

COMMISSIONERS RECORD 49  
FRANKLIN COUNTY  
Commissioners' Proceeding for February 26, 2008

The Honorable Board of Franklin County Commissioners met on the above date, continuing their meeting from February 25, 2008. Present for the meeting were Bob Koch, Chairman; Rick Miller, Chair Pro Tem; and Neva J. Corkrum, Member; Fred Bowen, County Administrator; and Mary Withers, Clerk to the Board.

### **HUMAN RESOURCES**

Benton County Human Resources Director Melina Wenner and Franklin County Human Resources Director Rosie H. Rumsey met with the Board. Present in audience: Travis Marden and Chris Ells.

#### Public Records Request

Ms. Wenner has received a request for a copy of the policies and procedures for Human Services employees. She is asking for Board concurrence that the policies are correct. Mrs. Corkrum said she thinks the Human Services policies follow the Benton County personnel policy. The Board reviewed the packet information.

Tri-City Herald Reporter Joe Chapman joined the audience.

The Board gave **consensus approval** to allow Ms. Rumsey to sign a letter of transmittal on behalf of Franklin County.

### **PUBLIC WORKS**

Engineer Tim Fife, Design Engineer Matt Mahoney and J-U-B Engineers Travis Marden and Chris Ells met with the Board. Present in audience: Tri-City Herald Reporter Joe Chapman.

Acceptance of Chardonnay Drive, Riesling Court, and a portion of Merlot Road and declaring them county roads

**Motion** – Mrs. Corkrum: I move for approval of acceptance of Chardonnay Drive, Riesling Court and a portion of Merlot Drive as shown in the plat of Fox Hollow and declaring them county roads. Second by Mr. Miller. This is Resolution 2008-084.

#### Road 100/Dent Road Extension Presentation

Mr. Fife introduced Travis Marden and Chris Ells. Mr. Marden said Mr. Ells did most of the recent contacts with property owners. Mr. Fife said we're going to give you an update on the Road 100 project and some of the issues that could surface.

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Mr. Marden gave a project summary with a brief overview of the project and some current issues regarding impacts to property owners. Drawings of four alignment routes were shown on the screen and given to the Board along with a packet (Exhibit 1).

The first issue relates to property owned by Shirley Mauseth which is farmed by Lee Eickmeyer. The property owner preferred the route being located west and straightened and relocation of a pumping station. We're working on getting approval from the irrigation district.

Mrs. Corkrum asked would that interrupt the funding? Mr. Fife said it would not be a significant impact.

Mrs. Corkrum said it looks better. Mr. Marden said we will still impact the circle and take out some irrigated acreage.

Mr. Fife said some additional costs will be to move the pump station from one side of the road to the other side.

The second revision relates to Dent Road/Easy Street. The second and third alignment maps were reviewed. The alignment map titled "Landowner Suggested Alignment" was also reviewed. It includes an area involving the home where Jack Eickmeyer (now deceased) used to live. We shifted to the west to get the route to the pivot point. One reason was to reduce the amount of irrigated acres we take out and a second reason was to get as much distance between the house and existing outbuildings as possible and still make a good intersection with Easy Street and Dent Road. The route is now about 65 feet from the house to the right-of-way and about 20 feet from the shed to the right-of-way.

The third revision is more of a straight line. It would involve relocating the pivot point and still require a cost-of-cure item of potentially installing a new pivot on the east side to pick up the east half that we're segregating. The minimum cost would be \$10,000 to \$15,000 but it could be substantially more. It also pushes the right-of-way about 45 feet from the house and the outbuilding is now on the right-of-way boundary. The county's requirement is 10 feet from right-of-way. So relocation of the shed and other factors would be involved. Some of the costs we don't have yet are related to impacts

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that the proximity of the road has to the house. Whether that increases or decreases the property value depending on which alignment, we don't know at this time. But we do know that in the least suggested alternative it would cost \$10,000 to \$15,000 more to move the pivot than we had anticipated.

Mr. Fife said the reason we're showing you this is that what we want to do is move the route off the section line because Mr. Eickmeyer has not provided a good reason farming wise why it is necessary to put the route on the section line. In addition, the intersection will work a lot better as far as impacts to the house. Both routes require installation of a new circle.

The question was asked, what's his objection to our proposal? Mr. Fife said he objects because it's not on the section line so he says it's not right with the world. Mr. Fife said if there were no houses here, we would have put it on the section line.

Matt Mahoney said the one thing that is their focus for this project has always been on the urban growth boundary changing so they can develop this property. Our concern now is how the land is currently zoned. Our goal is to try to not only cut down impacts to the agricultural production but that also translates to us as less cost to make the property owner whole again. He said Lee Eickmeyer's big concern is that if it's not running up against the section line, that impacts him when it comes to the time they can subdivide for development purposes. That's where the friction is between the two ideas. Right now the land is zoned ag production and as far as we know will be that way for some time but Lee Eickmeyer is really focused on this area opening up and this being developable land and being able to develop it and make money from that aspect.

It's difficult for us because we really cannot see -- We're asking him how does this road impact you even in the future, because we don't know unless you actually have some sort of comprehensive plan for that. We're trying to put a road in that works. This alignment functions from a design standpoint and it really does cut down on the impacts to this farm and that translates into less money that we have to spend in a cost-secure process and right-of-way acquisition phase.

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In response to Mr. Miller's question, Mr. Mahoney explained parts of the appraisal process. The price could be much greater to move the pivot because we don't know where the electrical lines and mainline are currently located for the pivot.

Mr. Miller asked is there any compromise available with the property owner? He wondered if the property owner would agree to not be compensated for certain things if the county agreed to build the road on the section line. Mr. Fife said the state appraiser had never heard of such a thing. A written contract would have to be put in place.

Mr. Miller asked can the expense of moving the shed be waived? Mr. Fife said he supposes it could be. He said those types of things would be handled in right-of-way negotiations.

Mr. Fife said the right-hand turn lane is based on the modeling we did.

He said the funding comes from the state. We have a fixed amount available.

Mr. Bowen said if Public Works does what Mr. Eickmeyer asks them to do, then they're spending unnecessary money. Mr. Fife said he's not saying we can't do a compromise agreement type of thing but the state people have never done it. Right-of-way locations have been changed for reasons but not just because the property owner wants it done.

Mr. Ells told the Board briefly about the negotiations he has had with Lee Eickmeyer. Mr. Mahoney told the Board about negotiations he had with Jack Eickmeyer (the original property owner) prior to his death. He said we tried to make the route with the least amount of impact to them.

Relocation costs: The state said the relocation of the shed cannot be waived. The county would be required to pay. The amount would not be known before appraisal.

Mrs. Corkrum asked if the county can waive the setback distance. Mr. Fife said there could be issues of access to the shed because of the elevation of the road being different than the shed.

Ryan Verhulp and Bridgette Scott joined the audience.

The Board asked the Public Works Department and engineers to proceed with the first of the two designs.

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Mr. Mahoney will go over the issues with the landowners.

Right now the project is based on RAP funding through CRAB so we must keep that road in the rural portion of Franklin County except for where it connects with the existing road. We have to parallel the existing city limit line. The Public Works Department said Mr. Eickmeyer's suggestion is to follow the section line with the center line centered on the section line. Mr. Fife said if we did that, then we'd lose our funding.

Mr. Marden said it comes back to Mr. Eickmeyer's belief that he owns a \$150,000 future lot that's sitting on the knob and that we're taking property away from him.

Mr. Bowen said the right-of-way agreement between the City of Pasco and the county is that you can't split a road. The only other alternative is for the city to move their right-of-way to the south side in order to accommodate the road to be funded by CRAB. Mr. Fife said the urban boundary is the section line. It's the city limit line.

Mr. Bowen said if the city would want to move their right-of-way 40 feet to the south, it might be an avenue to get this project done. He said it doesn't make sense to move the road off the section line. Mrs. Corkrum thinks the city might do it.

Mr. Fife described the process the city would have to use. He said it would take a long, long time, and would take too much time. He doesn't know that it would be approved by the Federal government.

He said it is the Federal urban boundary that determines whether it's an urban collector or rural collector road. Mrs. Corkrum asked what does that follow? Mr. Fife said the section line. Mrs. Corkrum asked who determined that? Mr. Fife said the last time we had our census, it expanded in places. He said it could be done but described the process that might take about two years.

Mrs. Corkrum asked what's our alternative? Mr. Fife said it's to tell them it's where it's set now if you want it done. Mr. Koch said because of funding, that's where it's going to go. Mr. Miller agreed. Mr. Fife said he's not saying it's impossible to get the change approved by the Federal government, just very difficult and a long process.

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The Board **gave instructions** to make the change on the Mauseth area as shown in Current Alignment (Exhibit 2) and leave the Eickmeyer area as shown in the Current Alignment (Exhibit 3), not using the landowner suggested alignment (Exhibit 4).

Mr. Ells said Lee Eickmeyer did talk about his "view" lot. He was asked why the road can't be shifted to the neighboring property. Mr. Ells said he doesn't want it on his property.

Juniper Dunes and R170/Landslide Roads

Mr. Koch, Mr. Miller and Mr. Bowen will meet with officials of the Bureau of Land Management (BLM) in Washington, D.C., on Tuesday.

**COUNTY ADMINISTRATOR**

County Administrator Fred Bowen and Secretary Bridgette Scott met with the Board.

Request for dinner at Courthouse

Debbie Bone-Harris with Pasco Chamber of Commerce has asked if another legislative reception could be held in the Courthouse on May 10 similar to one held last year. The Board **gave approval**.

Resolution designating Weapons Restricted Area

Chief Civil Deputy Prosecutor Ryan Verhulp met with the Board.

A statute vests the authority to designate the courthouse and surrounding grounds as weapons-free with the judges or judicial authority. Mr. Verhulp does not know why. It is consistent with what we did in the past. The judges declared the courthouse as a weapons free area. We are now asking that the area be expanded.

Mrs. Corkrum's memory is the reason it was done before was because the courts wanted to use the Commissioners meeting room for bench trials and other matters. Mr. Verhulp said that could be. At the same time, there has always been an upstairs courtroom.

In response to a question, he said a lockbox for weapons will be provided at the security building. He thinks that will accomplish what we're obligated to do under the statute. That is addressed in the resolution as well as a number of other points. We tried

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to think of other things or instances when someone is allowed to bring a weapon in. We have on-duty law enforcement. We have on-duty bailiffs who carry weapons. We have on-duty Franklin County security officers. We have noted that deputy prosecutors or prosecutors or prosecuting attorneys would have authority to bring a weapon as well for pending cases. Also, the court by its own order could deem that a weapon would be brought in for its own purpose.

Security Director Rick Rochleau will be working with the Board about a county-wide policy that will expand on this matter. This resolution accomplishes the immediate weapons restricted area by March 3. It will allow not only for prosecution of violation of that restriction but also gives the authority to the security officers to confiscate weapons should somebody try to bring in that type of a weapon. The nice thing by having the judges do this is that we can use that as a defense in the future if someone were to challenge this or sue the county, that this was done by order of the court and we're entitled to judicial immunity because of that. Judges can't be sued for decisions they make.

The intent is to have the presiding judge and the district court judge sign this by the end of this week and it will be effective as of March 3. It has been reviewed by Rick Rochleau, Fred Bowen, and all the judges. We are hoping to have it in place one time and not revise it. Mr. Verhulp would recommend keep a couple of copies in the files including in the Auditor's Office and having it posted in the security building.

(Exhibit 2)

Mrs. Corkrum would like some kind of notification sent out to employees stating there would be a criminal penalty involved.

Mr. Verhulp left the meeting.

CTED/CDBG Grant Requirements: Basin City Water and Sewer District

Mr. Bowen told the Board that Ms. Scott has spent many hours putting the grant together for the return of the \$44,000 and will have to spend a lot more time with the Clarktown grant. It has been to the county's benefit but has been very labor-intensive.

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Ms. Scott said there are about seven or eight other documents that had to be put together. She has just included the ones the Board needs to sign in their packets today.

Most of the information can be used on the Clarktown project so it won't be such a big process to go through the paperwork again.

She asked for approval of the Franklin County Code of Conduct and explained what it states. The Board reviewed the document.

**Motion** – Mr. Miller: I move that we accept the Franklin County Code of Conduct, Basin City Water and Sewer District, with the Department of Community, Trade and Economic Development to receive up to \$24,000. Second by Mrs. Corkrum. 3:0 vote in favor. This is Resolution 2008-085.

**EEO Form**

Ms. Scott explained the requirement for the Equal Employment Opportunity (EEO) Form.

**Motion** – Mr. Miller: I move for approval of the resolution regarding state and local government information EEO-4 form for Basin City Water and Sewer District planning only grant, Contract #05-64005-040 from the Department of Community, Trade and Economic Development, Community Development Block Grant, and approve the chairman's signature. Second by Mrs. Corkrum. 3:0 vote in favor. This is Resolution 2008-086.

**Motion** - Mrs. Corkrum: I move we approve the resolution regarding Franklin County policy of no discrimination on the basis of handicapped status. Second by Mr. Miller. 3:0 vote in favor. This is Resolution 2008-087. As required, the resolution will be posted for 30 days.

**Resolution: ADA Officer**

A resolution from years ago named a former county employee as the ADA officer. The Board asked that a new resolution be prepared to name the Human Resources Director as the ADA officer, not listing an employee name.

Ms. Scott left the meeting.

**Animal Control Services**

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Mrs. Corkrum said the county is liable for vicious dogs but does not have the resources to take care of other animal control services.

Mr. Bowen received a letter from Marlene Fox asking what Franklin County plans to do about animal control services for animals other than vicious dogs. Mr. Bowen said it would take a lot of money for the county to do animal control. He said Tri-City Animal Control would like the county to be an equal partner rather than being paid on a per-use basis but the cost is too high. Mrs. Corkrum asked if we've had a big problem.

Mr. Bowen said it comes in waves.

Mr. Bowen thinks at some time in the future the county will have to take care of its own dangerous dogs.

**Executive Session** at 3:06 pm regarding contract negotiations based on RCW 42.30.140(4) expected to last ten minutes.

**Open Session** at 3:14 pm.

**Executive Session** at 3:15 pm regarding union negotiations expected to last 10 minutes based on RCW 42.30.140(4).

**Open Session** at 3:27 pm.

**Adjourned** at 3:28 pm.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until February 27, 2008.

BOARD OF COUNTY COMMISSIONERS  
FRANKLIN COUNTY, WASHINGTON

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Chairman

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Chairman Pro Tem

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Member

Attest:

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Clerk to the Board

Approved and signed March 17, 2008.