

COMMISSIONERS RECORD 48  
FRANKLIN COUNTY  
Commissioners' Proceeding for September 10, 2007

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

**OFFICE BUSINESS**

Secretary Patricia Shults met with the Board. Present in audience: Sharon Paradis.

Consent Agenda

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

1. Approval of **joint Resolution 2007-478** in the matter of execution of extending the lease agreement between McCausland / Sonju J/V and Benton and Franklin Counties Department of Human Services for the period of one year, November 1, 2007, through October 31, 2008, and authorizing the Chairman to sign on behalf of the Board. (Exhibit 1: Information sheet.)
2. Approval of **Resolution 2007-479** for Agreement Number 0763-21308, DSHS Contract Code 1769CS-63, between the Department of Social and Health Services Division of Developmental Disabilities and Benton-Franklin Counties Department of Human Services, to provide services for persons with developmental disabilities for the 2007-09 biennium, effective July 1, 2007, through June 30, 2009, and authorizing the Chairman to sign said agreement on behalf of the Board. (Exhibit 2: Information sheet.)
3. Approval of **Resolution 2007-480** for Agreement #0763-20235, Administration/ Division Agreement #9491-0, between the Division of Alcohol and Substance Abuse (DASA) and Benton-Franklin Counties to provide substance abuse treatment services for the 2007-09 biennium, effective July 1, 2007, through June 30, 2009, and authorizing the Chairman to sign said agreement on behalf of the Board. (Exhibit 3: Information sheet.)
4. Approval to submit a letter of support to the John D. and Catherine T. MacArthur Foundation regarding the Benton and Franklin County's Models for Change Initiative proposal. (Exhibit 4)

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

Human Services contracts

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The Board reviewed information about two Human Services agreements with the Department of Social and Health Services (DSHS). It was the Board's understanding that wording in the agreements would be changed by the state but that has not occurred.

Vouchers/Warrants

**Motion** – Mrs. Corkrum: I move approval of Current Expense warrants 58802 through 58812 for \$8,707.13. Second by Mr. Miller. 3:0 vote in favor. (Exhibit 5)

Request for Parking

The Board gave **consensus approval** to park the 4-H Mobile Technology Van in the county parking lot behind Atomic Foods from approximately October 1 through October 19.

Information Services

The Information Services Department asked if the county would pay for bottled water while they are located in the portable. It costs about \$20 per month. The county purchases water for jurors through the Clerk's Office and District Court. However, the Board denied the request for Information Services because staff in other departments are paying for their own water.

Urban Growth Boundary

Ms. Shults gave the Board a copy of a letter from the City of Pasco regarding the city's urban growth boundary (Exhibit 6).

**JUVENILE JUSTICE CENTER (JJC)**

JJC Director Sharon Paradis met with the Board. Present in audience: Felix and Connie Anderson.

Benton County Tax Initiative

Ms. Paradis gave the Board a copy of the JJC proposal and budget information relating to the Benton County tax initiative that will be going to voters prior to the ballot measure in November (Exhibit 7). She said the JJC has considered three programs: Juvenile Drug Court, Selective Aggressive Probation, and Family Violence Intervention Project. The Family Violence Intervention Project has been grant funded for two years and is now in its third and final year, expiring at the end of June 2008. It is a program

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where we try to intervene more quickly with kids who have been booked on domestic violence and work with their families, doing skill-building, counseling, etc. WSU has been evaluating and researching the project. Both two years of evaluations have proven very positive. The kids are not re-offending at the same rate.

We have asked that the Family Treatment Drug Court Program be included. Benton County law enforcement balked at that. Many parents have been charged and we argue that kids who come through that system, if they are not dealt with appropriately, enter the juvenile criminal system. However, they did back those dollars out of the tax proposal. It costs about \$150,000 a year. It is not included in the information going to voters.

We included all three programs for proposed funding for the 2008 budget. The Drug Court budget is not an enhancement or increase because it was funded last year. With state funding for 2008, it would reduce county funding to about 50%. It will actually be a reduction to baseline for the counties for 2008.

Ms. Paradis wanted the Franklin County Board to be aware that the JJC had asked that these programs be included in consideration for the Benton County tax initiative.

Mr. Bowen asked if Benton County has asked her to prepare two budgets. She said no. She said we showed the programs (Selective Aggressive Program and Family Violence Intervention Program) as enhancements to the budget. Mr. Bowen said he put them in his budget preparation as add-ons.

Ms. Paradis explained what she expects will happen depending on the results of the tax initiative.

## **PUBLIC WORKS**

Engineer Tim Fife met with the Board. Present in audience: Felix and Connie Anderson.

### CRP 589 / Erwen Trust Boating Access

Mr. Fife asked for approval to award the bid. It is well within the budget. The City of Pasco wants to do Alternate Bid A, which is finishing the parking lot that is external to the boat launch.

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**Motion** – Mr. Miller: Mr. Chairman, I move that we accept the bid offer from Apollo, Inc., of Kennewick, Washington for CRP 589 / Erwen Trust Boating Access Project for the bid price of \$551,064.24, which includes that Pasco agrees to fund Alternate A. The bid is below the engineer's estimate. Second by Mrs. Corkrum. 3:0 vote in favor.  
(Exhibit 8)

**Public Works Policy and Procedure Manual: G.P.P. 20: Equipment Yard Security**

Mr. Fife gave the Board a copy of a written procedure that has already been put into practice (Exhibit 9). Fuel has been stolen out of Public Works vehicles and out of the Sheriff's boat in the Public Works yard. The yard will now be locked on Fridays. Employees will be able to unlock the gate and then be responsible to lock it when they leave. Mr. Fife will talk to the Sheriff about this procedure.

Troy Woody and Burl Booker joined the audience.

**County Road Budget**

Mr. Fife gave the Board a copy of the letter he sent to the Auditor with his 2008 budget request (Exhibit 10). He is asking for funding from the Current Expense budget of \$1,660,000. Of that amount, he is asking for \$150,000 to do some gravel road widening and slope flattening.

Mrs. Corkrum asked how much extra Franklin County received from the nine cents gas tax passed by the legislature. Mr. Fife thinks it was \$240,000 after it was fully implemented. Mrs. Corkrum asked did we dedicate that to any one thing? Mr. Fife said no, that kind of made up for the shortfalls we have been having. It kept up with inflation and the lack of our ability to increase our levy. We were behind then so it kind of brought us back up to what we were four or five years ago. We basically put it into maintenance because we gave them about a \$300,000 increase after we got that. We haven't been doing all the chip sealing we should be doing. We should be on an eight- or nine-year schedule but have been on an eleven- or twelve-year schedule.

Mrs. Corkrum said we don't have \$1,600,000 available from Current Expense. Mr. Fife said he knows that.

**Pipeline Relocation R-170**

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Mr. Fife gave the Board a copy of a letter he sent to Jay Weber of the County Road Administration Board (CRAB) asking for funding for the pipeline relocation on R170 (Exhibit 11). The CRAB Board meeting is in October. Mr. Fife thinks we will know at that meeting about the funding.

### **TRAC**

TRAC Manager Troy Woody met with the Board. Present in audience: Felix and Connie Anderson and Burl Booker.

#### Retreat Follow-up

Mr. Woody told the Board about some outcomes of the TRAC retreat.

City softball concessions analysis: TRAC does concessions for the city softball stands. It is really not worth our time to do. Mr. Woody said he has notified the city that unless there are some changes, we will not continue to do the concessions.

A conversion in the paper towels was made last year. Previously, tri-fold towels came out in chunks. The new system saves about \$2000 per year. It has been tracked for a year.

The menu cost analysis is very hard to do because different restaurants serve different portion sizes and because of other factors. Mr. Woody gave the Board an analysis that he said is fairly close. We tried to pick similar items. In addition, TRAC doesn't have a service charge on top of that, which the others do. The service charge typically goes up to 18%. Mr. Woody feels TRAC is priced slightly under the market.

An organization chart was reviewed, comparing TRAC with the Three Rivers Convention Center. The Convention Center has considerably more staff.

He gave the Board some Sales Manager revenue reports and explained how this information will be used.

#### Light Project Update

The lights in the Expo Hall are done. It is a much better quality of light and saving energy. The lights in the Arena will be done by tomorrow night.

#### Hockey Rink Update

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Mr. Woody showed the Board a sample of insulation that could be mounted on the walls that would eliminate the condensation. An analysis of the total cost is being prepared.

**Recessed** at 9:56 a.m.

**Reconvened** at 10:09 a.m.

**COUNTY ADMINISTRATOR**

County Administrator Fred Bowen met with the Board. Present in audience: Fourteen people.

Bid Award: Emergency backup generator for the Franklin County 911 Dispatch Center

Mr. Bowen recommended award of bid to Farmers Electric, Inc., for \$41,381. It includes the tax added onto it. He answered the Board's questions about the bid. There was no bid irregularity. Mr. Bowen described what happens in the bid process.

**Motion** – Mr. Miller: Mr. Chairman, I move that we accept the award of the bid for the emergency backup generator for the Franklin County 911 Dispatch Center for the amount of \$41,380.00 including tax awarded to Farmers Electric, Inc., of Othello, Washington. Second by Mrs. Corkrum. 3:0 vote in favor. (Exhibit 12)

Benton-Franklin Health District

Dr. Jecha has asked if the county would be interested in organizing some type of open house for the Health District. The Board will do so.

Bi-County Meeting

Mr. Bowen asked if the Board would be interested in having a bi-county meeting to meet with the Human Services Director to point out who is actually directing her and who manages her. He said she answers to the bi-county board, not individual commissioners. Mr. Miller asked if it could be done by letter instead. Mr. Bowen said if nothing else, just the six commissioners could get together and come to a consensus on that.

Mr. Koch asked Mr. Bowen to prepare a letter to Benton County asking them to get together for a meeting and to prepare a draft letter to the Human Services Director for consideration by both boards of commissioners.

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Mental Health Advisory Board

Mr. Koch told the Board about a meeting of the Mental Health Advisory Board that he attended last week.

**Recessed** at 10:19 a.m.

**Reconvened** at 10:30 a.m.

**PLANNING AND BUILDING DEPARTMENT**

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

Closed Record Public Hearing: Conditional Use Permit CUP 2007-06, an application by Mountain States Construction (Justin Door) on behalf of Peter Hettinga to construct and operate a Dairy and Feedlot Facility in the Agricultural Production 20 (AP-20) Zoning District. Appeal filed by Pete DeHaan.

Closed Record Public Hearing convened at 10:30 a.m. Present: Commissioners Koch, Corkrum and Miller; Chief Civil Deputy Prosecutor Ryan Verhulp; Planning Director Jerrod MacPherson; Assistant Director Greg Wendt; County Administrator Fred Bowen; and Clerk to the Board Mary Withers. Present in the audience: At least 35 people including those on the sign-up book (Exhibit 13).

Mr. Koch read the rules for the closed record public hearing: No new testimony can be taken. Staff report and Planning Commission recommendations from the open public record hearing are presented. The appeal arguments are heard from the appellant or a representative based upon the testimony of record from the open public hearing. Counter arguments are heard from proponents and/or opponents based upon the testimony of record from the open record hearing. Commissioners may ask questions of the people in attendance. Commissioners can agree with, modify, or alter the Planning Commission's recommendation. The Board hereby renders notice that Franklin County Ordinance #7-2005 Section 41.10.0(1)(c) only permits appeal argument during the closed record appeal hearing based on the Franklin County Planning Commission July 10, 2007, meeting record. To ensure compliance with Ordinance 7-2005, the Board reserves the right to disallow or strike any new testimony or information presented at the closed record

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appeal hearing. In the event new testimony or information is presented to the Board, any person or party may raise oral objection to such testimony or information at the time it is presented, whereupon such objection shall be immediately decided by the Board by majority vote as to whether the testimony or information is new and subsequently allowed or stricken. Any failure to raise oral objection to testimony or information at the time presented hereby amounts to waiver of any future objection related hereto. The Board hereby renders notice that public comments and inquiries have been submitted to each of its members regarding the subject of this proceeding and each member has declined to issue any substantive comment or response thereto in the interest of maintaining complete objectivity regarding this matter.

Mr. MacPherson asked if the chairman would like to set some time parameters on the appeal argument. Mr. Koch said the time limits will be at five to ten minutes apiece for the staff, appellant and proponents, and Board.

Mr. Wendt reviewed the information on the Action Summary (Exhibit 14). The Findings of Fact are listed on pages 2 through 8 of the Action Summary. There are six findings. As part of the appeal by Mr. Pete DeHaan, page 8 lists the appellant argument, which has been broken down into four portions. The Planning Department has recommended responses and findings to each one of those arguments based upon the open record public hearing.

Mr. MacPherson showed four maps on the screen that were presented at the open record public hearing for the Planning Commission:

Comprehensive Plan overlay map. He showed the City of Connell's urban area, Moon Road and Highway 260.

Connell urban area zoning map for unincorporated portions.

Comprehensive Plan overlay map with aerial photograph overlay. He believes the pictures were taken in 2002.

Shaded topography relief map that identifies the drains and topography issues in the area. The reason we put this map up at the July 10 hearing was to identify all the drains in the area. We have a lot of finger drains through this area. We have a shelf here

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(indicated) above town that we've identified. When we evaluated this proposal, we really looked from the standpoint of the term "incompatible." When you have pre-existing designations for residential, you have pre-existing urban growth boundaries, and you're proposing a facility of this type and size immediately adjacent to those uses, they really contradict each other. They are really not compatible for one another. That is some of the things we look at when we're evaluating proposals.

Mr. Wendt said a summary of the findings is the farm site was deemed to be inadequate as far as the findings of the Planning Commission. Basically the premise of a conditional use permit is to determine harmony or compatibility with surrounding lands and this was deemed to be incompatible with residential land use designation right next door. Right to Farm: The residential land use designation as in the City of Connell's Comprehensive Plan and our zoning designation has been established before this permit would have been issued so in turn the Right to Farm ordinance would not apply to this farming operation. Urban Growth Boundary Expansion area: Basically the farm is an area where the urban growth area boundary could expand in the future as Connell and the county work to determine where future growth will occur in Connell. This is an area that is eligible to be brought into the urban growth boundary based on its soil types under Growth Management.

The Odor and Fly Control Plan was put together in 2001 by a group of local farmers and dairymen and local agencies. They were our local task force. One of the important things when you're looking at new site selections for farms is location to housing developments and topography. The Planning Commission's recommendation was that they deemed this to be too close to the residential zoning and as such, an incompatible use for a conditional use, as well as it being located above the City of Connell and the drainages and topography would assist in pushing odor downhill as given the guidance in our Odor and Fly Control Plan, which basically encourages us not to do that.

Mr. MacPherson said part of our packet to the Board is the Planning Commission's recommendation (Exhibit 15). We've also proposed responses and

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findings to the appellant's appeal arguments that the Board members have had and had an opportunity to review, as well as all of the testimony and materials of record from the July 10 open record hearing that you've had a chance to review.

Mr. Koch said asked if anybody would like to speak for the appeal.

Attorney John Schultz spoke representing the applicants. He gave the Board a copy of a Memorandum Decision in a case from the state of Idaho called Edward Rosa d/b/a R&R Holsteins vs. Gooding County, Case #CV-2006-749. Mr. MacPherson said the case could not be considered because it is new testimony. (Exhibit 17)

Mr. Koch asked if someone would like to speak against.

Attorney Tim Klashke spoke against the conditional use permit.

Mr. Koch asked if the Board has any comment or questions.

Mr. Miller asked about the amount of water on the dairy proposal. There was 5000 gallons of water to be used a day there. He said my question was is that enough for not drawing down the water level in that area? Mr. MacPherson said he believes Mr. Peterson's farm has a water right to exceed that amount. He doesn't know.

Mr. Miller said I'm taking that there is plenty of water.

Mrs. Corkrum said I have no questions. I listened to the tapes. I've read the material and I'm ready for a decision.

Mr. Koch said I would entertain a motion.

Mr. Miller said I have also listened to the tapes and also have made a decision.

**Motion** – Mr. Miller: I move that we deny the appeal request, with the four Planning Department responses and findings as described in the Franklin County Action Summary. Further, the Board of Commissioners reaffirms the Planning Commission's negative recommendation and denies Conditional Use Permit application CUP 2007-06, subject to the six findings of fact. Second by Mrs. Corkrum. 3:0 vote in favor. This is Resolution 2007-481.

**Recessed** at 11:06 a.m.

**Reconvened** at 11:21 a.m.

**PLANNING AND BUILDING DEPARTMENT**

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Planning Director Jerrod MacPherson met with the Board.

Request to proceed with hiring employee

Mr. MacPherson asked for approval to begin the hiring process for an additional planner, a position which was previously approved by the Board. The new fee schedule will include raises in fees that will offset the cost of the employee.

Mrs. Corkrum said she is worried about all these new positions. She thinks we're going to have a shortfall. Mr. Miller said he thinks the position is needed. Mr. Koch said the catch is that the Planning Department is able to recoup the costs.

Mrs. Corkrum said many offices are revenue-generating, and then the assessor doesn't generate a dime but we still have to have employees.

Mr. MacPherson said a fee increase was proposed to cover the costs. If we can't hire someone, I'd have a hard time justifying the higher fees to the Homebuilders Association. Mrs. Corkrum said I guess because it's new revenue, it's more arguable.

Mr. Koch said he thinks the Board should approve the request because of the fact that we did give him the opportunity to get the fees up to pay for another planner and the growth that's been going on in Franklin County. He doesn't see the end of the growth yet. Evidently the building trades don't see the end of it yet either.

Mr. Miller said what happens if we do lose the revenue? Will we have to lay off the person? Mrs. Corkrum said yes. Mr. Koch said unfortunately it is an at-will employee.

The Board **gave approval**. Mr. MacPherson will start the process. Mr. MacPherson said the position is tied to specific performance. If our fees fall off and we don't have the revenue, then the position will end. But it pays for itself.

Mr. Koch asked if there is office space available. Mr. MacPherson said yes.

**MINUTES**

**Motion** - Mrs. Corkrum: I move for approval of Commissioners Proceedings for August 29, 2007. Second by Mr. Miller. 3:0 vote in favor.

**OTHER BUSINESS**

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John Hite met with the Board. Mr. Koch said Mr. Hite is putting together a book of the ten counties on the Columbia River Basin. Mr. Hite lives in Poland but is from Moses Lake.

Mr. Hite told the Board about his plan to put out a promotional coffee table book about the Columbia Basin. It will have about 250 pages and include agriculture, energy production, cities, towns, manufacturing, hunting and fishing, recreation, orchards, state parks, and other things. Adams and Grant Counties will each have two pages. Mr. Hite said it would cost Franklin County about \$2700 total for two pages. The county would receive 30 books. The Board would like to showcase TRAC and the Courthouse.

The board had **consensus approval** for two pages. The payment is not needed until after it is published. (Exhibit 16)

**Adjourned** at 11:39 a.m.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until September 12, 2007.

BOARD OF COUNTY COMMISSIONERS  
FRANKLIN COUNTY, WASHINGTON

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Chairman

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Chairman Pro Tem

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Member

Attest:

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Clerk to the Board

Approved and signed October 1, 2007.