

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for July 28, 2010

The Honorable Board of Franklin County Commissioners met on the above date. Present for the meeting were Brad Peck, Chairman; Rick Miller, Chair Pro Tem; and Bob Koch, Member; Fred Bowen, County Administrator; and Mary Withers, Clerk to the Board. Meeting convened at 9:00 am.

PLANNING AND BUILDING DEPARTMENT

Planning Director Jerrod MacPherson and Assistant Director Greg Wendt met with the Board.

Public Meeting: Conditional Use Permit CUP 2010-08, a Conditional Use Permit application by US Cellular to construct a 100' high communication tower within a 6,012 square foot leased area. The site is approximately 92 acres in size and is zoned Agricultural Production 20 (AP-20). The property is located north of Basin City, east of Sagehill Road, near the east end of Eagle Road (Parcel Number 120-110-067).

Public Hearing convened at 9:00 am. Present: Commissioners Peck, Miller and Koch; County Administrator Fred Bowen; Planning and Building Director Jerrod MacPherson; Assistant Director Greg Wendt; and Clerk to the Board Mary Withers. Present in audience: Tri-City Herald Reporter Kristi Pihl.

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

Mr. MacPherson showed a copy of 2007 aerial photograph parcel with an overlay of the proposed area on the screen. He showed another aerial photo.

Mr. Wendt reviewed the Conditions of Approval. He said six people spoke in favor of the application at the Planning Commission hearing. Their support was based on the hope they would now have cell phone service. The support was basically from people who live just north of the tower in an area where there has been very limited cell phone service. US Cellular's response was that their engineers felt, based on their maps, that service could be provided to them in those areas. In addition, other service providers will be able to co-locate on the tower to potentially serve that area in the future. Most of the antennas will be aimed to the south. Some people wondered if service would also extend into Adams County.

Mr. MacPherson and Mr. Wendt answered the Board's questions.

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for July 28, 2010

Motion – Mr. Koch: Mr. Chairman, I would move to grant approval to Conditional Use Permit application 2010-08 subject to the six findings of fact and 14 conditions. Second by Mr. Miller. 3:0 vote in favor. This is Resolution 2010-218.

Public Meeting: Zone Change 2010-02, a Zone Change application by Dave Greeno to rezone two parcels of land from Retail Business (C-1) to Medium Density Residential (R-2). The total acreage involved is approximately 1.16 acres. The land is located within the City of Pasco's Urban Growth Area Boundary and is east of Road 64, west of Road 62, at the southwest intersection of Court Street and Road 62 (Parcel Numbers 119-652-094 and 119-652-093).

Public Meeting convened at 9:12 am. Present: Commissioners Peck, Miller and Koch; County Administrator Fred Bowen; Planning and Building Director Jerrod MacPherson; Assistant Director Greg Wendt; and Clerk to the Board Mary Withers. Present in audience: Tri-City Herald Reporter Kristi Pihl.

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

Mr. MacPherson showed some maps on the screen including the City of Pasco's Land Use map. He answered Mr. Peck's question about compliance with the City of Pasco's land use. The county is in charge of the zoning but tries to remain consistent with each city's future land use map. The City of Pasco has the area designated as mixed residential but the area is predominately single family homes. Staff felt that the ability for the applicant to do duplex or multi-family structures in an area of predominately single family homes would not be consistent with the area. The Planning and Building Department staff recommended that the Planning Commission enter into a concomitant agreement with the applicant, which he was proposing single family homes anyway.

Mr. MacPherson noted that numerous people showed up at the Planning Commission hearing to oppose duplexes and were quite pleased and actually all of them spoke in favor of the application with the recommendation that a concomitant agreement limiting them to single family homes would be put in place. Mr. Wendt said there were approximately 12 people in favor. Two were there for clarifications and there were no opponents. The 12 who spoke in favor were in favor of the re-zone as long as there were no duplexes.

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for July 28, 2010

Mr. Peck asked if the three parcels to the west will remain C-1. Mr. MacPherson said yes.

Motion – Mr. Miller: Mr. Chairman I move that we approve Zone Change application ZC 2010-02 subject to the five findings of fact. Second by Mr. Koch. 3:0 vote in favor. This is Ordinance 04-2010.

Public Meeting: ZC 2010-03 a Zone Change application by Bernice Flores to rezone 10 parcels of land from Rural Community 5 (RC-5) to Rural Community 1 (RC-1). The total acreage involved is approximately 31.32 acres. The land is located within the Merrill's Corner Rural Settlement Area and is east of Glade Road North Road, east of DeWeber Road, along the south side of Eltopia West Road.

Public Meeting convened at 9:20 am. Present: Commissioners Peck, Miller and Koch; County Administrator Fred Bowen; Planning and Building Director Jerrod MacPherson; Assistant Director Greg Wendt; and Clerk to the Board Mary Withers. Present in audience: Tim Fife and Tri-City Herald Reporter Kristi Pihl.

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

Mr. MacPherson showed a copy of the Merrill's Corner Rural Settlement area map. He showed a map of the application area.

Mr. Wendt gave background information about the request for the zone change. Several property owners are involved in the zone change request. There is only one pending development proposal at this time. The other neighbors would have some logistical items such as building roads. No one spoke against the application at the Planning Commission hearing. One applicant spoke in favor.

Mr. Peck asked about efforts to contact the neighbors. Mr. Wendt said the applicant was not able to contact all of the neighbors. Mr. Peck asked if any letters or phone calls were received. Mr. Wendt said there was one neighbor who was not interested in including his/her property in the rezone. There was one phone call from a gentleman who lives in an adjoining area that had some hesitations towards allowing neighbors move in. One Planning Commissioner voted against it.

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for July 28, 2010

The Board asked the Planning and Building Department to provide additional information in future public hearings or public meetings regarding phone calls, letters and other contacts received regarding applications instead of only the testimony given at the Planning Commission hearing.

Motion – Mr. Koch: Mr. Chairman, I would move to grant approval of Zone Change application ZC 2010-03 subject to the five findings of fact. Second by Mr. Miller. 3:0 vote in favor. This is Ordinance 5-2010.

PUBLIC WORKS (9:30 am)

Engineer Tim Fife and Road Superintendent Ron Horn, Pasco Road Supervisor Bob Fitch and Connell Road Supervisor John White met with the Board. Present in audience: Kristi Pihl.

Award of Bid: CRP 596/R170 Landslide Area, Phase III Road Realignment

Mr. Fife said Phase 3 will complete the entire project and includes bridgework. The bids came in about 24% under our estimate. Mr. Fife listed the sources of funds for the project. Federal funds are just under \$2 million, which will be spent first. The County Road Administration Board (CRAB) will provide advanced funding before the next biennium. The irrigation district has approved the plan and is committing some funding for the bridge structure. The county is also contributing the required matching funding. The bridge and irrigation portion is expected to be done after the irrigation water is out of the canal in the fall.

Motion – Mr. Miller: Mr. Chairman, I move that we approve bid for CRP 596/R170 Landslide Area, Phase III -- Road Realignment at the cost of the bid of \$2,176,434, with Selland Construction, Inc., of Wenatchee, Washington. Second by Mr. Koch.

Mr. Fife answered Mr. Peck's question in detail about the sources of the funds. Sources include: Federal gas tax funding, emergent funding from CRAB for doing canal work in irrigation off season [state Rural Arterial Program (RAP) funding which derives from state gas tax]. The first phase of the project received Federal stimulus funding. Matching funds come from using a competitive RAP grant (CRAB money). The final phase includes earmark funding from Federal gas tax money plus the balance of RAP funding as a match. Mr. Fife said very little local money is being used.

3:0 vote in favor. (Exhibit 4)

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for July 28, 2010

Public Works Administration Building Lease

The Port of Pasco originally built the Public Works building with the county having a 20-year lease. The Port of Pasco wanted to do a market analysis to see if the county was paying the market rate. They have informed Mr. Fife that they found out what we were paying was adequate. The Port of Pasco wants to renew the lease. The county's attorney has reviewed the proposed agreement and would like to add a clause that would allow ending the lease with a six-month notice. The contract does have a clause to end the lease but it only applies if market analysis supports it.

Mr. Peck asked if the county has seen the market analysis. Mr. Fife said he has not. Mr. Peck would like to see the market analysis before signing a multi-year lease that doesn't have an easy exit clause. He asked if the other commissioners would be willing to wait a week or two to obtain further information from the Port of Pasco. Mr. Koch asked if there was a change in the rental amount. Mr. Fife said the rental has been changed every five years based on the CPI. There have been a number of adjustments based on the CPI.

Mr. Peck asked the other commissioners if they would be willing to wait to approve the contract only from a procedural standpoint.

Mr. Koch referred to what the Port of Pasco has historically done for Franklin County. We've got some facility property that costs us between nil and none. They haven't hurt us yet. On the other hand, have them send over the paperwork. It's not exactly my preference but I will agree with the other two commissioners.

Mr. Miller said he would wait another week.

The Board gave approval for Mr. Fife to put the contract on the consent agenda if the market analysis information is available quickly.

Request for Reimbursable Work: Yakima County

Yakima County has asked to utilize our distributor and one of our rollers that we are not using right now as well as a man to operate the distributor.

Motion – Mr. Miller: Mr. Chairman, I move that we approve the request for agreement between Yakima and Franklin County and that the work be completed no later than September 10, 2010,

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for July 28, 2010

and hereby guarantees reimbursement to the county for all work done. Second by Mr. Koch. 3:0 vote in favor. (Exhibit 5)

Gravel Road Update (9:54 am)

Mr. Fife explained what has been done regarding a schedule for maintenance of gravel roads in cooperation with farmers and others. Pasco Road Supervisor Gary Fitch and Connell Road Supervisor John White were present to answer questions as well.

Mr. Peck said a couple constituents expressed concern about damage to their soft fruit products and their ability to get them to market and that road conditions were costing them money because it was banging up their fruit. Mr. Peck said he asked the Road Department to look at it -- recognizing that we probably don't have additional resources to deal with the issue -- but to look at how we're applying the resources we have now and see if we can do a better job by simply adjusting the scheduling and the timing of work such that we put a little extra emphasis on key roads at critical points when they're needed and back off at other times of the year so that we balance out the resource picture.

Mr. Peck said he realizes there are limitations on the number of people and number of equipment. If all the roads need to have the same preparation during the same month, it may not be feasible. He did want to look at it so we can respond to constituents and we have an answer.

Mr. Fife said we have done quite a few things to address that.

Mr. Horn gave an overview of the project and gave the Board members a map of county roads regarding dust control. Mr. Fitch and Mr. White also told the Board about efforts that have been made by them and their crews.

WSU EXTENSION (10:17 am)

WSU Extension Director Lauri Sherfey and Benton County WSU Extension Director Maryann Ophardt met with the Board.

Position openings

Ms. Ophardt has responsibility for the community horticulture which includes the Master Gardener program. There is a vacant Benton-Franklin Animal Science position. Jean Smith had held the position for 30 years. Ms. Ophardt explained how the work of the position will be changed. She hopes the position will be filled by the beginning of 2011 if not before.

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for July 28, 2010

Spotted wing drosophila (SWD)

A grant was received to study the SWD for how much of a problem it is and management if it does become a big problem. A big fear is that it could also attack grapes. It does attack blackberries and raspberries. A grant has been received to help homeowners using pest management techniques. It includes bagging apples and using organic bait for cherry trees. These are easier ways for homeowners than spraying lots of pesticides. Master Gardeners are being trained so they can give greater education about SWD. WSDA is also putting a lot of effort into it to make sure it's managed and can be dealt with. SWD has become a big problem in California.

Gardening

We are working with people with gardening problems. We have plant clinics at this time of year. The Benton-Franklin Master Gardeners has a demonstration garden in Kennewick at the Mid-Columbia Library. In a pilot program this year, the city day camps are coming in to learn about growing plants and about insects.

Recessed at 10:27 am.

Reconvened at 10:35 am.

HUMAN SERVICES (HS)

HS Director Ed Thornbrugh met with the Board. Present in audience: Kristi Pihl and Ryan Verhulp.

Department Update

Mr. Thornbrugh gave a department update.

PROSECUTOR (10:45 am)

Chief Civil Deputy Prosecutor Ryan Verhulp met with the Board. Present in audience: Kristi Pihl.

Executive Session at 10:46 am per RCW 42.30.110(1)(i) re potential litigation re Garcia claim for damages expected to last up to 15 minutes. Ms. Pihl left the meeting.

Open Session at 11:02 am.

OFFICE BUSINESS

Secretary Toni Fulton met with the Board.

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for July 28, 2010

Consent Agenda

Motion – Mr. Koch: Mr. Chairman, I would move for approval of the consent agenda for July 28, 2010, as presented. Second by Mr. Miller. 3:0 vote in favor.

1. Approval of **Joint Resolution 2010-219**, in the matter of the request for signature from the Chairman of the Boards of Benton Franklin County Commissioners on the County Program Agreement #1063-94520 between the Juvenile Justice Center and State of Washington Department of Social and Health Services, Juvenile Rehabilitation Administration.
2. Approval of **Joint Resolution 2010-220**, in the matter of appointing County-Designated Mental Health Professionals.
3. Approval for the Board to sign letter and Certificate of Appreciation recognizing Carol Carey for her dedicated service to the Benton Franklin Department of Human Services. (Exhibit 6)
4. Approval of **Resolution 2010-221**, authorizing Information Services to purchase five (5) Canon DR-2580C desktop scanners for the Clerk's Office and authorizing budget line transfer in the amount of \$3964.43 from the Clerk LFO Collection Fund, Number 117-000-001, Line Item 512.31.00.0001 (Contingency) to Clerk LFO Collection Fund, Number 117-000-001, Line Item 594.12.64.0001 (Computer Equipment).
5. Approval of County Road Fund payroll for \$69,433.34 and Motor Vehicle Fund payroll for \$11,207.17 for pay period ending 7/22/2010.
6. Approval of **Joint Resolution 2010-222**, in the matter of authorizing the Administrator of Human Services of Benton and Franklin Counties to execute and sign certain contracts and subcontracts and amendments on behalf of the joint Boards of Commissioners for Benton and Franklin Counties and to rescind Joint Resolution 90-176, Benton County, dated May 14, 1990 and 90-72, Franklin County, dated May 9, 1990.
7. Approval of **Joint Resolution 2010-223**, in the matter of execution of an amendment for extending agreements for developmental disabilities services in Benton and Franklin Counties between Ambitions of Washington, Inc. and the Department of Human Services, Amendment #09/10-DD-AWI-01.

Vouchers/Warrants

Motion – Mr. Miller: Mr. Chairman, I move to approve the vouchers audited as of date of July 28, 2010, in the total amount of \$143,939.50. Second by Mr. Koch. 3:0 vote in favor.

Auditor O&M warrant 36640 for \$367.69; Courthouse Facilitator Program warrant 36441 for \$1080.00; Boating Safety Fund warrants 36642 and 36643 for \$1454.52; Sheriff/Sex

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for July 28, 2010

Offender Grant warrants 36644 and 36645 for \$190.10; Veteran's Assistance warrant 36646 for \$141.27; Dept. of Commerce Pass Through warrant 36647 for \$10,254.20; TRAC Operations Fund warrants 36648 through 36669 for \$14,770.09; Franklin County RV Facility warrants 36670 and 36671 for \$2012.35; and Current Expense warrants 36692 through 36798 for \$113,669.28. (Exhibit 7)

Motion – Mr. Chairman, I move for approval of Salary Clearing payroll in the amount of \$698,781.07 and also on the cover sheet is Emergency Management Payroll of \$7516.59 and Irrigation payroll of \$13,853.47. Second by Mr. Miller. 3:0 vote in favor.

Salary Clearing payroll warrants 51416 through 51510 for \$175,774.76; warrants 51511 through 51522 for \$220,032.69; and Direct Deposit for \$302,973.62;

Emergency Management payroll warrants 36672 through 36681 for \$3247.63; warrants 36682 through 36691 for \$4245.96; and Direct Deposit for \$23.00; and

Irrigation payroll warrants 36799 through 36811 for \$8984.69; warrants 36812 through 36819 for \$4868.78. (Exhibit 8)

Minutes

Motion – Mr. Koch: Mr. Chairman, I would move approval of Commissioners Proceedings for July 14, 2010, and July 21, 2010. Second by Mr. Miller. 3:0 vote in favor.

COUNTY ADMINISTRATOR (11:16 am)

County Administrator Fred Bowen met with the Board. Present in audience: Kristi Pihl. **Executive Session** at 11:17 am expected to last up to 15 minutes regarding two topics regarding contract negotiations based on RCW 42.30.140(4). Ms. Pihl left the meeting.

Executive Session continued at 11:32 am expected to last up to 10 minutes. (No one was waiting outside the room.)

Open Session at 11:45 am.

Adjourned at 11:46 am.

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for July 28, 2010

There being no further business, the Franklin County Board of Commissioners meeting was adjourned until August 4, 2010.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Brad Peck, Chairman

Rick Miller, Chairman Pro Tem

Robert E. Koch, Member

Attest:

Clerk to the Board

Approved August 11, 2010.