

**BOCC MINUTES-03/18/19**

**081354 THE BOARD OF WHITMAN COUNTY COMMISSIONERS** met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, March 18, 2019** at **9:00 a.m.** Chairman Arthur D Swannack, Michael Largent and Dean Kinzer, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

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

Present: Mark Storey, Bill Tensfeld and Kara Davidson (9:00 a.m.).

**081355 1.** The following items were discussed but no action was taken.

- 2018 LRF Report
- EAP Wage Rule/1-1/2 Mos.
- Parliamentary Training
- WSAC/LSC
- Snake River Canyon Marathon
- Precinct Changes in Pullman
- Wrongful Death Legislation
- Pullman Moose Lodge Liquor Ap.
- VSP/Fairgrounds/Rebel Flat Creek
- Facilities Staff
- Outdoor Amusement Ordinance/Ap.
- Deputy Clerk of the Board
- Liability Insurance Eval. Update
- Alternatives to Violence on the Palouse

**9:45 a.m. - Recess.**

**10:30 a.m. - Flag Salute.**

Present: Sharron Cunningham, Gary Petrovich, Kara Davidson and a reporter.

**D081355A 2. Pledge of Allegiance.**

**D081355B 2A. Agenda Revised.**

Commissioner Largent **moved** Commissioner Swannack **seconded** the motion and it **carried** to amend the agenda adding items #12A-Notice of Special Meeting, 12B-IT Director Job Offer, 12C-Opposing HB 1135 and SB 5163 and deleting item #32.

**Consent Agenda:**

**081356 3.** Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and **carried** to accept the consent agenda as presented.

**081357 4.** Treasurer's Wire Transfers and Check Report in the amount of **\$239,129.45** and General/Veterans claim warrants numbered **341660-341788** for **\$165,993.02** approved.

**081358 5.** March 4, 2019 minutes approved.

**081359-081364 6.** Personnel change orders approved.

**081365 7.** Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and **carried** to authorize the publishing of a notice of hearing for the 2018-2020 CDBG-PS grants.

**081366 8.** Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and **carried** to appoint Gary Schell to a 4-year term expiring 12/31/22 on the Citizens' Commission on Salaries for Elected Officials.

**081367 9.** Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and **carried** to approve the interlocal agreement between Whitman County and Lacrosse Parks and Recreation District to have the District process its own accounts payable and payroll warrants independent of the Whitman County Auditor's office warrant processing system.

**081368-081369 10.** Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and **carried** to approve and sign the 2019 Whitman County grant applications data sheet

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signed/numbered and signature on the Washington State Department of Emergency Management and Greater Spokane Emergency Management GSEM (HSGP Homeland Security Grant Program).

**081370** 11. Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and **carried** to approve to sign approving issuance of liquor license to the Pullman Moose Lodge #943 for described event.

**081371** 11A. Commissioners received notice that Four Star Supply's liquor license is up for renewal.

**081372** 12. Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and **carried** to approve the Resolution expressing Legislative intent on the adoption of a marijuana moratorium.

**RESOLUTION NO. 081372**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF WHITMAN COUNTY, WASHINGTON, EXPRESSING LEGISLATIVE INTENT ON ADOPTION OF A MORATORIUM ON THE ESTABLISHMENT, LOCATION, OPERATION, LICENSING, OR MAINTENANCE OF FACILITIES, BUSINESSES, OR ANY OTHER ACTIVITIES INVOLVING THE PRODUCTION, PROCESSING, OR WHOLESALE OR RETAIL SALE OF RECREATIONAL MARIJUANA OR MARIJUANA-INFUSED PRODUCTS**

WHEREAS, in Ordinance 081343, the Board of County Commissioners adopted a moratorium on the establishment, location, operation, licensing, or maintenance of facilities, businesses, or any other activities involving the production, processing wholesale or retail sale of recreational marijuana or marijuana infused-products in the unincorporated areas of Whitman County. That ordinance provided that, during the moratorium, the producing, processing, wholesale and retail sale of recreational marijuana or marijuana-infused products is hereby designated as prohibited in all zoning districts of the un-incorporated areas of Whitman County.

WHEREAS, the Moratorium ordinance also provided that the moratorium does not apply to prior non-conforming uses, if such uses were already in existence on the effective date of the ordinance, March 11, 2019, per WCC 19.54.

WHEREAS, a question has been raised by an entity that wishes to begin growing marijuana in the County as to whether or not their operation would fall under the definition of prior non-conforming use; and

WHEREAS, the Board of County Commissioners deems it advisable to further explain its intent in allowing uses that do not conform to the moratorium to continue, so long as the use was already in existence at the time of the moratorium; now therefore,

The Board of County Commissioners of Whitman County hereby resolve as follows:

The legislative intent in passing the Moratorium was, an important part to preserve the status quo so that new plans and regulations will not be rendered moot by intervening developments. In allowing prior non-conforming uses to continue, the Board intended, and intends, to allow only those businesses who were already, on March 11, 2019, licensed by the State Liquor and Cannabis Board to produce, process, or sell marijuana at a particular site in the unincorporated areas of Whitman County, to continue to produce, process, or sell marijuana to the extent they were already doing so at the particular site in the County. If a person or business was not licensed by the State Liquor and Cannabis Board to produce, process, or sell marijuana at a particular site in the un-incorporated area of Whitman County, by March 11, 2019, then such use is prohibited during the term of the Moratorium.

**Resolved** this date 18<sup>th</sup> day of March, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

\_\_\_\_\_  
Maribeth Becker, CMC  
Clerk of the Board

\_\_\_\_\_  
Arthur D Swannack, Chairman

Approved as to Form:

\_\_\_\_\_  
Dean Kinzer, Commissioner

\_\_\_\_\_  
Denis Tracy  
County Prosecutor

\_\_\_\_\_  
Michael Largent, Commissioner

**081373 12A. Motion** by Commissioner Largent **seconded** by Commissioner Kinzer and **carried** to authorize the publishing of a notice for a special meeting.

**081374 12B. Motion** by Commissioner Largent **seconded** by Commissioner Kinzer and **carried** to make a job offer to Lance Bishop for the Information Technology Director position.

**081375 12C. Motion** by Commissioner Largent **seconded** by Commissioner Kinzer and **carried** that the Whitman County Commissioners go on record as opposing HB 1135 and SB 5163 in the 2019 Washington State legislative session and communicate such opposition to the Washington State Liability Reform Coalition to be included in their lobbying efforts to oppose these bills.

**081376 12D.** An executed copy of the State Auditor's representation letter for the 2017 accountability audit was received.

**081377 13.** Commissioners' pending list reviewed.

**11:00 a.m. - Public Works.**

Present: Mark Storey, Brandon Kruger, Dean Cornelison, Dan Hall, Alan Thomson, Katrin Kunz, Mr. and Mrs. Weber Jacob Jones and Garth Meyer.

**081378 13A.** The following Public Works related issues approved/updated:

**ACTION ITEMS:**

**081379 14.** The regular meeting was recessed and the hearing convened by the Chairman for the proposed Sauve Road vacation.

The Engineer's report provided by Mark Storey as follows:

"In my opinion it is not advisable to preserve said Road for the county transportation system in the future. There it is seen as a benefit to the County that said Road should be vacated and passed to the owners of record of the adjoining land".

The hearing was opened to public comment. There being none the hearing was adjourned and the regular meeting reconvened.

**081380 15.** Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and it **carried** to approve the resolution to vacate and abandon all of Sauve Road #9310.

BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS

In the Matter of the Intent to Vacate	)	RESOLUTION NO. <u>081380</u>
and Abandon all of the Sauve Road,	)	
County Road No. 9310 in Section 18,	)	
Township 12 North, Range 46 East,	)	
W.M., Whitman County, Washington	)	RESOLUTION VACATING

WHEREAS, the Whitman County Board of County Commissioners declared their intention to vacate and abandon the Sauve Road, County Road No. 9310 on the 19th day of February, 2019.

WHEREAS, the Whitman County Engineer has submitted a report, which indicates it is not advisable to preserve the Sauve Road, County Road No. 9310 for the county transportation system and therefore recommended the vacation of the Sauve Road, County Road No. 9310.

WHEREAS, the Whitman County Board of County Commissioners held a public hearing, after proper public notice, on the 18th day of March, 2019, and interested parties for and against said vacation were afforded the opportunity to present to the Board.

WHEREAS, the Whitman County Board of County Commissioners finds that the vacation of said Sauve Road, County Road No. 9310 is in the best interest of the citizens of Whitman County.

NOW, THEREFORE BE IT HEREBY RESOLVED that the Sauve Road, County Road No. 9310 located in the NE ¼ of Section 18, Township 12 North, Range 46 East, W.M., in Whitman County, Washington, more particularly described as follows: All of the Sauve Road lying between the intersection with the southerly right of way line of the Schlee Road, County Road Number 9290 and the intersection with the beginning point of the previous vacated portion of roadway vacated January 15<sup>th</sup>, 1934. The whole distance of approximately 0.21 miles.

DATED at Colfax, Washington, this 18th day of March, 2019.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

\_\_\_\_\_  
Arthur D Swannack, Chairman

\_\_\_\_\_  
Dean Kinzer, Commissioner

ATTEST:

\_\_\_\_\_  
Maribeth Becker, CMC  
Clerk of the Board

\_\_\_\_\_  
Michael Largent, Commissioner

**081381 16.** The regular meeting was recessed and the hearing convened by the Chairman for the proposed Randell Road vacation.

The Engineer's report provided by Mark Storey as follows:

"In my opinion it is not advisable to preserve said Road for the county transportation system in the future. There it is seen as a benefit to the County that said Road should be vacated and should be passed to the owners of record of the adjoining land".

The hearing was opened to public comment. Carla Ward asked if any lien or easement would be released once the vacated property is passed to the landowner. Mr. Storey explained it only releases the right-of-way to the adjacent property owners from the centerline of the road.

There being no further comments the hearing was adjourned and the regular meeting reconvened.

081382 17. Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and it **carried** to approve the Resolution to vacate and abandon all of Randell Road #9580.

BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS

In the Matter of the Intent to Vacate	)	RESOLUTION NO. <u>081382</u>
and Abandon all of the Randell Road,	)	
County Road No.. 9580 in Section 26,	)	
Township 14 North, Range 45 East W.M.,	)	
Whitman County, Washington	)	RESOLUTION VACATING

WHEREAS, the Whitman County Board of County Commissioners declared their intention to vacate and abandon the Randell Road, County Road No. 9580 on the 19th day of February, 2019.

WHEREAS, the Whitman County Engineer has submitted a report, which indicates it is not advisable to preserve the Randell Road, County Road No. 9580 for the county transportation system and therefore recommended the vacation of the Randell Road, County Road No. 9580.

WHEREAS, the Whitman County Board of County Commissioners held a public hearing, after proper public notice, on the 18th day of March, 2019, and interested parties for and against said vacation were afforded the opportunity to present to the Board.

WHEREAS, the Whitman County Board of County Commissioners finds that the vacation of said Randell Road, County Road No. 9580 is in the best interest of the citizens of Whitman County.

NOW, THEREFORE BE IT HEREBY RESOLVED that the Randell Road, County Road No. 9580 located in the SW ¼ of the SE ¼ and the SE ¼ of the SW ¼ of Section 26, Township 14 North, Range 45 East, W.M., in Whitman County, Washington, more particularly described as follows: All of the Randell Road lying between the intersection with the southerly right of way line of the Weber Road, County Road Number 9110 and the South Section line of said Section 26, Whitman County, Washington. The whole distance of approximately 0.18 miles.

DATED at Colfax, Washington, this 18th day of March, 2019.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

\_\_\_\_\_  
Arthur D Swannack, Chairman

\_\_\_\_\_  
Dean Kinzer, Commissioner

ATTEST:

\_\_\_\_\_  
Maribeth Becker, CMC  
Clerk of the Board

\_\_\_\_\_  
Michael Largent, Commissioner

081383 18. Formal transmittal for the Agrow Solutions, LLC zone change was received. The proposal requests 8 acres be rezoned from the Agricultural District to the Limited Heavy Commercial District.

081384 19. Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and **carried** to approve publishing the notice of a public meeting for the Agrow Solutions, LLC zone change.

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**081385** 20. Formal transmittal for the Colleen Schoepflin zone change was received. The proposal requests 6.4 be rezoned from the Agricultural District to the Airport Commercial District on Ringo Road including existing runway and 2 hangars.

**081386** 21. Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and **carried** to approve publishing the notice of a public meeting for the Colleen Schoepflin zone change.

**081387** 22. Formal transmittal received for proposed revisions to Whitman County Code, Chapters 19.10 and 19.12 as it relates to Agricultural to clarify language for the creation of residential parcels and the issuance of Rural Housing Certificates (RHC); clarify the boundary line adjustment process in relation to residential parcels less than 20 acres; modify the Rural Residential Site Review (RRSR) process; change the commercial agricultural operator's appeal time of an RHC from 20 days to 10 business days,; and amend the language for the design and construction of residential driveways to reflect a change in the Fire Code; and Title 19.12 as it relates to Cluster Residential District, amending the language for the design and construction of residential driveways to reflect a change in the Fire Code in order to make it consistent with the same change in Chapter 19.10.

**081388** 23. Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and **carried** to approve publishing the notice of public hearing for amending Whitman County Zoning Code Chapters 19.10 and 19.12.

**081389** 24. Formal transmittal received for proposed revisions to Whitman County Code, Chapter 9.05 as it relates to Critical Areas Ordinance as a required GMA periodic update. According to Alan Thomson, state law requires critical areas to be updated every 8 years and Whitman County's is due in 2020, so we are ahead of the game.

**081390** 25. Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and **carried** to approve publishing the notice of public hearing for amending Whitman County Zoning Code Chapters 9.05.

**081391** 26. Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and **carried** to authorize Chairman's digital submittal certification for traffic law enforcement certification and annual certification that includes the fish passage barrier removal certification and annual certification for the County Road Administration Board.

**D081391A** 27. Not used.

**081392** 28. Commissioner Kinzer **moved** Commissioner Largent **seconded** the motion and **carried** to approve the professional service agreement between Whitman County and Andy Kottkamp.

**081393** 29. Commissioner Kinzer **moved** Commissioner Largent **seconded** the motion and **carried** to approve the Adoption of the Right of Way Procedures.

**081394** 30. Commissioner Kinzer **moved** Commissioner Largent **seconded** the motion and **carried** to approve the resolution allowing Whitman County Public Works to join the King County Directors' Association (KCDA).

**DIVISION UPDATES:**

**D081394A** 31. The following division updates provided by Public Works staff

**Solid Waste Division:**

**D081394A** 31A. The Carothers Road Solid Waste Facility closure of Cells 1-3, Cell #4 Facility Fill Plan and Preliminary Final Closure Design reports were reviewed by the Director. Mr. Storey indicated the Closure and Post Closure Plan for Cell #4 will be published later in the year.

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**Engineering Division:**

**D081394B 31B.** Dean Cornelison talked about the two safety projects were awarded to the county for 1) striping/rumble strips and 2) guardrail. The hope was to meld the two projects together. However, the projects were different enough that they can't be combined and are in currently under review by the state. Mark Storey added that they hope to call for bids in early April.

**D081394C 31C.** Mr. Storey said the department will be calling for an RFP for countywide crushed product.

**Maintenance Division:**

**D081394D 31D.** The Director reported road restrictions are in effect. Warm conditions, snow melt and flooding seem to be alright right now because it is still freezing at night.

**081395 31E.** A copy of the 2019 liquid asphalt award letter was received.

**081996 31F.** A letter to Western States Equipment was received renewing the current agreement and ordering one new all-wheel drive articulated motor grader with all 4 options from the original contract and one additional heavy duty lift assembly for packer/roller attachment for an existing Whitman County machine.

**D081996A 31G.** Brandon Kruger reported there are some soft spots on the grand and in the roads; crews are pushing snow back especially in the northern portion of the county; some haul permits have been issued. The county is starting to haul some rock when possible but holds themselves to the same standards.

**D081996B 31H.** The Director noted he is working on a revised organizational chart for Public Works.

**D081996C 32.** Approved documents signed.

**D081996D 33.** Not used.

**12:00 p.m. - Recess.**

**D081996E THE BOARD OF WHITMAN COUNTY COMMISSIONERS** met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Wednesday, March 20, 2019 at 7:00 p.m.** Chairman Arthur D Swannack, Michael Largent and Dean Kinzer, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

**7:00 p.m. - Call to Order/Board Business/Joint BOCC/Planning Commission Workshop.**

Present: Alan Thomson, Katrin, Mark Storey, Ginny Rumiser, Dave Gibney, Bob Hill, Guy Williams, Matthew Sutherland, Chris Boyd, Ken Duft, Suzanne Hill, Gary Moore, Keith Paulson, Brian Davies, Chad Whetell, Jordan Zager, B.M. Lange, Shelley Chambers-Fox, Paul Mihalyov, Zach Chamberlain and Michael Kahn.

**081997-081398 34.** The only item of discussion was the marijuana issue and no action was taken.

**8:30 p.m. - Recess.**

**D081398A THE BOARD OF WHITMAN COUNTY COMMISSIONERS** met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, March 25, 2019 at 9:00 a.m.** Chairman Arthur D Swannack, Michael Largent and Dean Kinzer, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

**9:00 a.m. - Reconvene/Board Business Continued.**

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**D081398B** 35. Approved consent agenda items signed.

**081399** 36. Treasurers Wire Transfers and Check Report in the amount of **\$284,730.36** and General/Veterans' Relief/Payroll warrants numbered **341797-341873** for **\$612,889.84** approved.

**081400-081408** 37. Personnel change orders.

**9:05 a.m. - BOCC Workshop.**

Present: Bill Tensfeld, Janel Goebel, Gary Petrovich, Mark Storey (9:05 a.m.), Chris Nelson (9:50 a.m.), Zak Kennedy, Jim Potts (10:00 a.m.), Sharron Cunningham, Kelli Campbell and Bailey Wiedmer (10:30 a.m.). Commissioner Swannack excused himself at 11:10 a.m.

**081409-081411** 38-40. The following items were discussed but no action was taken.

- Facilities Staffing
- Grandstands Foundation
- PSB Test Holes
- Joint Pullman/County Mtg.
- Local Revitaliz. Financing
- Year-End Clean-Up
- ATVP Agreement
- Marijuana Issues
- New IT Director
- Road Issues/Weather
- Lobbyist Report
- Temporary IT Director
- PBAC Board/Staffing/WFDW
- Martin Hall
- Tekoa P&R Loan
- Medicare-Employees
- Financial Specialist
- Admin. Svc. Director Conf. Report
- Commissioners' Staffing

**12:30 p.m. - Adjournment.**

**D081411A** Commissioner Largent **moved** to adjourn the **March 18** and **25, 2019** meeting. Motion **seconded** by Commissioner Swannack and **carried**. The Board will meet in regular session, in their Chambers', in the Whitman County Courthouse, Colfax, Washington, on **April 1, 2019**. The foregoing action made this **25th** day of **March 2019**.

ss/ DEAN KINZER, COMMISSIONER  
ss/ MICHAEL LARGENT, COMMISSIONER

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MARIBETH BECKER, CMC  
Clerk of the Board

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ARTHUR D SWANNACK, CHAIRMAN  
Board of County Commissioners