

COMMISSIONERS RECORD 49
FRANKLIN COUNTY
Commissioners' Proceeding for October 27, 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 on vacation.

OFFICE BUSINESS

Secretary Patricia Shults met with the Board. Present in audience: Mike Braun, Victor Reeve and Tri-City Herald Reporter Joe Chapman.

Consent Agenda

Motion - Mr. Miller: I move for approval of the consent agenda as follows:

1. Approval of **Resolution 2008-446** declaring five five-drawer legal file cabinets and two desks as surplus and authorizing said items to be surplus to Garfield County with no revenue exchange.
2. Approval of **Resolution 2008-447** declaring lockers from the Sheriff's Office as surplus and authorizing said items to be surplus to Garfield County with no revenue exchange.
3. Approval of **Resolution 2008-448** authorizing disposal a Hewlett Packard printer, Photo Smart P1000, FC#04910, assigned to the Franklin County Planning Division, as identified on the *Franklin County Storage – Salvage* form, in conjunction with RCW 36.32.210 (inventory).
4. Approval of **Resolution 2008-449** authorizing Information Services to purchase a Hewlett Packard color LaserJet CP1518n printer for the Planning and Building Department and authorizing an inter budget transfer in the amount of \$325 from the Miscellaneous Boards Budget, Number 001-000-240, line item 514.24.31.0000 (Disability Board – Office Supplies) to the Capital Outlay Budget, Number 001-000-710, line item 594.00.64.3501 (Computer Hardware), to pay for said printer.
5. Approval of **Resolution 2008-450** authorizing the Chairman to sign the Minolta Copier (renewal) Maintenance Contract between Abadan and the Franklin County Clerk's Office, model number D15510, serial number 31006359, for a period of twelve months commencing November 30, 2008, for a monthly fee of \$38.59 for 5,000 copies, plus applicable copy overages at a cost of \$.007718, to be paid from the Current Expense County Clerk Budget, Number 001-000-160, line item 512.30.48.0000 (Repairs & Maintenance).

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6. Approval of Park Acquisition & Capital Fund voucher for \$1,500. (Exhibit 1)

Second by Mrs. Corkrum. 3:0 vote in favor.

Vouchers/Warrants

Motion – Mrs. Corkrum: I move approval for the vouchers for October 27, 2008, with the exception of pulling warrant #6738 for \$246.10: Current Expense warrants 6715 through 6741 for \$68,804.34; FC RV Facility warrants 6940 through 6947 for \$4594.70; Clerk LFO Collection warrant 6948 for \$538.07; Treasurer O&M warrants 6949 and 6950 for \$43.90; REET Technology Fund warrant 6951 for \$26,533.50; Courthouse Facilitator warrant 6952 for \$386.35; TRAC Promotions warrants 6953 and 6954 for \$18,549.16; DOC Building Inspection warrants 6956 and 6957 for \$1128.00; Election Equipment Revolving warrants 6958 through 6963 for \$5462.70; Jail Commissary warrants 6964 through 6969 for \$5421.55; Sheriff/Sex Offender Grant warrant 6970 for \$365.30; Boating Safety warrant 6971 for \$218.66; Sheriff/Sex Offender Grant warrant 6972 for \$46.74; Sheriff's Narcotic Trust warrant 6973 for \$3169.70; Law Library warrants 6974 through 6977 for \$7891.27; Veteran's Assistance warrants 6978 through 6980 for \$933.01; Auditor O&M warrants 6981 through 6983 for \$2341.01; FC Unemployment Fund warrant 6984 for \$1092.95; Current Expense warrants 6986 through 7051 for \$157,880.88; TRAC Operations warrants 7052 through 7062 for \$43,526.06; and Current Expense warrants 7063 through 7133 for \$62,489.24; for a total amount of \$411,417.09. Second by Mr. Miller. 3:0 vote in favor. (Exhibit 2)

Minutes

Motion – Mrs. Corkrum: I move approval for Commissioners Proceedings for October 20, 2008. Second by Mr. Miller. 3:0 vote in favor.

PLANNING AND BUILDING DEPARTMENT

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

Public Hearing: Short Plat SP 2008-17 (continued from October 6, 2008), to consider an application by Jorge Torres to short plat approximately 10.22 acres (gross) into two lots.

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As proposed, Lot #1 and Lot #2 are each approximately 5.11 acres in size. The property is located in the Rural Residential 1 (RR-1) Zoning District.

Public Hearing convened at 9:15 am. Present: Commissioners Koch, Corkrum and Miller; Planning Director Jerrod MacPherson; Planner Jeremy Underwood; and Clerk to the Board Mary Withers. Present in audience: Mike Braun, Victor Reeve, Joe Chapman and David Manterola.

Mr. MacPherson said an application was presented earlier for Jorge Torres that was continued to this date from the original hearing date for the applicant to finish up his application. In the interim, Mr. Torres decided not to continue with his short plat. He was going to divide the property to allow family members to build but they have decided they are no longer going to build at that site so there is no need to take action.

Mr. Torres has officially withdrawn his application.

Public Hearing: Short Plat SP 2008-18 to consider an application by David Manterola to short plat approximately 39.99 acres (gross) into two lots. As proposed, Lot #1 is approximately 38.64 acres in size and Lot #2 is approximately 1.35 acres in size. The property is located in the Agricultural Production 20 (AP-20) Zoning District.

Public Hearing convened at 9:16 am. Present: Commissioners Koch, Corkrum and Miller; Planning Director Jerrod MacPherson; Planner Jeremy Underwood; and Clerk to the Board Mary Withers. Present in audience: Mike Braun, Victor Reeve, Joe Chapman and David Manterola.

Mr. Underwood reviewed the information on the Action Summary (Exhibit 3).

Mr. MacPherson showed a copy of a 2007 aerial photograph with parcel overlay on the screen. He said the application does not interfere with ongoing agricultural activities. He reviewed the conditions of approval.

An unidentified man joined the audience.

Mr. Koch asked three times if anyone would like to speak against this proposal. There was no response.

Mr. Koch asked if anyone would like to speak for this proposal.

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David Manterola said he is short platting because of the possibility of a family member moving there. The farm ground will stay in production and be farmed in partnership with another farmer.

Mr. Koch asked if anyone else would like to speak in favor two more times. There was no response.

Motion – Mr. Miller: I move we grant preliminary approval of Short Plat 2008-18 subject to the seven findings of fact and six conditions of approval. Second by Mrs. Corkrum. 3:0 vote in favor. This is Resolution 2008-451.

Final Approval Short Plat SP 2008-04, Ted Kroner

Motion – Mrs. Corkrum: I move for approval of final Short Plat 2008-04 for Ted Kroner. Second by Mr. Miller. 3:0 vote in favor. This is Resolution 2008-452.

FRANKLIN COUNTY NOXIOUS WEED BOARD

Coordinator Mike Braun and Assistant Coordinator Victor Reeve met with the Board. Present in audience: Joe Chapman.

Department Update

Mr. Braun said Bill Fredrickson was the Coordinator from November 1986 until he retired at the end of 2007. Mr. Braun has been with the Weed Board since 1988, starting as a temporary inspector. In 1990 he became a full-time inspector, working as a part-time inspector for the Franklin County Noxious Weed Board and a part-time supervisor of Benton County Weed District #1 which was under contract with the Franklin County Noxious Weed Board. In 1995 he began working on Franklin County work full-time when Bob Scott retired.

Since Mr. Braun has been the coordinator, he has downsized from six employees to five. He said my goal has been to do as much as I could of my old job as well as the administrative job. With the help of my staff and awesome help at the courthouse, I have been able to do a passable job at that. He said the Auditor, Treasurer and Human Resources have been so much help to me. I couldn't have done it without them.

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Vic Reeve went from being a seasonal employee to full-time employee and assistant coordinator. Bob Scott worked four days a week for about six months this year and intends to come back next year working at three days a week for about six months.

We try to get the landowners and agencies in compliance with RCW 17.10, the noxious weed law. We conduct field surveys, windshield surveys (driving and looking and noting). We do some work in CRP land using four-wheel-drive pickups and cycles and map infestations we find. We have some pretty good capabilities even for a small staff. We work for a Board of Directors: Marv Grassl (Chairman), Dave Beach (Vice Chairman), Terry Utecht and Paul Herrman. They set the tone of policies that we follow and trust us to get the job done.

In areas with a heavy infestation, we'll put it into a multi-year plan. As long as we can see progress, we're happy and we count that as compliance. Normally we have very good luck working with landowners because we get a lot of face-to-face, one-on-one communication. We rarely have to do an enforcement but we have the ability to do enforcements. That ability is used as a last resort. No enforcements were done this year. We're able to get good compliance.

Funding is primarily by assessments, about 95%. Eventually we're going to have to ask for an increase but it will probably be several years down the road. Mr. Braun said an increase will probably be needed three or four years from now.

Budget

The budget is set at \$336,000. About \$250,000 comes from assessments. We budget quite a bit to set up spray jobs for a block of growers because we can get a discount, then spray the areas together, and then bill the landowners. We rarely get close to the total \$336,000 budget but the amount has to be in place in case we need to do enforcements and other things.

2008 Accomplishments

Mr. Braun listed some accomplishments in 2008:

Snake River aerial spraying program, 720 acres sprayed by air, mostly for yellow starthistle.

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Vic Reeve has been working with Coyote Ridge crews to pull rye in dryland wheat. Getting the crews at the right place at the right time with the right people can be a logistical challenge. We're pleased to have him continue that. It has been a pretty good program and well received.

We work with a lot of individuals and agencies. We get to know the growers pretty well and also the agency people. We have pretty good rapport with them.

Work with the Public Works Department. Mr. Braun said Road Superintendent Ron Horn has just been awesome to work with. We don't always agree on things but we've got a good working relationship.

Contracts with Bonneville Power Administration (BPA) and Washington State Parks: We cover the power lines with survey work and spraying. We do treatment on power lines. We have a contract with Washington State Parks on Columbia Plateau trail from Ice Harbor Dam up to Nunamaker Road in the northeast part of the county.

We applied for and received a couple of small grants, about \$900 total. We have a grant for knotweed control that ended up being Bohemian knotweed that is located in the Port of Pasco area. We have worked with the Port of Pasco, CWMA and the Department of Agriculture to spray it.

We also applied for a camelthorn eradication grant. We worked with the Corps of Engineers, Burlington Northern Railroad, CWMA and Franklin County Weed Board. We sprayed about five patches. We should have that one eliminated in a couple of years.

We did a certified weed-free hay and mulch (WFHM) program. We certified one field of grass hay in the Pasco area and two circles in the northern part of the county for weed-free certified mulch or straw. It is a brand new program with the state. Hopefully it will open up a niche market for some growers.

Education

We have prepared some brochures on puncture vine for homeowners. We have been able to get the information to the people who have licenses to buy chemicals but the homeowners have not had the information as readily available. We share a booth with

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Benton County and Walla Walla County at the Ag Show and the Home and Garden Show and the fairgrounds in order to get a lot of public exposure.

We're working on a web site now that we hope will be up this winter sometime to give people more access and more information.

Southeast Washington Cooperative Weed Management Area

Mr. Braun said Mr. Reeve has been instrumental in getting the Southeast Washington Cooperative Weed Management Area going.

Mr. Reeve said Mr. Braun has done an excellent job this year coming into a new position. I feel like we've made some great strides in the Weed Board office as far as improving our public awareness and education and doing the job we need to do.

Mr. Reeve said the Southeast Washington Cooperative Weed Management Area is a cooperative effort between eight counties in southeast Washington (Franklin, Benton, Asotin, Adams, Walla Walla, Whitman, Garfield and Columbia) that was developed a couple years ago. The overall picture was to bring counties together, not necessarily under the guise of the weed coordinators, to have a broader base, more grassroots type of organization, involving landowners and agencies in those areas to develop programs to control basic weeds. Our primary weed at this point is yellow starthistle along the 74-mile Snake River corridor. All of the counties except Adams and Benton Counties have part of the Snake River. Benton County gets the downflow of the river.

Seventy people attended the first meeting held in September 2007 but only four were landowners. We all agreed this is a good idea. The implementation of it is a difficult problem. Everybody has added this to their list of "other works." It's been challenging to get it to a point where it's productive. We did have several projects, including about camelthorn and knotweed, and inter-county activity which has never gone on before. Counties have worked together. A lot of the counties have one person as their weed board employee. We did a couple of big projects, including photographing the Snake River corridor using some grant money. Hopefully that will be a building block to continue on.

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The idea was to bring a number of groups together under one area specifically for weeds, which kind of ties into the Invasive Species Council idea of what they're trying to put together. Each of the counties has various groups like the Cattlemen's Association, Wheatgrowers Association, and other commodity groups. We're trying to educate through those groups how this combined effort will help to keep these invasive weeds out of the area. We haven't delved into species just because we are limited in the amount of time and effort we have.

Because we're in the Snake River, the Corps of Engineers is very interested in what the water aspect is, where most of the weed boards are a little more terrestrial. The big item that has come from this has been the communication between our cross-jurisdictional lines.

It has been very, very productive. It takes time. We're not funded by any source other than grants. We do have some people that are interested in participating and have some real potential for getting grants. It's an ongoing process. We keep nourishing as it goes on. I have big hopes for it becoming instrumental in helping all of the counties come together. CWMA's across the nation are the buzzword for management for all kinds of weeds or species.

The First Annual Meeting will be held on November 18 at 9:00 until about 3:00 or 3:30 in Colfax. The Board members will be invited to come. An agenda has been drafted but not finalized.

Mr. Koch said Mr. Reeve and Mr. Braun came to the Big Bend RC&D meeting for the central Inland Northwest. The RC&D is interested in looking for grants. Mr. Reeve said he has talked to Lisa Naylor with the Blue Mountain RC&D.

Mrs. Corkrum asked if the Weed Board employees educate people in the various cross sections of organizations such as Cattlemen's and Farm Bureau about what the Weed Board does versus County Road for road right-of-ways. She feels like some of the farmers feel county roads should be spraying for everything and the Weed Board should be spraying for puncture vine and kochia.

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Mr. Braun said the Road Department says if there is a weed on the noxious weed list, we'll take care of it for the Road Department, but Russian thistle isn't on our list. If it's kochia, the Weed Board can do something about it. If it's Russian thistle, it's up to the Road Department to do it.

Mr. Braun said we're trying to put together a pilot project where it might be possible for farmers to be responsible for roadside spraying. There's still a long ways to go before the project would be ready. Mrs. Corkrum said we're working on that. We're not sure if any other county has tried it. There are some questions including liability issues.

Mr. Miller asked what does it take to get some of the weeds that are a problem here on the list? Mr. Braun said puncture vine isn't on our list because there's no way I can put enough people to continue the control on it. He said kochia is also difficult to control.

Mr. Miller asked is it possible for you to actually control puncture vine? Mr. Reeve said this is one of the areas that we need to do some education on. Mr. Miller said I agree. Mr. Reeve said the Weed Board really is not the one that goes out and sprays. Mr. Miller said right. Mr. Reeve said the Weed Board is the one that keeps you aware of what's yours. Mr. Koch agreed. Mr. Reeve said that's an area where we need to clear the line a little bit. If the puncture vine is growing on your property and it's not on our list, then it's your problem, not our problem. But if your neighbor doesn't want it, then he comes to the Weed Board and complains and asks the Weed Board why don't you take care of it. The Weed Board can't really do that. It is an educational process. The problem is getting worse and worse and worse.

Mrs. Corkrum said she thinks your consortium of all these counties meeting in Colfax would be a good spot for some education, such as through the Wheat Growers Association, Farm Bureau and Cattlemen's. Mrs. Corkrum said people think because the Weed Board was formed by the county, that you're responsible for all the weeds.

Mr. Braun said we try to do our best and get information out and we do contact people about puncture vine.

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PUBLIC WORKS

Engineer Tim Fife met with the Board. Present in audience: Joe Chapman.

Public Hearing: Notice of Intent to Sell County Surplus Property

Public Hearing convened at 9:51 am. Present: Commissioners Koch, Corkrum and Miller; County Engineer Tim Fife; and Clerk to the Board Mary Withers. Present in audience: Joe Chapman.

Mr. Fife said we're here to take testimony for and against surplus some vehicles. They are beyond their useful life so that is why we are hoping to send them to the auction.

Mr. Koch asked Mr. Chapman if he had any comments. Mr. Chapman reviewed the list. He said he had no comment.

There was no one else present to comment.

Motion – Mr. Miller: I move that we surplus the 2008 surplus equipment that is listed on November 1, 2008, at 9:00 am public auction at Booker Auction. Second by Mrs. Corkrum. 3:0 vote in favor. This is Resolution 2008-453.

Resolution: CRP 593 Phase 1, Approval of Project Agreements for RAP Construction Proposal, Project #1106-01, Dent Road M.P. 00.00 to 03.60, County Road Administration Board (CRABoard) and Franklin County

Mr. Fife asked for approval of an amendment to the Road 100/Dent Road project for RAP funding. He explained that the project has been split into phases so that the canal work can be done this winter when irrigation water is off. The rules for the project have been changed so permission is required if the project is phased. He reviewed some wording from the new agreement stating "Phasing or splitting this project is permitted under the following conditions: a. construction on at least one of the split portions (canal relocation) must commence by April 27, 2012, and all remaining portions must proceed to construction within two years of commencement of canal relocation." Then it goes on to say in the event of failure, we would have to repay the RAP funds.

Section c says: "Split price will be considered ineligible for any increases in the rate of funding or revision in scope."

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Mr. Fife said basically it lets us start but what they're saying is they want us to finish it within two years of when we start. He expects the project to be completed within the two years, provided the right-of-way isn't an issue, and if it is we can go back to them and say we have circumstances that are beyond our control. We can appeal.

Motion – Mrs. Corkrum: I move we approve CRP 593 Phase 1 of Project Agreement for RAP construction proposal, Project #1106-01, Dent Road milepost 0 to 3.60, between County Road Administration Board and Franklin County. This is Resolution 2008-454. Second by Mr. Miller. 3:0 vote in favor.

Bi-Monthly Reports

The Bi-Monthly Reports were reviewed.

Other Business

Mr. Miller asked what it would take to level the area near the Selph Landing and Taylor Flats intersection. Mr. Fife said it would take some right-of-way. Mr. Miller said he understands the property owner would be willing to do that. Mr. Fife said the flip side is the need for a site plan so it would not be farmed in the future with crops that would block the view. Mr. Fife also said if the work were done, the intersection's level of standard would be a lot higher than at any other intersection in the county.

Mr. Miller said this intersection is one that people have complained about. They are asking would it be possible to do something. Mr. Fife said it is all speculation whether the recent fatal accident could have been avoided.

Mrs. Corkrum asked Mr. Fife to investigate it and talk to the property owner to at least find out what our responsibility would be and what they would want us to do. Mr. Fife said the next phase of the safety project that is occurring would be to flatten some slopes on Glade Road so some of that money maybe could be used for this project.

Mr. Koch asked if the material has to be moved from the corner. Mr. Fife said we don't have to do that but we could use some of the material to flatten the slopes. Then it would qualify for the safety funding.

Mr. Fife said he is just hoping we're not setting a precedent or standard that we can't keep.

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Mr. Koch also asked Mr. Fife to carry on the discussion at this point.

Recessed at 10:06 am.

Reconvened at 10:13 am.

TRAC

TRAC Manager Troy Woody met with the Board. Present in audience: Joe Chapman.

Women's Expo

Mr. Woody said the Women's Expo that was held this weekend was a great event.

Sales Chart

A Sales Chart was reviewed showing the events and revenue received for 2007 and 2008, both large events and small events.

Tractor Salvage Question

Mr. Koch asked where the minimum sale price came from for the tractor that will be salvaged. Mr. Woody said we had three different tractor dealers look at the tractor and tell us what they would give us as trade-in value. The minimum is \$5000. It is a Ford 6610 cab-over tractor, 1988 model, with 4442 hours and a bucket. We plan to sell the tractor and then purchase some skid tractors. The tractor is a good tractor but we don't have a need for it because it's too big.

12-year Capital Outlay Plan

Mr. Woody showed the Board a draft 12-year Capital Outlay Plan. He said he was asked to prepare information to answer the question about how do we develop a sustainable budget for TRAC's capital needs? This plan is an attempt to do that. The arena funding is separated on the form because it is funded from .09 funds. Pasco City Manager Gary Crutchfield asked for a sub-breakout for the hockey area. Mr. Woody said the plan shows about \$200,000 to \$250,000 per year for basic costs. Mr. Woody said the figure are just guesses. There are two tractors, one in its tenth year and one in its fourth year. They will last longer than 12 years but they were used to begin with.

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Mr. Woody feels the list is very realistic. His job was to establish a base line and some sort of replacement fund schedule. He said the plan did answer Gary Crutchfield's questions.

Miscellaneous Items

Mr. Woody said he has been asked several times if it would make sense in slow months, particularly July and August, to close the doors at TRAC and lose less money. Mr. Woody said it would actually cost us more money to close in July and August than we lose now. He explained how he figured it including using the payroll figures for salaried staff. He cut the electrical costs in half. The capital plan list includes installation of air conditioning in the arena.

The Board said they would not be in favor of closing down two months.

Upcoming Events

Mr. Woody told the Board about some of the upcoming events.

Recessed at 10:30 am.

Reconvened at 10:33 am.

FACILITIES

Facilities Director Christopher Giles met with the Board. Present in audience: Joe Chapman.

Request to purchase a 400 CFM exhaust fan for the Sheriff's Evidence Room

Mr. Giles asked for approval of a Public Works Contract for \$2620 to install a 400 CFM vent in the evidence vault in the basement of the Public Safety Building. The sheriff is trying to get everything in order to pass qualifications. The evidence room was not vented properly.

Motion – Mrs. Corkrum: I move for approval of installation of a new 400 CFM exhaust fan for the Sheriff's Evidence Room in the amount not to exceed \$2620 including sales tax. Second by Mr. Miller. 3:0 vote in favor. This is Resolution 2008-455.

Elevator

Mr. Giles explained about the Department of Labor and Industries' concerns about two elevators. One issue was resolved about three months ago. He expects the

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current issue to be resolved very soon. It involves recordkeeping. Mr. Giles said in his opinion this is not the county's responsibility because the maintenance company is supposed to provide us with the proper records.

Marble on Franklin County Annex

The City of Pasco is not going to require a permit or an engineer's design to work on the marble work at the Annex. Once the bars are on, it will be sealed.

Courthouse

The Courthouse was washed for the last time this weekend. We'll be shutting the water off.

Stairway

Mrs. Corkrum asked about an outside stairway that is showing signs of rust. Mr. Giles said the architect said the problem cannot be resolved through the warranty. Mrs. Corkrum asked can we get paint that matches and paint over it? Mr. Giles said we can. It was washed this weekend. He said the Facilities Department is now at a point where we can do some preventative maintenance issues. Jennifer Wagner has been a handy person to have on our team and is able to do a lot of the work. The paint striper has been used to do a lot of painting.

The staircase is supposed to be installed on Wednesday.

Temporary wiring has been put in on the parking lot construction site so that employees will have parking lot lights.

Recessed at 10:45 am.

Reconvened at 11:00 am.

OTHER BUSINESS

Mark Oesterle met with the Board. Those present in the audience included: Joe Chapman, Judge Jerry Roach, woman reporter, man reporter and another man.

Gas Prices

Mr. Oesterle said he has about 150 signatures regarding a gas station on Court Street which you threatened to not renew his business license because of rising gas prices. He has five or six people out there (employees) that would be out of work. I don't know

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who said it – code enforcement officer or somebody – was talking about not renewing his license. For every one person that signed this, there were two or three that got by me. I've never seen any fights. I've never seen anybody being rude out there. Picking on this guy is totally unfair. If you want to get on anyone, get on these other guys' stations around here.

Mr. Koch asked can I give you what I heard from our side?

Mr. Oesterle said sure.

Mr. Koch said what I have understood and I know for a fact that two years ago we sat in this room and put the chairs in a circle when there was a problem two years ago with traffic on Court Street. Mr. Din sat in here with us. As a group, we came up with about six different items as far as coning and getting traffic going in one direction. Mr. Din said we can do that no problem. From what I understand, this last incident that you're referring to within the last 10 days, two weeks, was a matter of Mr. Lingo stopping in and talking to Mr. Din and just reminding him of our discussion and that was it. The newspaper is what came out saying that the end result "could be" but it was never discussed from our side of it. Mr. Chapman started asking Mr. Lingo what would be the process and that's what came out in the paper. But it was never discussed with Mr. Din about that. Mr. Din took care of the problem right away. In fact, my wife was down there Saturday and everything was going through cones and directed properly. From my understanding, it was a five-minute discussion with Mr. Din and it was handled.

Mr. Oesterle said I'm just going by what the paper said. That's what everybody else is going by, too.

Mr. Koch said exactly, and that was not the bottom line.

Mr. Oesterle said there are a lot of hot people without that information.

Mr. Koch said I don't doubt that a bit. He said it was never a discussion of closing them down but that could happen if it was ignored, if there were some problems. Granted, that is an end result, but it never got anywhere close to that.

Mr. Oesterle said okay.

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Mr. Miller said I use that service station a lot. The only time there seems to be a problem is like twice in the last two or three years when the price drops about 30 cents. I appreciate open market. I was a farmer. But I think it is a matter of public safety. I think they solve it quickly. Within a couple hours, it seems like it's controlled and is no problem.

Mr. Oesterle said he does control it.

Mr. Miller said yes. He does a very good job of doing it. It's probably just a matter of time, enacting it on time so there are no problems. You can probably see a lawsuit happening if there is a car accident because of that which may reflect back to us or even himself. That's the only issue we have. But we never talked about withdrawing anybody's license. We would work with companies, people, businesses, before we would do that.

Mr. Oesterle said that's what I say, it was in the paper. That's where everybody got their information.

Mr. Koch said I appreciate you coming in and bringing that up.

Mr. Oesterle left the meeting.

An unidentified man asked to speak: I'm here because you're interfering with a man's business. You're being discriminatory.

Mr. Koch asked did you just hear our discussion?

The man said I did not just hear. As you noticed, I just came in. The last time I knew, discrimination was against the law, but that's what you're doing is discriminating against that man in doing his business. You've already cost him money -- He had to rent a lot across the street from him because of you. He had to modify his pumps because of you. He's had to hire extra help because of you in order to control the traffic in the public streets. His job is to run a profitable business. Just because he can run his business profitably at 20 to 30 cents a gallon cheaper than any other station in town is not a reason for you to step in or like happened two years ago when the sheriff or a deputy gave him an order as to what price he had to put on his fuel. That's wrong. That's not the America I want to live in, the state I want to live in, or the county I want to live in. All you guys

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are supposed to do is help run the county. You're not supposed to tell businesses how to do business. He said it's the drivers you should be talking to, not the business owner. He suggested hiring another deputy to be posted there 24 hours a day.

Mr. Koch thanked the man for coming. The man continued speaking.

Mrs. Corkrum explained that Mr. Oesterle was satisfied with what the Board explained and did not present his petition.

Undersheriff Kevin Carle joined the audience.

In response to the man's question about the sheriff, Mrs. Corkrum said the sheriff is an elected official and the commissioners have something to do about his budget but that's all. Mrs. Corkrum said I was just trying to explain to you that this issue has been resolved and Mr. Oesterle is satisfied.

Mr. Miller also commented.

PROSECUTOR

Prosecutor Steve Lowe and Chief Civil Deputy Prosecutor Ryan Verhulp met with the Board.

Executive Session at 11:20 am pursuant to RCW 42.30.110(1)(i) pertaining to the case *Franklin County Sheriff's Office, Franklin County Correctional Center, and Franklin County Prosecuting Attorney's Office v. Allan Parmelee* expected to last 30 minutes.

Those in the audience left the meeting.

Open Session at 11:40 am.

Adjourned at 11:40 am.

COMMISSIONERS RECORD 49
FRANKLIN COUNTY
Commissioners' Proceeding for October 27, 2008

There being no further business, the Franklin County Board of Commissioners meeting was adjourned until October 29, 2008.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

Attest:

Clerk to the Board

Approved and signed November 3, 2008.