

Minutes for January 29, 2007

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066431 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **January 29, 2007** at **9:00 a.m.** Chairman Greg Partch, G.R. Finch and Michael Largent, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

9:00 a.m. - Call to Order/Board Business/BOCC Workshop.

Present: Denis Tracy (8:45 a.m.), Kim Kopf (9:00 a.m.) and Adam Roberts (9:30 a.m.).

066432 1. Items discussed included Prosecutor's staffing level, Munchy'z, T-1 telephone lines and LSC issues. No action taken.

9:45 a.m. - Kelli Campbell.

D066432A 2. Commissioner Largent **moved**, Commissioner Finch **seconded** the motion and it **carried** to go into executive session with the above individual until 10:00 a.m. for negotiation matters.

10:00 a.m. - Return to Open Session/Pledge of Allegiance.

Present: Joe Reynolds and Joe Smillie.

D066432A 3. Motion by Commissioner Largent to accept the consent agenda. Motion **seconded** by Commissioner Finch and **carried**.

066433 4. Claims/Payroll warrants numbered **199985** and **199997-200054** for **\$49,179.53** approved.

FUND	FUND NAME	AMOUNT	AMOUNT
001	Current Expense	740.78	21,988.34
102	Building & Development		975.63
103	Countywide Planning		140.54
110	County Roads		5,644.55
111	CETC Building		922.96
117	Boating Safety		426.35
118	Inmate Welfare	8.10	119.82
127	Drug Enforcement-Quad City		1,333.62
144	Emergency Communications-144.260.001		142.50
300	Capital Projects Asset Acq.-300.010.001		519.95
400	Solid Waste	1,591.95	416.25
501	Equipment Rental & Revolving	5.47	2,184.32
510	Photocopier Revolving		12,018.70

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066434 5. January 22, 2007 minutes approved.

066435-066445 6. Personnel board orders approved.

066446 7. Joe Reynolds presented the certified 2007 assessed valuation and tax levies for a county taxable valuation of \$2,258,939,073. The county levy is down 7.5% over 2006. Upon review, Commissioner Largent **moved**, Commissioner Finch **seconded** the motion and it **carried** to sign the levy certification presented by Assessor Joe Reynolds.

066447 8. Commissioner Finch **moved** Commissioner Largent **seconded** the motion and it **carried** to discontinue the use of Commissioners' Journals. Commissioners' minutes will be printed on 8-1/2" x 11" paper and signed as the official record rather than signing the journal pages. A second copy will be kept in a binder in the Clerk of the Board's office effective when Journal 49 is completed or at the end of 2007 whichever comes first. The State Archives Office has recommended this change.

066448 9. Commissioner Finch **moved** Commissioner Largent **seconded** the motion to sign a contract with Jim Potts for lobbying services. Since Commissioner Partch will not be traveling to Olympia as much as in the past (to attend WSAC Legislative Steering Committee) to keep the county abreast of happenings, Commissioner Finch hoped Mr. Potts could fill that gap. Chairman Partch said 12 other counties understand the value of Mr. Potts and he is very well respected on Capitol Hill. Commissioner Largent said he personally worked with Mr. Potts in Olympia and found him to be very helpful and effective. Motion **carried**.

066449 10. Commissioner Largent **moved**, Commissioner Finch **seconded** the motion and it **carried** to approve the 2007 capital improvement program projects.

Ranking # - Project	Fund	Amount
#1 - Fairgrounds Main Water Manifold Improvements	Hotel/Motel (Lodging Tax)	\$ 6,500
#5 - Courthouse ADA Required Restrooms	Capital Projects-General	\$ 10,000
#6 - Harrison Building Roof Replacement	Capital Projects-General	\$ 20,000
#38- Superior Court Carpet (Courtroom, Jury Room, Judges Chambers, Court Administrator's Office)	Capital Projects-General	\$ 20,000
#N/A Jail Security System	Current Expense 1/10 of 1% Sales Tax	<u>\$200,000</u>
Total Award		\$256,500

066450 11. Commissioner Largent **moved**, Commissioner Finch **seconded** the motion and it **carried** to approve a resolution revising commissioners' travel.

RESOLUTION NO. 066450
AUTHORIZING COUNTY COMMISSIONERS TO SELECT THE METHOD OF PAYMENT FOR
COUNTY-RELATED TRAVEL

WHEREAS, R.C.W. 42.24.090 recognizes the nature of county responsibilities and transportation requirements and authorizes specific payments for the use of private automobiles for official county travel; and,

WHEREAS, county commissioners have official duties and responsibilities that require the use of a county vehicle or reimbursement for the use of their private vehicles; and,

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE WHITMAN COUNTY COMMISSIONERS THAT:

1. Any resolution on file herein inconsistent with policies announced henceforth in this document are hereby rescinded and repealed; and,
2. Each Whitman County Commissioner is authorized to use his/her private vehicle or a county provided vehicle for all official transportation. Provided however, that this resolution shall not require any current or future Whitman County Commissioner who so chooses to use a county vehicle at county expense in lieu of mileage reimbursement; and,
3. Mileage reimbursement travel shall be paid at the same rate authorized for all other county officials and employees commencing at the Whitman County Courthouse; and,
4. Each county commissioner operating under the mileage reimbursement method shall by April 1 of each year provide the county auditor with a certificate of automobile liability insurance in the minimum amount of \$100,000/\$300,000 and said certificate shall name Whitman County, Washington as an additional insured; and,
5. A communications system, either radio or telephone, shall be provided and maintained in each commissioner's vehicle by Whitman County, whether the commissioner chooses to use his/her private vehicle or a county vehicle for official transportation.

ADOPTED this 29th day of January 2007 and effective January 1, 2007.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Greg Partch, Chairman

G.R. Finch, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

Michael Largent, Commissioner

12. Commissioner Finch **moved**, Commissioner Largent **seconded** the motion and it **carried** to approve the following grant data application forms as presented:

- 066451 Sheriff's Justice Assistance-Drug Interdiction grant from 07/01/06-06/30/07 for \$138,113 (2006),
- 066452 Sheriff's Justice Assistance-Drug Interdiction grant from 07/01/06-06/30/07 for \$138,118 (2007),
- 066453 Sheriff's National Marijuana Initiative grant from 01/01/06-12/31/06 for \$23,500 (not awarded), and
- 066454 Emergency Management Terrorism Prevention grant from 01/31/07-02/28/08 for \$52,262.

066455 13. A copy of Moscow Mayor Nancy Chaney's response to Moscow Chamber President Mike Nelsen was received regarding development in the Pullman-Moscow corridor.

066456 14. Notice received from the Washington State Liquor Control Board regarding a license ownership change for Moffett's Organics, Inc.

066457 15. The Chairman noted the media release the commissioners issued on January 24th concerning the 2007 Whitman County budget.

066458 16. Commissioners' pending list reviewed.

10:40 a.m. - Recess.

11:00 a.m. - Mark Storey, Public Works Director.

Present: Phil Meyer, Mariah Simpson, Alan Thomson, Jana Davidson and Joe Smillie.

ACTION ITEMS

Administration Division:

066459 1. Commissioner Largent **moved**, Commissioner Finch **seconded** the motion and it **carried** that the bid for 2007 oil and grease be awarded to Petroleum Distributing Company, Inc. in the total bid amount of \$24,349.43 (without tax).

066460 2. Commissioner Finch **moved**, Commissioner Largent **seconded** the motion and it **carried** that the bid for tires for 2007 be awarded to Tire Distribution Systems, Inc. in the total bid amount of \$12,563.00 (without tax).

066461 3. Commissioner Largent **moved**, Commissioner Finch **seconded** the motion and it **carried** that the Public Works organizational chart be adopted as presented.

Solid Waste Division:

066462 4. Commissioner Finch **moved**, Commissioner Largent **seconded** the motion and it **carried** that the resolution setting construction debris Landfill rates be signed as presented.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON**

In the Matter of establishing a new)
Tipping Fee Schedule for disposal) **RESOLUTION NO. 066462**
of Permitted Demolition Waste)
at the Whitman County Solid) **ORDER ESTABLISHING FEES**
Waste Facility, Carothers Road,)
Whitman County, Washington)

BEFORE THE BOARD OF COUNTY COMMISSIONERS of Whitman County, Washington in the matter of establishing tipping fees for disposal of Permitted Demolition Waste at the Solid Waste Facility located on Carothers Road near Pullman;

WHEREAS, the Solid Waste Facility has operated for about 16 years without a rate increase for Permitted Demolition Waste, currently set at \$69 per ton,

AND, WHEREAS, the Solid Waste Facility has experienced increases in demolition waste landfilling costs,

AND, WHEREAS, the Board recognizes that Whitman County pays less to dispose Permitted Demolition Waste than for ordinary solid waste,

AND, WHEREAS, the Board recognizes the necessity to operate the Solid Waste Facility in a fiscally responsible manner, to result in a balanced Solid Waste disposal budget,

IT IS HEREBY RESOLVED that Whitman County will establish a new Permitted Demolition Waste "tipping" fee for the Solid Waste Facility, of \$75 per ton, with a minimum charge of \$15, beginning on the first day of February, 2007.

ADOPTED this 29th day of January 2007.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

G.R. Finch, Chairman

ATTEST:

Greg Partch, Commissioner

Maribeth Becker, CMC
Clerk of the Board

Les Wigen, Commissioner

066463 5. Commissioner Largent **moved**, Commissioner Finch **seconded** the motion and it **carried** that the grant data application form for School Paper Recycling be signed as presented (\$23,000).

066464 6. Commissioner Finch **moved**, Commissioner Largent **seconded** the motion and it **carried** that the grant data application form for the Second Annual Palouse Earth Day Event be signed as presented (\$20,000).

066465 7. Commissioner Largent **moved**, Commissioner Finch **seconded** the motion and it **carried** that the grant data application form for the Palouse Compost Facility be signed as presented (10,000).

066466 8. Commissioner Finch **moved**, Commissioner Largent **seconded** the motion and it **carried** to publish the notice of call for bids for two utility vehicles for the Sheriff's Office.

Planning Division:

066467 9. Mariah Simpson presented the formal transmission for the Roy Druffel Sand Road Land Company rezone request from Light Industrial District to Heavy Industrial-Limited District. This involves 18 acres east of Airport Road. The owner is proposing 4 future businesses on the site; 1) Landscape Construction and Maintenance, 2) Computer Repair, 3) Excavation Contractor and 4) Limited FedEx. Ms. Simpson advised the Board that the Planning Commission approved the request on January 10th. The county commissioners can choose to either hold their own hearing or set a date for decision. Commissioner Largent **moved**, Commissioner Finch **seconded** the motion and it **carried** to set the date of February 5th at 11 a.m. to consider the rezone request.

Engineering Division:

066468 10. The Director distributed pictures of the Farband Bridge and tunnel construction project currently in progress.

Maintenance Division:

D066468A 11. General maintenance work continues.

Administrative Division:

066469 12. A letter of appreciation received from the Sheriff was read by the Director regarding an incident on Johnson Road and the assistance provided by a Public Works employee.

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11:25 a.m. - Recess.

2:05 p.m. - Board of Health.

Present: Denis Tracy, Fran Martin, Michael Baker, Tammy Cochran, Reshad Kazimee, owner of Munchy'z in Pullman and Joe Smillie.

066470 1. Mr. Kazimee stated at the 01/17/06 Board of Health meeting plans were discussed regarding how he would operate his establishment and still be consistent with the laws. An agreement was reached on the guidelines. Since then he has been notified his website has an advertisement about hookahs (flavored tobacco) which is true. His intention was not to advertise as agreed pointing out the site hasn't been updated for a couple years. At the same time, he is trying to franchise outside of Washington by selling his business model in Idaho and Oregon. Therefore, he requested permission to somehow continue to display his website.

066471 Mr. Kazimee's main form of advertising is a flyer he distributes. He didn't feel the need to advertise hookahs anymore due to the media about Initiative 901. The old flyer had a food menu on one side and a hookahs menu on reverse. That flyer has since been discontinued and the new flyer advertises only food items. His intention is to completely honor his agreement with the county.

Another question arose by Public Health concerning keeping track of private club membership. He has issued \$2 membership cards with a sticker and number as agreed. While operating this way, he encountered problems with people forgetting their membership cards. That prompted him to print two versions of the membership list, in alphabetical and numerical order. Those lists are then used when someone forgets their membership card after they produce identification.

Munchy'z did a promotion to increase membership as a result of the rough time they were having due to the law change by giving \$2 off the first purchase. That promotion has since been discontinued. He apologized for not contacting county about his promotional efforts.

Another area agreed on was the definition of a private club as being "not open to the public". No matter if he charges a membership fee or not, he was still consistent with the law provided the establishment was not open to the public.

He also discovered people were under the impression Munchy'z was the only Hookah establishment in Washington. He presented information confirming that is not the case. He was aware of two other establishments in Seattle "Rabbit Holder" (100% private club) and "Zania's Food, Drink and Friends" (private club after 7 p.m.) who operates more in line with Munchy'z

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business model. The Seattle Board of Health has approved both establishments.

Ms. Martin and he have been working on providing proof through his bookkeeping procedures to show that the volunteers are not paid. He provided that proof by means of hours submitted to the Department of Labor & Industries (L&I). However, some paid employees also volunteer for private club hours, which he tracks.

Commissioner Largent inquired why people would want to volunteer. Mr. Kazimee said some people are Munchy's regulars who are friends and others that just want to hang out. They were concerned about his establishment and many of the regular customers approached him and offered their help. In addition, he has a close-knit relationship with his employees and the employees value their job.

Mr. Kazimee said he was very grateful and thankful that the Board granted him the ability to continue to operate. He has worked hard to comply with the Board of Health and the law.

Denis Tracy said to briefly review, the statute requires the owner/manager of premises to prohibit smoking and post signs if the premises are public places. That includes those premises that charge a cover charge. In terms of the statute, it is not supposed to include what is considered a private facility. Whether or not the facility is public or private, if it is a place of employment, the statute also requires the manager to prohibit smoking. "Place of employment" may be fairly simple to define and he thought Mr. Kazimee hit on it when he said his volunteers are not compensated financially. As long as Mr. Kazimee doesn't have people working in the establishment that are compensated financially, he can call those people "volunteers". And, provided Mr. Kazimee or any proprietor could sign a statement to that effect, he thought the Health Department could be satisfied.

Mr. Tracy suggested the Board allow Mr. Kazimee to continue operating while a general policy is developed for consistency, hopefully by the March 20th Board of Health meeting. Mr. Kazimee was also willing draft a contract/statement for his volunteers to sign who work during private club hours stating they understand they will not be paid. The Prosecutor concurred and asked Mr. Kazimee to provide that information within the next week or so. The Health Department should also include that language as a part of its policy.

Mr. Kazimee asked about his website and suggested a possible disclaimer about hookahs and the Chairman suggested he should work out those details with the Health Department.

D066471A 2. Mr. Kazimee said the law does not allow smoking within 25' of any public establishment unless approval is received from the Health

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Department. Last year he agreed not to allow outdoor smoking. He requested that restriction now be lifted during private club hours while still being in compliance with state law. He was advised to proceed through the variance process and Ms. Martin was instructed to also address this type of issue in the proposed policy.

Mr. Martin pointed out, the county doesn't want to harm Munchy'z business, but at the same time they must be consistent.

D066471B 3. Mr. Kazimee wanted the Board to know that on certain occasions like game days, private club hours are expanded for financial business purposes.

2:45 p.m. - Recess.

3:00 p.m. - Board Business Continued/BOCC Workshop.

Present: Sharron Cunningham and Bev Welch (2:00 p.m.).

D066471A 17. Items discussed included the 2005 county audit, Water Conservancy Board update and financial press release update. No action taken.

4:00 p.m. - Adjournment.

D066471B Commissioner Finch **moved** to adjourn the **January 29, 2007** meeting. Motion **seconded** by Commissioner Largent and **carried**. The Board will meet in regular session, in their Chambers', in the Whitman County Courthouse, Colfax, Washington, on **February 5, 2007**. The foregoing action made this **29th** day of **January 2007**.

ss/ G.R. FINCH, Commissioner
ss/ MICHAEL LARGENT, Commissioner

MARIBETH BECKER, CMC
Clerk of the Board

GREG PARTCH, CHAIRMAN
Board of County Commissioners