, for a five-year term expiring December 31, 2012. (Exhibit 4)

Deleted: replacing Franklin County's

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7. Approval of **joint Resolution 2007-663** in the matter of procuring capital equipment (work crew van) for the Benton Franklin Juvenile Justice Center. (Exhibit 5: Information sheet.)

Second by Mr. Miller. 3:0 vote in favor.

Vouchers/Warrants

Motion – Mr. Miller: I move for approval of payment of the following vouchers/warrants: Current Expense warrants 60681 through 60718 for \$75,847.80; Current Expense warrants 60719 through 60734 for \$21,661.98; Current Expense warrants 60735 through 60748 for \$6,130.51; FC RV Facility warrants 402 through 407 for \$13,431.74; Law Library warrants 1053 and 1054 for \$572.50; DOC Building Inspection warrant 53 for \$20.42; FC Enhanced 911 warrants 1275 and 1276 for \$49,581.10; Boating Safety warrant 413 for \$67.43; Veteran's Assistance warrants 1368 and 1369 for \$280.00; Auditor O&M warrant 453 for \$1,250.00; Clerk LFO warrant 27 for \$100.00; Election Equipment warrants 451 through 454 for \$7,206.32; Current Expense warrant 60749 for \$10,000.00; Landfill Closure Trust warrant 12 for \$1,600.03; and FC Capital Projects warrant 345 for \$16,921.31; for a total amount of \$187,749.75. Second by Mrs. Corkrum. 3:0 vote in favor. (Exhibit 6)

WSU EXTENSION OFFICE

WSU Extension Director Kay Hendrickson and Facilities Director Christopher Giles met with the Board.

Classroom Space

Ms. Hendrickson said she sees no alternative except for her and Extension Agent Lauri Sherfey to move downstairs and increase the size of the classroom upstairs. Mrs. Corkrum thinks the classroom could be downstairs because no day care provider can provide the services if they are handicapped and unable to use stairs. Mr. Bowen does not see a problem with having the classroom downstairs on a temporary basis.

Mr. Giles said because there are so many computers, we will have to run power to the room. The best source for power is where the computers are located upstairs right

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now. He believes the power can be run down through the ceiling but he will have to investigate.

The Board decided to put the classroom in the basement temporarily. The classes are in session for fewer hours during a week (three hours three times a week) than the staff in WSU Extension.

Mr. Miller asked about the cost for adding electricity. Mr. Giles expects the cost to be about \$5000 for adding electricity and drywall.

Mr. Koch would like to consider moving the materials that are stored out of the basement and find out about the cost of storage in a facility on Burden Boulevard.

Mr. Koch wants to make sure the people who use the downstairs are trained that there is another exit.

Mr. Miller asked if there are other uses for the basement area down the road, thinking about the cost of installing the electricity. Mr. Bowen said yes, it has always been intended to remain as a county facility. There are numerous possible uses, including a training area.

PROSECUTOR

Chief Civil Deputy Prosecutor Ryan Verhulp met with the Board.

Indigent Defense Coordinator role

Mr. Verhulp said he has not been advised about the duties of the Indigent Defense Coordinator position and what that person's role is in terms of review, signing and approval as to form of indigent defense contracts. He said the Board prior to hiring an indigent defense coordinator had appointed Attorney Tim Klashke for that role. He just wanted to clarify. He will be able to inform Tim Klashke as well.

Mrs. Corkrum said from her perspective that was the intent, that if we're going to hire someone to oversee the defense panel and monitor their contracts that we wouldn't need Tim Klashke and the expense. Mr. Bowen said that's the way he has understood it also and how Benton County has understood it.

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Mrs. Corkrum asked Mr. Verhulp if the indigent defense coordinator needs to be appointed as a special prosecutor by the Prosecutor. Mr. Verhulp does not know. He does not think it is essential since a position has been created for the task.

Mrs. Corkrum said we're using the monies we get from the state to support the Indigent Defense Coordinator budget. Mr. Bowen said the only Current Expense money that may have to go into the position is to finish off this year.

Road 48 Soccer Field

Mr. Verhulp has been working with the attorney for the Pasco School District to prepare an agreement about sharing the costs of an appraisal of the soccer field on Road 48. The agreement will be completed soon. Mr. Bowen said he received a letter that the city intended to share the costs so he has ordered the appraisal.

Recessed at 9:44 am.

Reconvened at 9:49 am.

STAIRCASE RAILING

The Board asked Mr. Bowen to find out about the availability of skid tape or some other product for the circular staircase. Mr. Bowen has returned the bids for the railing because of the cost being too high. He has notified the bidders that the Small Works roster will be used for the work and they can apply to do the work through that process.

Recessed at 9:51 am.

Reconvened at 9:58 am.

EXTENSION OFFICE

Kay Hendrickson spoke with the Board by speaker phone. She has been notified that some of the class participants will not be able to use stairs. She explained where WSU Extension staff people would be located if they move to the basement so there is space for a classroom upstairs. The Board **gave approval** to proceed with the plans.

PUBLIC WORKS

Engineer Tim Fife met with the Board.

Resolution: Agreement to Purchase and Sell Real Estate (Public Works shop in Connell)

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Motion – Mrs. Corkrum: I move we agree to purchase Franklin County Public Works Shop between Franklin County and the City of Connell in the amount of \$246,369.50 payable in cash at closing. Second by Mr. Miller. 3:0 vote in favor. This is Resolution 2007-664.

Resolution: In the matter of 2008 Annual Construction and Major Equipment Purchases

Motion – Mr. Miller: Mr. Chairman, I move for approval of Resolution 2007-665 in the matter of 2008 Annual Construction and Major Equipment Purchases. Second by Mrs. Corkrum. 3:0 vote in favor.

Mr. Fife told the Board about some of the major equipment purchases for 2008. Mr. Miller asked if approving the budget approves the purchase of the vehicles. Mr. Fife said the Board will look at the purchases of vehicles prior to them being purchased. He will bring in an annual plan for the Board to adopt once the budget is adopted.

Resolution: Assignment and Consent between Premiere Partners III Limited Partnership and Premiere Farm Properties, LLC

Mr. Fife said a condition in the 1970s was that the Commissioners approve road crossings. He said we don't do that any more; now that duty is assigned to the engineer. In this case, the original assignment was done by the Board so he is asking for Board approval at this time.

Motion – Mrs. Corkrum: I move we approve the Assignment and Consent between Premiere Partners III Limited Partnership and Premiere Farm Properties, LLC, as stated. Second by Mr. Miller. 3:0 vote in favor. This is Resolution 2007-666.

Resolution: CRP 500/East Foster Wells Road Extension Phase II, Supplemental Agreement #8 between Franklin County and J-U-B Engineers

Mr. Fife said the supplemental agreement extends the completion date to correspond with the state for providing services regarding acquisition of right-of-way.

Motion – Mr. Miller: I move that we sign Resolution 2007-667, CRP 500/East Foster Wells Road Extension Phase II, Supplemental Agreement #8, between Franklin County and J-U-B Engineers. Second by Mrs. Corkrum. 3:0 vote in favor.

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Invitation to Bid: CRP 592/2006 Gravel Road Paving Upgrades Group III – Crestloch Road, Cypress Drive, Fir Road and Everett Road

Motion – Mr. Miller: I move that we sign the invitation to bid for CRP 592/2006 Gravel Road Paving Upgrades Group III – Crestloch Road, Cypress Drive, Fir Road and Everett Road, on Wednesday, January 16, 2008, at 10:45 am at the Franklin County Courthouse, Pasco, Washington. Second by Mrs. Corkrum. 3:0 vote in favor. (Exhibit 7)

Invitation to Bid: CRP 596/R-170 Landslide Area, Phase I – Canal Relocation

Motion – Mr. Miller: Mr. Chairman, I move we accept Invitation to Bid for CRP 596/R-170 Landslide Area, Phase I – Canal Relocation. The date will be at Franklin County Courthouse on January 9, 2008, at 11:00 am. Second by Mrs. Corkrum. 3:0 vote in favor. (Exhibit 8)

Mr. Fife said we will probably attempt to award the bid the same day as the opening. The idea is to get the work done before the irrigation water comes back on.

Recessed at 10:20 am.

Reconvened at 10:30 am.

AUDITOR

Chief Accountant Tom Westerman met with the Board.

Public Hearing: (continued from December 5, 2007) Adoption of 2008 Budget

Public Hearing convened at 10:31 am. Present: Commissioners Koch, Corkrum and Miller; County Administrator Fred Bowen; Chief Accountant Tom Westerman; and Clerk to the Board Mary Withers. Present in audience: Jerrod MacPherson; Jeremy Underwood; Greg Wendt; Becky Mulkey; and Rosie H. Rumsey.

Mr. Westerman gave the Board a list of 2008 Budget Highlights (Exhibit 9). He reviewed the information on the sheet.

The property taxes base increase is 1% but also includes new construction so the percentage increase shown on the sheet is 3.4%.

Mr. Koch said the audience includes only county staff. He asked if anyone in the audience would like to speak for or against the budget. There was no response.

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Motion – Mrs. Corkrum: I move for approval of adoption of Franklin County's 2008 Current Expense Budget in the amount of \$23,118,205 for the revenue and expenditures. Second by Mr. Miller. 3:0 vote in favor. This is Resolution 2007-657.

Motion – Mrs. Corkrum: I move for adoption of the Franklin County 2008 Miscellaneous Budgets in the amount of \$35,430,203 for the revenue and \$35,300,636 for the expenditures. Second by Mr. Miller. 3:0 vote in favor. This is Resolution 2007-658.

COUNTY ADMINISTRATOR

County Administrator Fred Bowen met with the Board.

2008 Health District Budget

Motion – Mr. Miller: I move that we approve the 2008 Benton-Franklin District Health Department Budget, with revenues and expenditures each in the amount of \$9,633,471. Second by Mrs. Corkrum. 3:0 vote in favor. This is Resolution 2007-668.

PLANNING AND BUILDING DEPARTMENT

Planning Director Jerrod MacPherson, Assistant Director Greg Wendt and Planner Jeremy Underwood met with the Board.

Closed Record Public Hearing: To consider an appeal of the Planning Commission recommendation of approval for an application by Travis Thomasson (Thomasson Double T Dairy) for Conditional Use Permit CUP 2007-11 to expand an existing dairy facility.

Closed Record Public Hearing convened at 10:52 am. Present: Commissioners Koch, Corkrum and Miller; County Administrator Fred Bowen; Planning Director Jerrod MacPherson; Assistant Director Greg Wendt; Planner Jeremy Underwood; and Clerk to the Board Mary Withers. Present in audience: Eighteen people, including: Kim and Susan Pauley, Jed and Alyssa Pauley, Ryan Verhulp, Robert and Betty Perkes and two men with them, Ken Blocker, Stuart A. Turner, Cathy Thomasson, Sasha Thomasson, Tim Thomasson and Travis Thomasson and three children. (Exhibit 10: Sign-in sheet.)

Mr. Koch read the rules of the Closed Record Public Hearing from the Action Summary (Exhibit 11).

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Mr. Wendt reviewed the Background Information, Summary, and Findings of Fact on the Action Summary. Mr. MacPherson showed a copy of the 2000 aerial photograph with proposed dairy site as a parcel overlay on the screen. He then showed a blowup version of the same piece of property on the screen. He showed another aerial photograph. He returned to the second version to point out the manure pit.

He showed the nutrient management plan map. The nutrient management plan was approved in October 2007. He said the nutrient management plan requires a two-tier tree buffer. There is a 200-foot buffer where low-level application will occur, not to be done by sprinklers. Another area is a reduction zone. If the applicant is going to use the big guns for application, they have to have reduced pressure so the droplet size increases and it decreases the ability of the product to mist and travel off of the property. He pointed out the property boundaries and canals, which are identified as a 20-foot zone that does not allow any sprinklers whatsoever.

Mr. Wendt reviewed the 19 Conditions of Approval that were approved by the Planning Commission.

Mr. Koch asked the appellant or representative to address the Board.

Kim Pauley resides at 1510 Juniper Road. He read from a statement. He said we are appealing because the application does not adequately address the air pollution, water pollution and unsanitary practices. He expressed concerns about flies and odor, air quality, human health, hazardous waste, gases and unsanitary conditions. He is concerned about the quality of life for breathing clean air, drinking water, and enjoying the outside areas of our property. He is concerned about the nutrient management plan allowing Travis Thomasson to handle it at his own discretion. He is concerned ultimately about the value of his property. He talked about nuisance factors that will affect our health. He feels the proposal is not in harmony and is not compatible with the existing character of the vicinity. He said the county's comprehensive plan states cottage industries should be encouraged in rural areas including tourism. He said the Betty B. Perkes Adult Family Home was established in 1990 and continues to operate and will continue to operate in the future. It is mandated by the state to have sanitary conditions

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for its clients. He listed some compatible farm uses. He stated he feels the proposal for the CUP is for an intensive agricultural operation that would involve concentrated animal feeding operations and that would require siting criteria and setbacks. He feels it should be placed on the least productive land and it should not adversely impact and interfere with neighboring farming operations.

He referred to the county's comprehensive plan regarding property rights. He feels the goals of the plan are not designed to protect human health or prevent human contamination. The latent effect is that no one is protecting the health or quality of life of neighbors living nearby.

He said 2007-11 will endanger public health and safety if it is located and developed where proposed.

He does not feel the dairy's farm practices are consistent with best management practices. He gave some examples. One example was about a whole animal carcass which he feels in combination with other pathogens is affecting human health and will restrict the growing of root crops on this soil for three years. A second example is the aerial application two to three times per year of 1.5 million gallons of liquid manure.

He talked about manure applications, which are allowed any time during the year. They are at the discretion of Travis Thomasson. He said at this point manure nutrients are being treated as sewage storage on fields.

Finally, the last example is of the storage condition of dry manure storage piles. These piles breed flies, mice, rats and other hosts that carry diseases. The breakdown of manure by bacteria generates heat so that living conditions for vermin and flies can reproduce year-round. When dry manure is hauled to other sites, county roads are covered with manure piles that are never cleaned from the roadway. Mr. Pauley said the Benton-Franklin County Health Department does not have legislative authority to control health hazards or control the spread of disease created by concentrated animal feeding operations as long as they are in compliance with the nutrient management plan.

Fly and odor ordinance guidelines are not being enforced to the siting criteria of an expanding operation with a predominant wind direction towards the nearest neighbors.

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An isolated location with predominant wind away from neighbors would support expansion. The Fly odor ordinances advise sometimes it is better to abandon the site and invest in remodeling or expansion money in new facilities at a better location.

Mr. Pauley said the Thomasson Double T Dairy has made us ill since 2004 with their illegal contamination of gases, pathogens, and particulate matter. We are asking that the CUP permit be denied based on past management practices and lack of enforced siting criteria recommended by both the Comprehensive Growth Management Plan and the fly and odor ordinance. At the current Thomasson location, the best available technologies which are very expensive should be required as a minimum to protect our health, our property values, and restore our ability to enjoy our property. It would be a lose, lose, lose situation if this CUP is granted. We will lose because the increased dairy population will increase our health issues, destroy our enjoyment of our property and decrease our property values. However, time is on our side because studies prove that concentrated animal feeding operations are a health hazard and legislation protecting human health will follow. Thomassons will lose because the laws are changing towards human health. Odorous emissions will be considered a health violation as much as other hazardous contaminants. Their location is too close to neighbors and to make it more troublesome –

Mr. Koch said there is about 30 seconds to wrap up.

Mr. Pauley said the predominant wind is towards neighbors' homes. They will be forced to reduce emissions or pay huge fines. Masking odors and hazardous emissions will not be accepted. The county will lose because more dairy operations will not pay close attention to fly and odor siting criteria. Quality of life dictated by health issues will decrease property values which in turn will affect the stable tax base of Franklin County.

Mr. Pauley referred to an Iowa concentrated animal feeding study.

He said the right to farm has become the right to harm.

Mr. Koch asked a representative for the opponent to speak for up to 10 minutes.

Sasha Thomasson spoke. I want to stress we stand behind our record. The complaints made against us have been made primarily made by one family. Those have

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been investigated by agencies. We have been found to be in compliance. I have three beautiful children, noisy children. Not only am I a mom but I am a registered nurse. I would not raise my children and family in an environment that I felt was unhealthy or harmful to my family or others.

There is one issue from the approved CUP that we wanted to voice our concerns about, #18, that any application of solid manure should be mechanically incorporated within 72 hours or less. It does create unforeseen problems for us. This limits the time period for application. It is more beneficial for us to plant a fall crop as opposed to a spring crop. We apply our manure in the winter and incorporation at that time would damage our crop. This limits our ability to utilize manure and fertilizer on the fields. Our agronomist is here today and can elaborate if you would like. We ask that you consider modifying the consideration on #18 to not apply during November 1 through March 30 when odor and flies are not an issue.

We are a family farm. My husband is a second-generation farmer. She said we believe that in order to be more efficient it is important to be able to expand the family business.

She said I want to say again it's not the number of complaints, it's whether they have any merit. We are found to be in compliance with county, state and federal regulations. She named agencies they have worked closely with regarding manure application. We have been and are willing to continue to work towards mitigating these issues. We have worked with a fly specialist, odor control, Department of Agriculture and Department of Ecology. One example of our willingness to help is currently we're putting up a tree buffer between our properties at a great expense to us. We have a proven record of compliance. I feel that without this permit our growth will be limited. We ask you to support our family's future.

Mr. Koch asked if the Board has any questions.

Mr. Miller asked on Condition of Approval #17, what made the fact to be 700 milking cows is where the end gun would shut off? Mr. MacPherson said it was a number that the Planning Commission came up with.

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Mr. Miller said if he heard it right from the applicant regarding Condition of Approval #18, you are asking not to have to disk the manure in from November 1 to March 1 when flies are not active. You would still spread manure but not disk it because you are planting a fall crop? A man in the audience said, "Correct."

Mrs. Corkrum asked in regard to the family that is opposing this CUP, have you had your well water tested? Susan Pauley said Randy Perkes has. He has the closest well to the application site and he showed increased nitrates. Mr. Miller asked do you have a number? Susan Pauley said she can get that. She said the number had gone up from an earlier test. Mr. Koch said the only problem is the whole area has high nitrates so without having some checks and balances –

Mrs. Corkrum said she was really asking if there are any other contaminants other than nitrates. She said the nitrates are high everywhere in four counties (Lincoln, Adams, Grant and Franklin). Susan Pauley said she doesn't believe that was done.

Mr. Koch said his questions have already been asked.

Mrs. Corkrum said on item 18, it's my understanding that on a closed record hearing we cannot amend anything. Mr. MacPherson said on a closed record hearing, you can do as you wish. You can approve, deny or modify in any fashion. Under a public meeting you cannot; you have to go to a closed record public hearing.

Mrs. Corkrum asked Mr. MacPherson to explain #18. Mr. Wendt said the Planning Commission felt pretty strongly about it, that they wanted to see manure application disked in.

Mr. Miller asked the Thomassons, if you had to disk it in and could not plant a fall crop, it just stays idle? A man responded, "Yes, exactly." Mr. Miller asked can you grow a crop? The same man said, "Yes. It can seal off the ground. You cannot put it on too thick but by incorporating it we will damage that crop." He said that creates a smaller window for us to apply on the fields. By storing it we would have only a two- or three-week window. If it is on the fields during the winter when most of us are inside anyhow, there are no flies, and odors aren't as severe, and then we can incorporate it in the spring

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or fall, whenever we're going to put our crops in, rather than trying to incorporate it a little bit at a time.

Mrs. Corkrum said she has no further questions.

Motion – Mr. Miller: Mr. Chairman, I move that we deny the appeal request and re-affirm the Planning Commission's positive recommendation and approve Conditional Use Permit Application CUP 2007-11, subject to the six findings of fact and 19 conditions of approval, amending Condition #18 to not require incorporation from November 1 to March 30 . Second by Mrs. Corkrum. 3:0 vote in favor. This is Resolution 2007-669.

Recessed at 11:26 am.

Reconvened at 11:30 am.

NATIONAL GUARD and RESERVE

Jim Rabideau met with the Board. Present in audience: Carrie Huie-Pascua.

Statement of Support

Mr. Rabideau met with the Board as chair of the East Central Area of Eastern Washington of ESGR for support of the National Guard and Reserve.

Mr. Rabideau read from the proposed document so the Board will know what the county's responsibilities are in the event of a National Guard and Reserve mobilization.

He presented the certificate to Mr. Koch.

Motion – Mrs. Corkrum: I move that we recognize the National Guard and Reserve, that they are essential to the strength of our nation and well-being of our communities. This is a statement of support for the Guard and Reserve of Franklin County. I move we authorize Chairman Koch to sign said document. Second by Mr. Miller. 3:0 vote in favor. (Exhibit 12)

HUMAN SERVICES (HS)

HS Director Carrie Huie-Pascua met with the Board.

Executive Session at 11:43 am based on RCW 42.30.110(1)(f) to evaluate a complaint against public officer, expected to last 10 minutes.

Executive Session continued at 11:53 am expected to last 10 minutes.

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Open Session at 12:05 pm.

Adjourned at 12:07 pm.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until December 31, 2007.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

Attest:

Clerk to the Board

Approved and signed December 31, 2007.