

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for January 28, 2009

The Honorable Board of Franklin County Commissioners met on the above date. Present for the meeting were Bob Koch, Chair Pro Tem; and Brad Peck, Member; Fred Bowen, County Administrator; and Mary Withers, Clerk to the Board. Rick Miller, Chairman, was absent on county business to attend the National Association of Counties (NACo) Annual Retreat in Estero, Florida.

EXTENSION OFFICE

Extension Director Kay Hendrickson and Agent Lauri Sherfey met with the Board. Present in audience: Tri-City Herald Reporter Joe Chapman.

Kay Hendrickson will retire on Monday, February 2.

Lauri Sherfey will be the new Extension Director. She has been the 4-H agent. She will take over the principal role in the Gates Project and also be county director.

Natalie Kinion will be moving into the 4-H educator position beginning February 2 in a two-year temporary position in an E-1 faculty position, which is an instructor position in the WSU system. When she receives her master's degree, we will do a search and it is possible she will be hired in the E-2 position (assistant professor).

Thank you

Ms. Hendrickson expressed thanks to the Board for her time working at Extension.

PLANNING AND BUILDING DEPARTMENT

Planning Director Jerrod MacPherson and Assistant Director Greg Wendt met with the Board. Present in audience: Joe Chapman.

Public Meeting: Conditional Use Permit CUP 2008-13, an application to expand an existing dairy (and associated young stock) operation. The proposal is to replace an existing milking parlor and increase the overall animal unit headcount to a maximum of 2800 animals. Of this, approximately 1400 are milking cows and 1400 are the associated young stock. The property is located in North Franklin County, approximately 1/2 mile south of the Adams County, south of Mail Road, along the east side of Radar Hill Road. (Parcel Number 120-030-082)

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Public meeting convened at 2:31 pm. Present: Commissioners Koch and Peck; County Administrator Fred Bowen; Planning Director Jerrod MacPherson; Assistant Director Greg Wendt; and Clerk to the Board Mary Withers. Present in audience: Joe Chapman.

Mr. Wendt reviewed the information on the Action Summary (Exhibit 1).

Mr. MacPherson showed two aerial photographs of the area on the screen. He showed a site plan submitted by the applicant showing the current layout and a site plan showing what they are proposing to remove. The existing facility has been in operation for quite some time and some buildings are dilapidated. The applicant wants to put in a new milking parlor and miscellaneous improvements. They are increasing in head count numbers to cover the costs of improvements. Mr. MacPherson showed a copy of the site plan that shows the upgraded plan.

Mr. Wendt reviewed the conditions of approval.

Of the 12 to 15 people who attended the Planning Commission meeting, at least 12 had concerns. The site adjoins a Rural Residential 5 zoning area. It is not a rural settlement and is not in an urban growth boundary. Agricultural uses are permitted as a permitted use. A few single-family homes are built on the five-acre tracts. They had a few concerns including: truck traffic on Radar Hill road, noise, emptying of lagoons (particularly smells), the potential of more flies when bringing on more animals, and increased odors. A benefit to having the operation under a CUP is they will have an Odor and Fly Control plan and they will be modernizing their current nutrient management plan from 2001.

In response to Mr. Koch's question about truck traffic, Mr. Wendt said there are two homes that are not under ownership of the applicant. It is a hard-surface road but is not all-weather. The Public Works Department reviewed the application and felt the expansion would increase the Average Daily Traffic Count (ADTs) by about 10 per day and that the road met the standards to accommodate that. They did have their provision added to the permit that this is not an all-weather road. We could add restrictions as weather-related issues come up.

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Mr. Wendt said the person that was probably the most outspoken at the Planning Commission meeting was representing the Melgren family. He pointed out the property they own on the screen. He said the entire property is 15 % or greater slopes with a 20-acre zoning minimum.

When DeGroot bought the dairy, it was an existing dairy facility. It may not have been operating the entire time.

The planners showed a map on the screen with other animal operations in the area that was created by the Franklin Conservation District. When the Odor and Fly Control plan was prepared in 2001 for the zoning code, separation standards for dairy operations were also prepared. The zoning code says you can't have any more than two operations from the center of their confinement within a two-mile radius of each other that are over 1300 head count when you're talking strictly milking cows. Some dairies are smaller. Any dairy above 499 head count needs a CUP. Any dairy about 1300 head has to abide by the separation standard of two miles. There are still lots of people coming in for locations to site dairy facilities.

Mr. Peck asked were there any opinions or concerns expressed that you don't feel had been fully addressed and mitigated at the Planning Commission hearing?

Mr. MacPherson said we are requiring an odor and fly control plan to help mitigate the odor issue. Regarding the concern about increased traffic, the Public Works Department analyzed the road and felt it could accommodate the increase.

Mr. Koch said there was an appeal period. Mr. Wendt said the appeal period was 10 days. Mr. Wendt said the Board can review this today or if it had been appealed, then it could go to a closed record public hearing.

Motion – Mr. Peck: I move we grant approval to Conditional Use Permit Application CUP 2008-13 subject to the six findings of fact and 20 conditions contained in the Planning Commission's recommendation. Second by Mr. Koch. 2:0 vote in favor. This is Resolution 2009-041.

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Public Meeting: Zone Change ZC 2008-05, an application to update the County-wide (Urban Area) Zoning Map. This Zoning Map change is being completed to ensure consistency between the County Zoning Map, the County Development Regulations (Zoning Ordinance) and the recently updated Pasco Urban Growth Area Comprehensive Plan. This application focuses on the lands within the Pasco Urban Growth Area.

Public Meeting convened at 2:57 pm. Present: Commissioners Koch and Peck; County Administrator Fred Bowen; Planning Director Jerrod MacPherson; Assistant Director Greg Wendt; and Clerk to the Board Mary Withers. Present in audience: Joe Chapman.

Mr. Wendt reviewed the information on the Action Summary (Exhibit 2).

Mr. MacPherson showed a map on the screen from the City of Pasco of the area titled Land Use Map June 2008 to show what will be included in the City of Pasco's Urban Growth Boundary.

He showed a drawing of the zone change areas for this hearing.

A revised zoning map was shown on the screen. The goal was to make conversions to the urban designations which are as close to the existing rural designations as possible. He gave examples:

This (indicated) was an rural one-acre. We put it into an urban one-acre designation.

This (indicated) was a rural five-acre. We made it consistent with the property to the south and made it into an urban five-acre.

For the areas that were zoned agricultural, the City of Pasco's practice is to take large undeveloped parcels and designate them residential transition which is a five-acre minimum as kind of a holding zone until development proposals come forward and then they will rezone them accordingly.

We also have a mixed residential/commercial area (indicated) which is a C-1 retail business zone to be consistent with the City of Pasco's Comprehensive Plan.

Also, some areas are being proposed to be rezoned to the RS-20 which is the half-acre residential zone which will make them consistent.

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One other note: We're proposing to leave a small portion here (indicated) that is Dr. Oliver's veterinary clinic on Road 92 and Argent under the RT zoning designation. Vet clinics are an outright permitted use. We didn't want to rezone him and make him nonconforming so we left it in the Residential Transition five-acre zone which was established for those types of activities.

Mr. Wendt said the Planning Commission didn't want to down zone anybody through this whole process. They wanted it to be an equal move.

Mr. Wendt reviewed the information on the Action Summary. Ted Tschirky attended the Planning Commission hearing and was interested in what was occurring. He did not provide any testimony at the Planning Commission hearing. Mr. Wendt said we contacted the two Road 68 landowners prior to the hearing regarding the mixed residential designation. It could either be a higher density residential or a commercial designation. They both expressed they preferred commercial instead of residential zoning.

Motion – Mr. Peck: I move we grant approval of Zone Change application ZC 2008-05 subject to the seven findings of fact. Second by Mr. Koch. 2:0 vote in favor. This is Ordinance 1-2009.

PUBLIC WORKS

Assistant Engineer Guy Walters met with the Board. Present in audience: Joe Chapman.

Resolution: Contract between Franklin County Public Works and Apollo, Inc., CRP 593 Road 100/Dent Road Extension, Phase I – Irrigation Canal Modifications

Motion - Mr. Peck: I would move that we approve contract between Franklin County Public Works and Apollo, Inc., CRP 593 Road 100/Dent Road Extension Phase I -- canal modifications. Second by Mr. Koch. 2:0 vote in favor. This is Resolution 2009-042.

Resolution: Contract between Franklin County Public Works and Hurst Construction, LLC, CRP 591 Countywide Safety Improvements – Culvert Extensions Project

Motion - Mr. Peck: I move we approve contract between Franklin County Public Works and Hurst Construction, LLC, CRP 591 Countywide Safety Improvements – Culvert

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Extensions Project. Second by Mr. Koch. 2:0 vote in favor. This is Resolution 2009-043.

Resolution: Contract between Franklin County Public Works and Premier Excavation, Inc., CRP 596 R-170 Landslide Area, Phase 2 – Irrigation Canal Modification Project

Motion – Mr. Peck: I move we approve contract between Franklin County Public Works and Premier Excavation, Inc., CRP 596 R-170 Landslide Area, Phase 2 – irrigation canal modification project. Second by Mr. Koch. 2:0 vote in favor. This is Resolution 2009-044.

Notice to Contractors: 2009-2010 Herbicide Application

Motion – Mr. Peck: I move we approve this Notice to Contractors for the 2009-2010 herbicide application. This is a request for sealed bids. Second by Mr. Koch. 2:0 vote in favor. (Exhibit 3)

Troy Woody, Jerrod MacPherson and Ryan Verhulp were present in the audience.

Truck Traffic complaint

Mr. Walters responded to Mr. Peck's question about a complaint received regarding truck traffic on a road. Mr. Peck said you answered my question that it's a county easement and legal public access.

PROSECUTOR

Chief Civil Deputy Prosecutor Ryan Verhulp met with the Board. Present in audience: Joe Chapman, Troy Woody and Jerrod MacPherson.

Mr. Verhulp has given the Board members some information regarding a claim for damages from James Berneck and recommends denial of the claim.

Mr. Koch said he feels that the information that was sent is straightforward. Mr. Peck said he has no other questions.

Motion – Mr. Peck: I move that we deny this claim for damages from Mr. James C. Berneck as filed and provided by counsel today. Second by Mr. Koch. 2:0 vote in favor. This is Resolution 2009-045.

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COUNTY ADMINISTRATOR

County Administrator Fred Bowen and Planning Director Jerrod MacPherson met with the Board. Present in audience: Joe Chapman.

Setback Issue off of Chardonnay Drive

The Board members have reviewed information regarding a setback issue off of Chardonnay Drive. New language has been proposed for the resolution following Monday's Board meeting.

Motion – Mr. Peck: I move we approve Franklin County Resolution 2009-046, potential liabilities, claims or damages with respect to the issue with permit 2369 and it's a new home construction permit for property at 3508 Chardonnay Drive in Pasco. Second by Mr. Koch. 2:0 vote in favor.

Mr. MacPherson left the meeting. Sheriff Richard Lathim joined the audience.

Indigent Defense District Court Contracts

Information was given to the Board regarding negotiation of the District Court indigent defense contracts.

Benton-Franklin Office of Public Defense Indigent Defense Coordinator Eric Hsu is also putting together a Small Works Roster of attorneys to draw from. He is also considering getting investigators that are certified and have the appropriate credentials.

Approval to purchase armored vests for the Sheriff's Office, \$15,086

Mr. Bowen said the purchase was approved in 2008 but was not submitted for payment until now.

Motion – Mr. Peck: I would move that we authorize the Sheriff's Office to purchase armored vests from Central Lake Armor Express, Inc., to be paid from Miscellaneous Expense L&I Reserve Fund #110-000-001. Second by Mr. Koch. 2:0 vote in favor. This is Resolution 2009-047.

Inter Budget Transfer of \$435

Mr. Bowen said we estimate state auditor costs every year and put it into our budget. We pay them on a per-hour basis. He asked for a budget transfer to cover the total amount.

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Motion – Mr. Peck: I move we approve inter budget transfer in the amount of \$435 from the 2008 Current Expense Non-Departmental Budget #700, line item 0001 (Contingency Reserve) to the State Examiner Budget #690. Second by Mr. Koch. 2:0 vote in favor. This is Resolution 2009-048.

OTHER BUSINESS

Sheriff Richard Lathim met with the Board. Present in audience: Joe Chapman.

Request to purchase Tasers

Sheriff Lathim requested approval to purchase Tasers using funds that were not used in the Bi-PIN budget. The Board reviewed information he presented about the tasers. He said people are not seriously injured from tasers. Also, injuries to officers have gone down because of using the tasers. It is a safety issue for our employees. A lot of times we have an officer in a rural area without backup or at least without quick backup. He has held back because of controversy about tasers for a number of years but now there have been studies done. The deaths and serious injuries have not been because of tasers but because of other medical conditions. He gave an example of an incident in Franklin County where a taser may have helped prevent an injury to an officer.

Mr. Koch said at this point in our budgeting, we need to see what revenues are coming in for the next approximately 30 days. Mr. Bowen said he expects to know probably by the end of February. It looks like we have a pretty serious shortfall. Mr. Bowen will get back to Sheriff Lathim in about 30 days. Mr. Peck said I personally like the idea of you having the support of the taser but given budget constraints, let's give it 30 more days and take a look at it. Mr. Koch said I'm for it also; we just have to watch the budget.

Recessed at 3:55 pm.

Reconvened at 3:58 pm.

OFFICE BUSINESS

Secretary Patricia Shults met with the Board.

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Consent Agenda

Motion - Mr. Peck: I move that we approve the consent agenda for January 28, 2009, showing seven items:

1. Approval of **joint Resolution 2009-049** in the matter of execution of a service agreement between the Spokane County Community Services, Housing and Community Development Department, and Benton and Franklin Counties' Department of Human Services, effective February 15, 2009, through December 31, 2009, and authorizing the Chairman Pro Tem to sign said agreement on behalf of the Board. (Exhibit 4: Information sheet.)
2. Authorizing the Franklin County Treasurer to cancel check number 1285 payable to NRLL East LLC in the amount of \$27.50, issued November 8, 2007. (Exhibit 5)
3. Authorizing the Franklin County Treasurer to cancel checks totaling \$145.58 as identified on the letter to the Board of County Commissioners dated January 23, 2009. (Exhibit 6)
4. Approval of **Resolution 2009-050** to salvage a Swintec 8014 typewriter, Serial Number 81321434, Franklin County Property Number 02724, as identified on the *Franklin County Storage – Salvage* form received from the Prosecutor's Child Support Office, in conjunction with RCW 36.32.210 (inventory).
5. Approval of **Resolution 2009-051** for destruction of an Adler Satellite 4 typewriter, Serial Number 65338650, as identified on the *Franklin County Storage – Salvage* form received from the Prosecutor's Office, in conjunction with RCW 36.32.210 (inventory).
6. Approval of **Resolution 2009-052** to salvage eight office task chairs as identified on the *Franklin County Storage – Salvage* form received from the Prosecutor's Office, in conjunction with RCW 36.32.210 (inventory).
7. Approval of **Resolution 2009-53** authorizing Facilities to store a 6 foot by 3.5 foot rectangular wood table as identified on the *Franklin County Storage – Salvage* form received from the Prosecutor's Office, in conjunction with RCW 36.32.210 (inventory).

Second by Mr. Koch. 2:0 vote in favor.

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Vouchers/Warrants

Ms. Shults said the Auditor O&M Committee did authorize County Clerk Mike Killian to purchase Safeguard case files for \$3151.63. They want it taken out of 2008 money. Mr. Koch asked that a resolution be prepared for Monday's consent agenda so we have a record.

Motion – Mr. Peck: I move we approve 2008/2009 vouchers as presented January 28, 2009, in the total amount of \$307,240.93:

FC RV Facility warrants 11940 through 11944 for \$4604.36; Sheriff's Narcotic Trust warrant 11945 for \$23.00; Trial Court Improvement warrant 11946 for \$2398.85
FC Capital Projects Fund warrant 11947 for \$2497.50; Law Library warrants 11948 through 11950 for \$9322.11; DOC Building Inspection warrant 11951 for \$30.00; TRAC Operations Fund warrants 11952 through 11959 for \$51,483.96; Current Expense warrants 11960 and 11961 for \$626.27; Current Expense warrants 11962 through 11965 for \$7926.63; Auditor O&M warrant 11966 for \$3151.63; Current Expense warrants 12006 through 12008 for \$2878.19; Election Equipment Revolving warrant 12009 for \$15,082.95; Current Expense warrants 12010 through 12012 for \$668.82; Auditor O&M warrants 12013 and 12014 for \$9472.61; TRAC Operations Fund warrant 12015 for \$24,202.53; TRAC Promotions warrant 12016 for \$26,000.00; Clerk LFO Collection Fund warrant 12017 for \$50.00; Jail Commissary warrants 12018 through 12020 for \$1858.69; Election Equipment Revolving warrant 12021 for \$527.50; FC Public Facilities Construction Fund warrant 12022 for \$28,305.29; and Current Expense warrants 12023 through 12084 for \$116,130.04.

Mr. Koch amended the motion to say there will be a resolution coming forward next week for the Clerk's Safeguard files, warrant #11966. Second to amendment by Mr. Peck. 2:0 vote in favor. Second to motion by Mr. Koch. 2:0 vote in favor.

(Exhibit 7)

Motion – Mr. Peck: I would move that we approve Salary Clearing payroll in the amount of \$790,895.21 inclusive of the Emergency Management Payroll and the Irrigation Payroll:

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Salary Clearing Payroll warrants 47612 through 47721 for \$196,693.29; warrants 47722 through 47733 for \$307,990.19; and Direct Deposit for \$286,211.73; for a total amount of \$790,895.21.

Emergency Management Payroll warrants 12086 through 12097 for \$4330.12; warrants 12098 through 12107 for \$5745.65; and Direct Deposit for \$7826.38; for a total amount of \$17,902.15; and

Irrigation Payroll warrants 12108 through 12123 for \$8450.72; and warrants 12124 through 12131 for \$4813.70; for a total amount of \$13,264.42.

Second by Mr. Koch. 2:0 vote in favor. (Exhibit 8)

Minutes

Motion – Mr. Peck: I would move that we approve Franklin County Commission Meeting minutes from January 12, 14 and 21, all 2009, and allow Rick Miller to sign on his return. Second by Mr. Koch. 2:0 vote in favor.

Adjourned at 4:18 pm.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until February 2, 2009.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

Attest:

Clerk to the Board

Approved and signed February 18, 2009.