

COMMISSIONERS RECORD 49  
FRANKLIN COUNTY  
Commissioners' Proceeding for September 17, 2008

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

**OFFICE BUSINESS**

Secretary Patricia Shults met with the Board.

Consent Agenda

**Motion** - Mr. Miller: I move for approval of the consent agenda as follows and authorize Commissioner Corkrum's signature as well:

1. Approval for the Board to sign a Certificate of Appreciation recognizing Terrie Yonts for her dedication to the Franklin County District Court from March 8, 1985, through September 30, 2008. (Exhibit 1)
2. Approval of **joint Resolution 2008-372** in the matter of approving the Benton and Franklin Counties Department of Human Services, Mental Health Advisory Board's change to the bylaws. (Exhibit 2: Information sheet.)
3. Approval of **Resolution 2008-373** authorizing the Chairman to sign the Minolta Copier Maintenance Contract between Abadan and Franklin County Corrections for the copier located in **Administration**, model number C451, serial number A00K010011711, for a period of twelve months commencing September 2, 2008, for a monthly fee of \$17 for 2,000 copies, plus applicable copy overages at a cost of \$.0085, to be paid from the Current Expense Sheriff's – Detention/Correction Budget, #001-000-540, line item 523.20.31.0000 (Office & Operating Supplies).
4. Approval of **Resolution 2008-374** authorizing the Chairman to sign the Minolta Copier Maintenance Contract between Abadan and Franklin County Corrections for the copier located in the **Booking** area, model number BH421, serial number A0R601100216, for a period of twelve months commencing September 2, 2008, for a monthly fee of \$17 for 2,000 copies, plus applicable copy overages at a cost of \$.0085, to be paid from the Current Expense Sheriff's – Detention/Correction Budget, #001-000-540, line item 523.20.31.0000 (Office & Operating Supplies).
5. Approval of **Resolution 2008-375** Washington State Military Department Contract #E09-048 for state enhanced 911 funds as requested by Dispatch Department.
6. Approval of **Resolution 2008-376** authorizing the Chairman to sign the

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- Minolta Copier Maintenance Contract between Abadan and Franklin County Auditor for the copier located in the **Recording Department**, model #BIZHUB 200, serial #31139435, for a period of twelve months commencing September 2, 2008, for a yearly fee of \$150 for 15,000 copies, plus applicable copy overages at a cost of \$.01, to be paid from the Miscellaneous Auditor O&M Budget, #102-000-001, line item 514.75.45.0001 (Rentals & Leases).
7. Approval of **Resolution 2008-377** urging the citizens of Franklin County to ensure that every child has access to a safe, engaging place where the lights are on after school and endorsing the *Lights on Afterschool* programs and activities that ensure that the lights stay on and the doors stay open for all children after school.
  8. Approval of **Out-of-State Travel Request** for Mark Cope to attend Fire Training in Las Vegas, Nevada, December 1-5, 2008, for an estimated cost of \$1,815.00. (Exhibit 3)
  9. Approval of **joint Resolution 2008-378**, authorizing the Chairman of the Board of Franklin County Commissioners to sign the grant amendment #2 to Contract #I-501-00107 with the Governor's Juvenile Justice Advisory Committee, Department of Social and Health Services, Office of Juvenile Justice, to provide Juvenile Detention Alternatives Initiative (JDAI), thereby amending Benton County Resolution 07 504 and Franklin County Resolution 2007-357. (Exhibit 4: Information sheet.)
  10. Approval of **Resolution 2008-379** rescinding Benton County Resolution #08-350 and Franklin County Resolution Number 2008-096 establishing a bi-county, non-bargaining employment classification for an arbitrator in the Benton & Franklin Counties Superior Court.

Second by Mr. Koch. 2:0 vote in favor. (Mrs. Corkrum joined the meeting. She had been delayed by a traffic change.)

Historic Courthouse Steering Committee

The Board reviewed a request for interested parties to apply to serve on the Historic Courthouse Steering Committee representing the Washington State Association of Counties (WSAC). They will ask Mr. Bowen to apply.

The ARC of Tri-Cities

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**Motion** – Mrs. Corkrum: I move approval to send a letter to The Washington State Department of Community, Trade and Economic Development in support of The ARC of Tri-Cities Grant. Second by Mr. Miller. 3:0 vote in favor. (Exhibit 5)

**Vouchers/Warrants**

**Motion** – Mr. Miller: I move approval of accepting vouchers and warrants in the total amount of \$66,222.70: Current Expense warrants 4985 through 5015 for \$31,456.96; FC RV Facility warrants 5016 through 5020 for \$3839.20; Auditor O&M warrant 5021 for \$17.00; FC Enhanced 911 warrants 5022 through 5026 for \$2888.39; Law Library warrant 5027 through 5029 for \$6386.93; Boating Safety warrant 5030 for \$2823.89; Election Equipment Revolving warrants 5031 through 5034 for \$11,240.05; Jail Commissary warrants 5035 through 5038 for \$5120.28; and Current Expense warrant 5039 for \$2450.00. Second by Mrs. Corkrum. 3:0 vote in favor. (Exhibit 6)

**Department of Homeland Security Pilot Project**

Mr. Koch reported on the meeting he attended yesterday. It is a pilot project that has to do with screening people coming into a facility such as the Toyota Center using cameras, infrared cameras, and trailers to watch people come in from the parking lot, looking for abnormalities in dress, actions, etc.

**PLANNING AND DEVELOPMENT DEPARTMENT**

Planning Director Jerrod MacPherson and Planner Jeremy Underwood met with the Board.

**Public Meeting: Conditional Use Permit CUP 2008-12, a Conditional Use Permit for Korin Crowther to operate an in-home preschool in the RS-20 Zoning District.**

Public Meeting convened at 9:19 am. Present: Commissioners Koch, Corkrum and Miller; Planning Director Jerrod MacPherson; Planner Jeremy Underwood; and Clerk to the Board Mary Withers. No one was present in the audience.

Mr. Underwood reviewed the information on the Action Summary (Exhibit 7). A maximum of nine children are anticipated to attend the preschool for approximately three hours a day, three days a week. It should be noted that DSHS does not regulate any type of preschool or daycare under 12 kids.

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Mr. MacPherson said his office keeps a tickler list of amendments to the zoning list. Most jurisdictions do require a conditional use permit for this type of use but the City of Pasco does not require it. The City of Pasco feels since DSHS does not require it, the city does not need to either. The City of Pasco would have only required a business license. Mr. MacPherson said his office plans to go through the process to make a change so that the conditional use permit for this type of application would not be required in the future since it is not required by the state.

Mrs. Corkrum said the county has to go by state law. She thought we always used the stance that that's the way our county is controlled rather than requiring extra steps. She would certainly be in favor of that change.

Mr. MacPherson said there was no opposition at the Planning Commission meeting.

Mr. MacPherson showed an aerial picture of the site on the screen. The applicant is proposing a staggered drop-off time. The parking area can accommodate three vehicles. Public Works does not have any objection with vehicles utilizing the graveled area. Mr. MacPherson showed a second aerial picture of the site.

Mr. Underwood reviewed the conditions of approval.

**Motion** – Mrs. Corkrum: I move that we grant approval to Conditional Use Permit application CUP 2008-12 subject to the six findings of fact and eleven conditions.

Second by Mr. Miller. This is Resolution 2008-380.

Final Approval: Cascade Construction SP 2008-11

**Motion** – Mrs. Corkrum: I move for approval of final Short Plat 2008-11 for Cascade Construction of Southwest Washington, Inc. Second by Mr. Miller. 3:0 vote in favor.

This is Resolution 2008-381.

**Recessed** at 9:33 am.

**Reconvened** at 9:40 am.

**PROSECUTOR**

Chief Civil Deputy Prosecutor Ryan Verhulp and Intern Ben Zelen met with the Board. Present in audience: Planning Director Jerrod MacPherson.

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Right to Farm Ordinance

Mr. Zelen told the Board about his review of the county's Right to Farm Ordinance and gave the Board copies of papers related to the ordinance and a draft of a revised ordinance. Mr. Verhulp gave the Board a copy of an ordinance that was drafted by the Farm Bureau and submitted to the Prosecutor's office and the Board earlier.

Mr. Zelen said the county adopted its Right to Farm Ordinance in 1994. There was an amendment by the state in 2005 and a court case in Yakima in 2006.

The proposed ordinance from the Farm Bureau is pretty standard except they wanted Franklin County to provide disclosure to anyone who moved within one mile of a farm and also wanted us to add a disclosure to any discretionary permits that we have in the area that would let builders know they would have to sign an acknowledgment that they were entering into proximity to a farming operation.

The 2005 amendment by the state created greater protection for farmers by providing that if anyone did sue for a nuisance, the farmer can recover any costs and expenses in defending that claim.

Mr. Verhulp said there is an RCW in place that already governs some right to farm issues and the state legislature subsequently made amendment to it in 2005, which is one reason why we would need to amend our ordinance. Mr. Zelen reviewed the changes in the state law.

Mr. Zelen said House Bill 1984 is currently working its way through the legislative process. Some items it addresses are the Yakima court case, exempting odors and fugitive dust from the Clean Air Act, exempting discharges by the farm from water pollution control, and providing written disclosure to homeowners in proximity of the farming operation. The mechanism for disclosure has not been addressed, but basically whenever a house changes hands, that person would have disclosure that the Right to Farm Act protects against nuisances.

Mrs. Corkrum asked if the title companies would be involved in notifying people as part of the title insurance. Mr. Zelen said the state does not address how they're going

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to handle that. The Farm Bureau recommends that it be the county's responsibility to provide notice.

Mr. Zelen has prepared a proposed draft ordinance. He reviewed what it would cover, including allowing farmers to recover costs and addressing the Yakima court case issue by not requiring that a farm operation be in existence before the surrounding community is in place, but it would not deal with disclosure. Mr. Zelen thinks it would be better for the county to wait and see how the state handles the disclosure, what type of disclosure and the mechanism they use, before doing it as a county. He said the Farm Bureau recommends that disclosure be provided to anyone within one mile of the farming operation. He does not know how they came up with the one-mile figure. It may be too arbitrary. The Farm Bureau also wants to require a housing developer to sign an acknowledgment. He would like to see what the state requires before putting it into a Franklin County ordinance.

Mr. Verhulp said one of the points Mr. Zelen has made is what you see the Farm Bureau has proposed is a lot of language that is not specifically authorized by the RCW. The draft prepared by Mr. Zelen is nearly identical to the RCW in terms of what the RCW allows or permits and Mr. Zelen is saying we could make another addition to add some language about the Yakima case but the concern is if we make changes beyond what the RCW and court has allowed, it is uncertain whether we can really go that far. The Farm Bureau goes beyond what we know for certain we can allow. If the new legislation gets passed, then we'll have clear authority to do that. Mr. Verhulp said Mr. Zelen has researched what other counties are doing.

Mr. Verhulp said Planning Director Jerrod MacPherson and Assistant Planning Director Greg Wendt have reviewed the Farm Bureau's proposed ordinance. They had concern that a lot of the proposed provisions conflict with present county code.

Mr. MacPherson said it's been awhile since he looked at it. One of our concerns was it had some language that conflicted with zoning regulations for what the Farm Bureau members would view as outright permitted. Another concern was about the odor

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and fugitive dust requirements. He said there are state and county laws that address those things. We just pointed out it would conflict with existing county regulations.

Mr. Koch said I don't believe we can go below any state standards.

He asked is the recommendation to work through this legislative session and see if this comes up or do something in the interim? Mr. Zelen said he thinks we should wait for this legislative session. If it is not adopted, then he feels the best option would be to adopt the modified version to include the 2005 law but also include language having to do with the Yakima case. Mrs. Corkrum thinks we should invite the Farm Bureau members in and upgrade our present ordinance to at least protect us from the lawsuit that Yakima County lost. That would at least help. Mr. Verhulp said then you would be maintaining your ordinances as current with state law.

Mrs. Corkrum said we could work with Farm Bureau and the Legislative Steering Committee. Mr. Koch and Mrs. Corkrum mentioned legislators they would like to talk to about the legislation.

The Board wants to let the Farm Bureau look at the proposed revision.

Mr. Verhulp said the matter will be re-noted before the Board again with notice given to the Farm Bureau. His office will prepare a version of the revised ordinance that would highlight the 2005 amendment and the Yakima case amendment. That way the Farm Bureau members and others would understand the changes that were made and you would have an opportunity to either approve or reject the revised ordinance at the next hearing and then wait and see what becomes of the remaining legislation. You would at least be staying current with what's set forth by law and you wouldn't be going beyond what may or may not be state law. Mr. Zelen said it would repeal the previous one and put that one in its place.

Risk Pool Survey: Skid Cars and Skid Car Training

Mr. Verhulp showed the Board a questionnaire from the Risk Pool regarding skid cars and skid car training. Mrs. Corkrum said she thinks the Sheriff has not been interested in using the skid car. The commissioners asked Mr. Verhulp to contact the Sheriff for input and then bring the survey back to the commissioners.

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**Recessed** at 10:06 am.

**Reconvened** at 10:15 am.

**PUBLIC WORKS**

Assistant Engineer Guy Walters met with the Board.

Vouchers

**Motion** – Mr. Miller: I move we approve the vouchers for Paths and Trails Fund for \$26,589.63; and also Flood Control Fund for \$36,783.97. Second by Mrs. Corkrum. 3:0 vote in favor. (Exhibit 8)

**SUPERIOR COURT**

Superior Court Administrator Pat Austin, Juvenile Justice Center Director Sharon Paradis and Judge Cameron Mitchell met with the Board.

Judiciary Status

Judge Mitchell, Ms. Austin and Ms. Paradis gave the Board a review of various judicial programs including the CASA program, guardian ad litem program, development of a court website, ongoing case management, handling of jurors so their time is used more efficiently and efforts to pay \$60 per day on an ongoing basis, and scheduling of dockets to improve efficiency and consistency. There has been an increase in the numbers of Franklin County domestic cases due to the large increase in population.

Ms. Austin said we are again encouraging Franklin County to participate in the CASA/Guardian Ad Litem program at a cost of about \$35,000 per year. The details are in the budget that has been submitted. The volunteers spend about 38 hours per case. We could hire the work done for an average cost of \$100 per hour.

Ms. Austin said the proposed budget includes a change for court commissioner time from quarter time to half time because of the increase in the number of domestic cases in Franklin County.

Judge Mitchell and Ms. Paradis reviewed some of the Juvenile Justice Center programs including the Family Violence Intervention Program, functional family therapy program, Aggression Replacement training, CASA Jail program as it applies to juvenile court, and the MacArthur Foundation program. Ms. Paradis said these funds are directly

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from the MacArthur Foundation to Lutheran Social Services. It is attached to the work the JJC is doing.

Ms. Austin said we do have an increase in salaries for judges, commissioners and pro tems this year as authorized by the state legislature to go into effect September 1. She thinks a supplemental request will not be needed but there will probably be a budget transfer.

**BID OPENING: Franklin County Building Demolition and New Parking Lot**

Bid Opening convened at 11:02 am. Present: Commissioners Koch, Corkrum and Miller; CKJT Architect Brian Johnson; Facilities Director Christopher Giles; County Administrator's Secretary Bridgette Scott; and Clerk to the Board Mary Withers. Present in audience: Nine people including those listed on Exhibit 9.

Mr. Johnson said tax is supposed to be included with all the bids. As the bids were opened, all bidders acknowledged receipt of Addendums 1 and 2 and all bidders had a bid bond included.

The following bids were received:

G <sup>2</sup> Construction, Kennewick	\$374,399.00
Watts Construction, Kennewick	\$369,726.67
J.N. Jacobsen & Son, Kennewick	\$342,700.00
Mahaffey Enterprises	\$362,832.00
Zeigler Construction	\$360,000.00
Ray Poland & Sons	\$349,094.22

The bid opening was closed. The bids will be reviewed with a recommendation expected next week.

Mr. Johnson said the official estimate was \$280,000 to \$340,000.

**Recessed** at 11:12 am.

**Reconvened** at 11:16 am.

**TREASURER**

Treasurer Tiffany Coffland met with the Board. Present in audience: Christopher Giles.

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Potential Sale of County-owned Property

Ms. Coffland said people have expressed interest in purchasing county-owned property. She would like to wait until March 2009 to sell the tax title properties so they can all be sold together and so other work in her office can be completed. She reviewed the different properties that would be for sale.

One piece of property is landlocked. The owners surrounding the property have been contacted and have stated they are not interested in the property. The Assessor's Office has sent staff to look at it. Prosecutor Steve Lowe's suggestion to Ms. Coffland was if surrounding landowners do not want it, we probably should have some sort of affidavit at the time of the sale that the buyers are aware that there is no access at this point and it will be their responsibility to do anything they need to do. Ms. Coffland said we tell people when we sell the property that there are no guarantees. It is sold as is, where is.

Mrs. Corkrum asked if the interested parties are willing to wait to purchase until March 2009. Ms. Coffland said we have contacted the person wanting to buy the property on 10<sup>th</sup> Street and that person is willing to wait to purchase. The Board has already given approval to put this property up for sale.

Beacon Development Group, inquiring for Catholic Housing Services of Eastern Washington, would like to purchase a piece of property in Frey's Addition that was acquired by the county in the 1985 foreclosure sale. The Board said they would like to sell the property.

Ms. Coffland said we can contact the interested parties and ask if they are willing to wait. The Board said it will be fine to wait if the interested parties are willing to wait. Ms. Coffland said we would rather have the properties back on the tax rolls than sitting vacant.

Ms. Coffland asked if the Board wants to still keep the landlocked property under Franklin County's name. The disadvantage of putting it up for sale is we incur costs if no one buys it. The Board asked to wait to make a decision. Ms. Coffland will ask again next month.

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Foreclosure Update

Ms. Coffland gave the Board a copy of the Notice and Summons for foreclosures. The sale will be held November 21. As of this date, 13 properties have not been redeemed. We have started adding additional fees for our foreclosures, trying to cover our costs. Benton County and Yakima County have good policies regarding foreclosure and distraint sales. It is our first year of charging additional costs. The full title report is supposed to be obtained. It has cost about \$8000 more than in the past. The charges will be recouped. A legal messenger has done the actual posting on the property. Ms. Coffland feels for employees' safety that is the better way to go. That cost will also be recouped. We are also charging new fees. On May 1 we started charging a \$100 foreclosure fee. The deadline date was changed. We have collected about \$13,000 more than we did last year at this point. We're just trying to recoup what we're doing.

The distraint procedure is for mobile homes and personal property. Franklin County has not done any distraints in the recent past. At first there were about 100 mobile homes on the list. There are now about 77 properties that are not redeemed. We have notified people by letter. There are costs associated with that. We are going to use our process server. We will notify mobile home park managers. If we don't sell the property, it just stays there. It does not become Franklin County property.

A lot of counties don't do the distraint sales because they feel it is more trouble than it's worth. She feels it is worth doing in Franklin County.

The taxes on personal property and mobile homes are delinquent May 1. This year we didn't charge for delinquent taxes on only the 2008 taxes but did notify the owner. We just want them to pay on time; we don't want to hurt anyone.

We had about 10 mobile homes that were delinquent from the 1990s forward. Depending on the circumstances of people living in the mobile homes, we let them just pay the taxes, not the interest.

**FACILITIES DEPARTMENT**

Facilities Director Christopher Giles met with the Board.

Clerk's Office Remodel Project

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The Clerk's Office remodel project is being completed. However, power to the actual furniture was not included. Mr. Giles asked for approval of a Public Works Contract for \$3138.53. Mrs. Corkrum asked if the Clerk has the funds in his budget. Mr. Giles does not know. Mr. Giles was told by County Administrator Fred Bowen to prepare the contract. Mrs. Corkrum said it should have been in the furniture bid. Mr. Giles was not involved in the furniture bid. Mr. Miller asked should we check and see if it's in his budget? If we wait, will it hold it up? Mr. Giles said it will. The way the furniture is designed, it has to be done at the same time.

**Motion** – Mr. Miller: I move we authorize Public Works Contract with Phase 2 Electric, Inc., to install power poles for the new furniture in the Superior Court Clerk's Office, the amount not to exceed \$3138.53 to be paid from the Miscellaneous Capital Projects Fund #300-000-001. Second by Mrs. Corkrum. 2:1 vote in favor. Yeas: Mr. Koch and Mr. Miller. Nay: Mrs. Corkrum. This is Resolution 2008-382.

Downstairs Break Room/Kitchen

Mr. Giles said the costs for the repair since the fire in the downstairs break room/kitchen include: countertop material \$300, professional cleaning \$216, and rental equipment \$34.66. The Facilities Department spent about 24 manhours. A new range is needed. He has obtained two prices, one for \$431.03 and one for \$649.74. The appliance dealers recommend not using a cover on the stove. The stoves both have two indicators, one that says the cooking surface is hot and the other saying the burner is on. The price to match the old stove was almost \$800.

Mrs. Corkrum said for no more than it's used, she would prefer the cheapest stove. The Board asked Mr. Giles to have the matter put on the consent agenda.

Mr. Giles thanked his whole department for their hard work.

Mr. Koch asked Mr. Giles to prepare a paper showing all the figures and the time spent by the Facilities Department.

Clerk's Office

Mr. Giles understands the furniture for the Clerk's Office will be installed on Monday. He has arranged for a work crew to move the old furniture out of the courtroom

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on Saturday, September 27. The courtroom floor will then be cleaned. He expects the courtroom will be ready for use by October 1. Mr. Koch said we need to be in contact with Garfield County so they can be here when the old furniture is taken out.

**Adjourned** at 11:45 am.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until September 22, 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 October 6, 2008.