

COMMISSIONERS RECORD 51  
FRANKLIN COUNTY  
Commissioners' Proceedings for April 20, 2011

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

Mr. Koch announced that a **Closed Record Appeal has been withdrawn** (for Subdivision SUB 2011-01).

**PUBLIC HEARING: Review Final Project Performance on Eltopia Water System Planning Project funded by the Community Development Block Grant (CDBG)**

Public Hearing convened at 9:00 am. Present: Commissioners Koch, Miller and Peck; County Administrator Fred Bowen; Christy Batayola with Harms Engineering; and Clerk to the Board Mary Withers. Present in audience: KNDU television reporter Brian Brennan and Tri-City Herald Reporter Kristi Pihl.

Ms. Batayola said we used the grant funds to pay for a small water system management grant for the Eltopia Water Association. Some grant funding was also obtained through Department of Health that was used for the environmental review record and an initial feasibility study. Eltopia has obtained a loan from the state revolving fund for construction of their well. In the next month or so we hope to get good news from the CDBG program that we received a competitive grant for construction. Well construction is the first part of the project. Individual meters will also need to be installed. The final report has been prepared. It is required to close out the grant. Ms. Batayola answered the Board's questions. The amount used was not the complete grant so an amendment was filed requesting approval to use the remainder of the funds but was denied. The remaining funds will be returned to the state.

No one in the audience wished to comment.

**Motion** – Mr. Peck: Mr. Chairman, I'd like to move that we authorize the chairman to sign the documents as requested and would like to acknowledge that Harms Engineering in using this public money has from all appearances done a very efficient and capable job and is actually returning just over \$13,000 of the original \$35,000, which we should never forget is public money so if they get the job done for less, it's just someone else that can use it. So well done. Second by Mr. Miller. 3:0 vote in favor. (Exhibit 1)

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**TRAC (9:10 am)**

TRAC Manager Troy Woody met with the Board. Present in audience: Frank Scarsella, Ben Cushman and Kristi Pihl.

TRAC Capital 2011 Request

**Motion** – Mr. Peck: Mr. Chairman, I move for approval of the request. Second by Mr. Miller. 3:0 vote in favor. Resolution 2011-125 was approved.

Verizon Cell Tower Amendment

**Motion** – Mr. Miller: Mr. Chairman, I move that we accept the lease agreement with Verizon Wireless for the cell tower. Second by Mr. Peck. 3:0 vote in favor. Resolution 2011-126 was approved.

Solar Projects

TRAC is considering two solar projects, one for hot water production and one for solar energy. Mr. Woody said in both cases he sees immediate savings, long-term savings, and minimal to no investment. He would recommend going forward with both projects. One project involves the Pavilion and the other involves the Expo Hall. Mr. Koch's concern is about the amount of space or property that would be used, how large of a solar farm it would be. The Board will have a workshop at TRAC to learn about the projects. Mr. Peck would be particularly interested in the financial information including who's putting up the capital and what the return is. The Board requested to have information to read before the workshop.

**OFFICE BUSINESS (9:19 am)**

Present in audience: Frank Scarsella, Ben Cushman, Kevin Scott and Kristi Pihl.

Vouchers/Warrants

**Motion** – Mr. Peck: Mr. Chairman, I move for approval of vouchers certified and presented for payment by the Franklin County Auditor's Office in the total amount of \$195,823.43. Second by Mr. Miller. 3:0 vote in favor.

Current Expense, Excise Tax, for \$793.80; Auditor O & M, Excise Tax for \$436.78; Election Equipment Revolving, Excise Tax for \$38.93; FC Public Facilities Const Fund, Excise Tax for \$341.12; TRAC Operations Fund, Excise Tax for \$302.72; Current Expense warrants 48234 through 48277 for \$17,083.75; Election Equipment Revolving warrants 48278 and 48279

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for \$362.45; Jail Commissary warrants 48280 through 48282 for \$2,809.80; Enhanced 911 warrants 48283 through 48286 for \$1,248.02; TRAC Operations Fund warrants 48287 through 48308 for \$13,921.21; Franklin County RV Facility warrant 48309 for \$698.13; Current Expense warrants 48473 through 48503 for \$26,794.48; Auditor O & M warrants 48504 through 48506 for \$9,089.92; Treasurer O & M warrant 48507 for \$269.40; Courthouse Facilitator Program warrant 48508 for \$810.00; Clerk LFO Collection Fund warrant 48509 for \$27,082.19; Jail Commissary warrant 48510 for \$188.00; Enhanced 911 warrants 48511 through 48514 for \$2,223.41; FC Public Facilities Const Fund warrant 48515 for \$25,752.66; TRAC Operations Fund warrants 48516 through 48562 for \$60,374.79; Franklin County RV Facility warrants 48563 and 48564 for \$3,344.00; Enhanced 911 warrant 48565 for \$88.00; and Veteran's Assistance warrants 48566 through 48571 for \$1,769.87; for a total amount of \$195,823.43. (Exhibit 2)

**Motion** – Mr. Miller: Mr. Chairman, I move that we approve the vouchers audited and certified by the auditing officer as of April 13, 2011, for Salary Clearing payroll of \$574,202.13, Emergency Management payroll of \$11,605.09, and Irrigation payroll of \$12,111.88. Second by Mr. Peck. 3:0 vote in favor.

Salary Clearing payroll warrants 53194 through 53285 for \$167,476.14; warrants 53286 through 53291 for \$82,993.85; and Direct Deposit for \$323,732.14; for a total amount of \$574,202.13;

Emergency Management payroll warrants 48187 through 48193 for \$3030.33; warrants 48194 through 48197 for \$1349.34; and Direct Deposit for \$7225.42; for a total amount of \$11,605.09; and

Irrigation payroll warrants 48198 through 48213 for \$10,402.85; and warrants 48214 through 48217 for \$1709.03; for a total amount of \$12,111.88. (Exhibit 3)

**Consent Agenda**

**Motion** - Mr. Peck: Mr. Chairman, I move for approval of the consent agenda as presented.

1. Approval of Resolution 2011-127, approval for the Franklin County Print Shop to lease three (3) Canon copiers from Copiers Northwest

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2. Approval of Resolution 2011-128, payment of Franklin County's portion (\$3013.45) of an invoice accrued by The Landfill Group to Aspect Consulting LLC for professional consulting services
3. Approval of Resolution 2011-129, initiating County Road Project CRP 602/Peterson Road – Juniper Dunes Recreation Area Access
4. Approval of Resolution 2011-130, appointing Lisa Hamilton to the Benton-Franklin Counties Mental Health Advisory Board, term expiring December 31, 2013
5. Approval of Resolution 2011-131, appointing Debbie Gottschalk to the Benton-Franklin Counties Mental Health Advisory Board, term expiring December 31, 2013
6. Approval of Resolution 2011-132, appointing Greg Hess to the Benton-Franklin Counties Mental Health Advisory Board, term expiring December 31, 2012
7. Approval of Resolution 2011-133, appointing Tom Adams to the Benton-Franklin Counties Mental Health Board, term expiring December 31, 2011
8. Approval of Resolution 2011-134, appointing Thomas F. Hall to the Benton-Franklin Counties Mental Health Board, term expiring December 31, 2012
9. Approval of Resolution 2011-135, authorizing purchase of two HP ProLiant Servers from the State of Washington Western States Contracting Alliance/National Association of State Procurement Officials (WSAC/NASPO) Contract No. T10-MST-297 for the Benton-Franklin Counties Department of Human Services Information Technology Room

Eltopia Water Association project

The Department of Commerce sent a letter to notify the Board of a delay in awarding CDBG projects. The Board decided to send a letter of response.

**Motion** - Mr. Peck: I move that the chair sign the letter on behalf of the Board and send it out as soon as possible. Second by Mr. Miller. 3:0 vote in favor. (Exhibit 4)

**COUNTY ADMINISTRATOR**

County Administrator Fred Bowen met with the Board. Present in audience: Frank Scarsella, Ben Cushman and Kristi Pihl.

Discussion: Award of Bid/Legal Newspaper

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The Commissioners have reviewed information from the Prosecutor's Office.

Mr. Bowen asked for approval to reject both bids, re-write the RFQ and send it back out. It would put more responsibility on the newspapers to verify they can be the legal newspaper for the county.

Mr. Koch said one of the papers is not published or printed in Franklin County. The Connell paper is published in Connell and printed out of the county but published and delivered out of the Connell post office so he expects that would indicate they have a Third Class permit because he can't take a letter in there and send it Third Class.

Mr. Peck said I think we need to stick with the bids that we've already solicited. The process is done. He is seeking an answer to a specific question from the PA's office: Is the Franklin County Graphic a legal newspaper under Washington state law, specifically do they have a periodical permit which is a specific requirement under the RCW? He has not gotten that answer back. Where a newspaper is published doesn't qualify or disqualify. If it's published in the county, it gives preference. Mr. Peck has no evidence that they are not a legal newspaper and they are in the county.

Mr. Koch said we do a lot of work with the Tri-City Herald anyway for legals so that they probably gain as much revenue or more than the Graphic does from Franklin County. He said I would agree with Commissioner Peck.

Mr. Miller said I would agree also.

**Motion** – Mr. Peck: I would move that we move forward with that plan with the intent of approving it next week and that will give us one additional week for the civil attorney to respond to the specific question of whether or not the Graphic is a legal newspaper published in Franklin County based on his legal judgment. Second by Mr. Miller. 3:0 vote in favor.

Human Resources Director Rosie H. Rumsey joined the audience.

**Regional Jail**

East Wenatchee, Washington, has sent information about a meeting regarding a regional jail. The Board asked Mr. Bowen to attend the meeting.

**Human Resources (HR): Placement of new hires**

HR Director Rosie H. Rumsey met with the Board.

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Code Enforcement Officer: The Planning Director has requested approval to start a new employee at Step 4 Grade 14. The Classification Committee has recommended approval. Mr. Koch is in favor. Mr. Peck said he is not convinced the experience is applicable to a code enforcement officer but can support the request based on the applicant's 16 years of experience. Mr. Miller would support the request.

**Motion** – Mr. Peck: I would move that the chair sign the Change of Status as presented and requested. Second by Mr. Miller. 3:0 vote in favor.

Contingency Reserve Budget

Contingency Reserve budget figures were reviewed.

**OFFICE BUSINESS (continuing)**

Washington State Association of Counties (WSAC) Membership

Mr. Peck wants to start a dialogue about WSAC membership and whether or not we feel like we're getting our money's worth from being a member and if we're not, let's think about making some suggestions to WSAC while we've got time to respond to them with the idea that if things don't improve, we may look at not being a member next year. He said I'm not saying we should or shouldn't. He expressed his disappointment with some of the actions taken by the Legislative Steering Committee that he feels have not been in the best interests of the county. He feels the county may need to formally approach WSAC about our concerns.

**Recessed** at 9:49 am.

**Reconvened** at 10:00 am.

**PUBLIC WORKS (10:00 am)**

Assistant Engineer Guy Walters met with the Board.

Public Hearing: Amending the Six Year Transportation Improvement Program 2011-2016

Public Hearing convened at 10:00 am. Present: Commissioners Koch, Miller and Peck; County Administrator Fred Bowen; Assistant Engineer Guy Walters; and Clerk to the Board Mary Withers. Present in audience: Frank Scarsella, Ben Cushman, Jason Gaul, Brian Brennan and Kristi Pihl.

Funding has been obtained for the East Foster Wells Road project and for safety improvement projects, expanded to various locations throughout the county.

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Mr. Koch asked three times if anyone in the audience would like to speak against the amendment. There was no response.

Mr. Koch asked three times if anyone in the audience would like to speak in favor of the amendment. There was no response.

Mr. Miller said it is self-explanatory.

In response to Mr. Peck's question about a list of safety improvements, Mr. Walters said we have a list of intersections along Taylor Flats, Langford Road, R170, and some of the major intersections and major/minor collector routes. Mr. Miller asked can the list be changed? Mr. Walters said yes. The list is longer than the funding. We will try to accomplish as much as we can. Mr. Peck would like to see the list and have them identified in some sort of priority order. Mr. Walters will provide the information.

**Motion** – Mr. Peck: I move for approval of the resolution amending the Franklin County Six-Year TIP as presented. Second by Mr. Miller. 3:0 vote in favor. Resolution 2011-136 was approved.

East Foster Wells Extension Project (10:05 am)

Present in audience: Jason Gaul, Frank Scarsella, Ben Cushman, Brian Brennan and Kristi Pihl.

Mr. Walters recommended award to low bidder Scarsella Brothers. He said we have notice in our office that all bidders received notice of the addendum. The second low bidder is protesting that the bid should be ruled irregular and thrown out. People from both companies are present. Mr. Koch said with the information he has been sent, he has no questions. Mr. Walters said Selland did present some new information late yesterday afternoon/this morning to pass on to you. He gave the Board a copy.

Mr. Walters answered questions from the Board including:

Is there clear evidence in the bid content that they were aware of and bid according to the addendum? Mr. Walters said we have to take their word for it.

Jason Gaul representing Selland Construction asked for approval to speak to clarify what the significance of the Addendum was. The Board allowed him to speak. Mr. Gaul explained Selland's position that the addendum was a significant change and stated that Selland

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Construction's position is that when you don't acknowledge the addendum and it's a contract requirement for the bid forum, that deems their bid nonresponsive because it's a significant change.

Ben Cushman of Cushman Law Offices representing Scarsella Brothers explained the position of Scarsella Brothers, stating that the addendum was acknowledged.

Mr. Peck asked Mr. Walters the time line for the project. Mr. Walters said we have until mid-May. Mr. Peck asked for a minimum of one week to review the new information and do some research. He is not comfortable taking a position at this time. Mr. Miller and Mr. Koch agreed. Mr. Peck asked Mr. Walters to make sure the Board has all the relevant information to date.

Mr. Cushman asked for the opportunity to submit an additional analysis as well since he just received the Selland letter this morning. The Board gave approval.

Vouchers

**Motion** – Mr. Peck: Mr. Chairman, I move for approval of vouchers as presented. Second by Mr. Miller. 3:0 vote in favor.

County Road for \$397,876.45; MV & PW Equipment for \$29,452.87; Probation Work Crew for \$131.82; and Solid Waste for \$21,767.72; for a total amount of \$49,228.86. (Exhibit 6)

**OTHER BUSINESS** (10:46 am)

Present in audience: Kristi Pihl and Jason Gaul.

Pasco School District request for impact fees

Mr. Peck gave a summary of meetings that he and County Administrator Bowen have attended with Pasco City Council members, Pasco city manager, and representatives from the Pasco school board and school district regarding impact fees on new construction and mitigation fees on development.

**PUBLIC WORKS** (continuing)

Payroll Vouchers

**Motion** – Mr. Peck: Mr. Chairman, I move for approval of Franklin County Public Works Department County Road payroll and Motor Vehicle payroll in the respective amounts of \$82,721.32 and \$12,316.05. Second by Mr. Miller. 3:0 vote in favor.



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County Road Fund payroll, warrants 48147 through 48167 for \$33,287.22; warrants 48168 through 48171 for \$10,830.37; and Direct Deposit for \$38,603.73; for a total amount of \$82,721.32; and Motor Vehicle Payroll warrants 48172 through 48182 for \$4489.61; warrants 48183 through 48186 for \$1641.52; and Direct Deposit for \$6184.92; for a total amount of \$12,316.05. (Exhibit 7)

Safety Concerns

Mr. Miller has had phone calls about intersections on Garfield Road at Ironwood and Juniper Roads and asked if the area is on the list of safety improvements. Mr. Walters said we're looking at those intersections. Mr. Koch said he also received a phone call and traveled the road where he observed a driver not even attempt to stop.

Columbia River Crossing Study

Mr. Miller will attend the meeting regarding the Columbia River crossing study on May 29. Engineer Tim Fife will also attend as an advisor. Mr. Koch believes the discussion at the meeting will revolve around what the next step is, not where the bridge would be located, and trying to obtain some revenue. The study identified three locations or no location. Mr. Peck said an EIS will be required and that in addition to the options, the law requires that a no-action alternative must be considered. A series of scoping meetings is also required. He noted that oftentimes those can lead to another alternative. He may participate in the meeting because it does not have anything to do with location but with whether we go forward to try to obtain money. Mr. Koch said we could try to get a grant for it but Franklin County is not in a financial position to invest very much in it. Next week, the Board will determine the position that Franklin County will take at the May 29 meeting regarding the next step in the process.

**Adjourned** at 11:03 pm.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until April 27, 2011.

BOARD OF COUNTY COMMISSIONERS  
FRANKLIN COUNTY, WASHINGTON

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Robert E. Koch, Chairman

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Rick Miller, Chairman Pro Tem

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Brad Peck, Member

Attest:

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Clerk to the Board

Approved and signed April 27, 2011.