

Minutes for 31, 2008

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068004 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, March 31, 2008** at **9:00 a.m.** Michael Largent, Chairman, Greg Partch and G.R. Finch, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

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

Present: Kelli Campbell (9:00 a.m.), Bev Divine and Sharron Cunningham and Joe Smillie (9:30 a.m.).

068005 1. Items discussed included county comparables, county financials and Information Services storage. No action taken.

10:00 a.m. - Pledge of Allegiance.

Present: Colfax Fire Chief Ralph Walter, Laura Buckley, Maria Thomas and Joe Smillie.

D068005A 2. Motion by Commissioner Finch to accept the consent agenda. Motion **seconded** by Commissioner Partch and **carried**.

068006 3. Claims/Payroll warrants numbered **214084-214156** for **\$241,058.19** approved.

FUND	FUND NAME	AMOUNT
001	Current Expense	25,654.89
101	Self Insurance	1,579.27
102	Building & Development	879.12
103	Countywide Planning	1,585.62
106	Extension Publications	12.00
110	County Roads	2,896.00
111	CETC Building	188.36
118	Inmate Welfare	184.70
127	Drug Enforcement-Quad City	752.96
129	House Bill 3900-CASA	199.28
144	Emergency Communications-144.260.001	16.80
400	Solid Waste	7,472.37
501	Equipment Rental & Revolving	8,478.04
513	Communications Revolving	719.90
660	Whitcom-General-660.911.000	5,448.87
690	Clearing Fund 690.005.000	167,259.67
690	CAC Agency Svc.-690.026.010	17,730.34

068007 4. March 24, 2008 minutes approved.

068008-068013 5. Personnel board orders approved.

D068013A 6. Chief Walter talked about the North Bend Fire Academy costing approximately \$2,200 per student. Last year Whitman County was able to work out a pilot program with North Bend for an academy to take place in Whitman County. It was a 10-week, 180 hour course for volunteer recruits from all areas of Whitman County. Chief Walter coordinator the program and created the lesson plan using North Bend's resources. All costs were paid by North Bend with the exception of food and gas to attend classes at the Rosalia, Spokane and Pullman training centers and one weekend at North Bend. Recruits ranged in age from 19-52. Of the 24 recruits that began the program 23 graduated with international fire service accreditation. A 2nd pilot program is taking place right now in Benton County using Whitman County's model. A plaque was made by the students and presented to North Bend. However, because they have such an array of plaques from every graduating class they have no place to showcase them. Chief Walter and Laura Buckley then presented the plaque to the commissioners for display in Whitman County.

068014 7. Commissioner Partch **moved** Commissioner Finch **seconded** the motion and it **carried** to authorize the publishing of a hearing for budget amendment #1. Said hearing will take place April 14th at 10:30 a.m.

068015 8. Commissioner Partch **moved** Commissioner Finch **seconded** the motion and it **carried** to sign a resolution revising the countywide petty cash funds as presented.

RESOLUTION NO. 068015

BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS

WHEREAS, the Board of Whitman County Commissioners met in regular session on the **31st** day of **March 2008**; and,

WHEREAS, the Board of County Commissioners for Whitman County, State of Washington, recognizes the need and requirement of regulating the various petty cash/cash drawer, petty cash stamp/revolving and advance travel accounts in all county funds; and,

WHEREAS, responsibility for the various petty cash/cash drawer, petty cash stamp, revolving cash and advance travel accounts must be entrusted to specific individuals.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the following are the revised petty cash/cash drawer, petty cash stamp, revolving cash and advance travel accounts for Whitman County:

**PETTY CASH/CASH DRAWER,
PETTY CASH STAMP,
REVOLVING CASH/ADVANCE TRAVEL ACCOUNTS**

PETTY CASH/CASH DRAWER ACCOUNTS

FUND #	ACCOUNT #	FUND NAME	CUSTODIAN	AMOUNT
001.000.000	111.70.02	PUBLIC HEALTH – COLFAX – FRONT DESK	Tanya Charles	\$70.00
001.000.000	111.70.021	PUBLIC HEALTH – COLFAX – FRONT DESK	Judy Roberts	\$140.00
001.000.000	111.70.022	PUBLIC HEALTH – COLFAX - ENV. HEALTH	Pauline Anderson	\$50.00
001.000.000	111.70.023	PUBLIC HEALTH – PULLMAN	Shannon Hatley	\$199.00
001.000.000	111.70.024	PUBLIC HEALTH – PULLMAN	Shannon Hatley	\$70.00
001.000.000	111.70.03	DISTRICT COURT – COLFAX	Marlynn Markley	\$50.00
001.000.000	111.70.031	DISTRICT COURT - PULLMAN	Virginia Walker	\$50.00
001.000.000	111.70.04	PARKS & RECREATION – COLFAX OFFICE	Janel Goebel	\$100.00
001.000.000	111.70.041	PARKS & RECREATION – KAMIAK BUTTE	Roger Marcus	\$25.00
001.000.000	111.70.042	PARKS & RECREATION - WAWAWAI	Jeremy Cross	\$25.00
001.000.000	111.70.05	AUDITOR – COLFAX – AUTO LICENSING	Eunice Coker	\$400.00
001.000.000	111.70.052	AUDITOR – COLFAX – LEGAL FILING	Eunice Coker	\$100.00
001.000.000	111.70.08	FAIR – COLFAX OFFICE	Terry Jefferies	\$125.00
001.000.000	111.70.09	PROSECUTOR	Kristina Cooper	\$100.00
001.000.000	111.70.13	CLERK	Shirley Bafus	\$50.00
001.000.000	111.70.15	DEVELOPMENTAL SERVICES	Janel Goebel	\$25.00
Total Current Expense Petty Cash/Cash Drawer Accounts				\$1,579.00
106.240.000	111.70.07	EXTENSION - PUBLICATIONS	Sheri Hatley	\$50.00
110.400.000	111.70.10	PUBLIC WORKS – COUNTY ROAD	Judy McMurray	\$150.00
400.400.000	111.70.17	SOLID WASTE – LANDFILL	Ruth McGillic	\$300.00
999.000.000	111.70.21	TREASURER	Donna Poland	\$900.00
Total Other Funds Petty Cash/Cash Drawer Accounts				\$1,400.00
TOTAL PETTY CASH/CASH DRAWER ACCOUNTS				\$2,880.00

PETTY CASH STAMP ACCOUNTS

FUND #	ACCOUNT #	FUND NAME	CUSTODIAN	AMOUNT
001.000.000	111.77.03	DISTRICT COURT	Marlynn Markley	\$96.00
001.000.000	111.77.09	PROSECUTOR	Kristina Cooper	\$100.00
001.000.000	111.77.20	SUPERIOR COURT	Eileen Roe	\$33.00
TOTAL CURRENT EXPENSE PETTY CASH STAMP ACCOUNTS				\$229.00

REVOLVING ACCOUNTS

FUND #	ACCOUNT #	FUND NAME	CUSTODIAN	AMOUNT
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001.000.000	111.01.972	AUDITOR	Eunice Coker	\$5,000.00
001.000.000	111.77.01	SHERIFF (01505-718)	Brett Myers	\$400.00
127.140.000	111.77.01	SHERIFF –DRUG TASK FORCE (01514-371)	Brett Myers	\$30,000.00
Total Revolving Accounts				\$35,400.00

ADVANCE TRAVEL ACCOUNTS

FUND #	ACCOUNT #	FUND NAME	CUSTODIAN	AMOUNT
999.000.000	111.74.21	TREASURER-ADVANCE TRAVEL	Lana Cloaninger	\$15,000.00
Total Advance Travel Accounts				\$15,000.00

TOTAL REVOLVING ACCOUNTS & ADVANCE TRAVEL \$50,400.00

Total Petty Cash/Cash Drawer Accounts	2,979.00
Total Petty Cash Stamp Accounts	229.00
Total Revolving Cash/Advance Travel Accounts	\$50,400.00
Total Cash Accounts to BOCC Resolution	\$53,608.00

Signed this 31st day of March 2008.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Michael Largent, Chairman

Greg Partch, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

G.R. Finch, Commissioner

068016 9. Commissioner Partch **moved** Commissioner Finch **seconded** the motion and it **carried** to sign a professional services agreement with Lorelei Zickler for Juvenile Department polygraph services.

10:20 a.m. - Paul Spencer.

068017 10. Commissioner Finch **moved** Commissioner Partch **seconded** the motion and it **carried** to sign a professional services agreement with John Schrader for Juvenile Department polygraph services.

068018 11. Commissioner Partch **moved** Commissioner Finch **seconded** the motion and it **carried** to approve interagency agreement #IAA08340 with the Administrative Office of the Courts for guardian ad litem services.

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068019 12. Commissioner Finch **moved** Commissioner Partch **seconded** the motion and it **carried** to sign the WRIA 56 Detailed Implementation Plan (DIT) memorandum of agreement.

068020 13. Commissioner Partch **moved** Commissioner Finch **seconded** the motion and it **carried** to sign a letter of support for Community Action Center's annual housing preservation grant.

068021 14. Commissioner Partch **moved** Commissioner Finch **seconded** the motion and it **carried** to sign a grant application data form for Public Health in the amount of \$1,654 through the Eastern Washington Partnership Workforce Development Council.

068022 15. The Chairman previously signed the 3rd request extending the 2006 single audit report for the U.S. Department of Justice.

068023 16. Commissioners' pending list reviewed.

10:30 a.m. - Comprehensive Plan and Zoning Ordinance Proposed Amendment (Home-Based Businesses).

Present: Mark Storey, Mark Bordsen, Alan Thomson, Debbie Gumm, Maria Thomas, Linda Davis, Evan Ellis and Joe Smillie.

068024 Chairman Largent reviewed two issues brought up at the hearing.

- 1) Does the county ordinance impact any federal programs and the
- 2) Applicability of court cases cited at the hearing.

The Chairman received a verbal response from the Prosecutor that the court cases cited are not applicable and the proposed revisions will not impact federal policy.

Mark Bordsen explained there have been rumors circulating that he would like to clear up. Whitman County approaches zoning differently than a number of other counties in the state. Whitman County operates under R.C.W. 36.70, the Planning Enabling Act (PEA) and has done so since 1979 or earlier.

In 1990 the Growth Management Act (GMA) came along and forced many of the rapidly growing counties into an additional set of planning requirements adding Parts A, B and C to R.C.W. 36.70. Only critical areas and a few other items apply to Whitman County in terms of GMA. Whitman County had an opportunity to opt into the GMA, but chose not to do so. Therefore they continue to operate under the PEA. After appealing to the Hearings Board, many GMA affected counties went to the pattern of setting up zones strictly for agricultural, rural residential, low density rural residential, high density, etc. These zones provide much narrower allowable uses. The Whitman County Planning Commission in its process of developing the Rural Residential District looked at that approach and

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decided it did not fit Whitman County. Constituents pointed out even farmers sometimes want to sell land for housing. If the Planning Commission followed the GMA counties pattern of establishing zones for agriculture it would preclude rural residential sites. It is an either or situation and the reason the Planning Commission chose to integrate rural housing in the wide agricultural zone.

Comparing Whitman County to the GMA counties really doesn't apply. The Planning Commission tried to guarantee agriculture as predominant in Whitman County. They didn't want to hurt our agricultural industry which is the basic economic fundamental of this county. Throughout this process people have questioned the Planning Commission's wisdom. Mr. Bordsen thought the Planning Commission did a terrific job and felt the home-based business issue fits well within the agricultural district and the other districts.

Commissioner Partch **moved** and Commissioner Finch **seconded** the motion to accept the findings of fact as presented by the Planning Commission and as modified here today.

Commissioner Partch talked about the litigation in other counties noting they are not relevant to Whitman County and that particular issue has been cleared up. Those very same issues were discussed by the Planning Commission and they themselves decided the court cases were not relevant. During past 2 weeks Commissioner Partch visited with Mark Bordsen about the sequence of events and he is now comfortable with the information received. Motion **carried**.

Commissioner Finch **moved** and Commissioner Partch **seconded** the motion to accept the Planning Commission's recommendation to approve the Comprehensive Plan amendment and the associated amendments, including a new chapter to the Whitman County Zoning Ordinance regarding home-based businesses and that this change be effective on the date that the Board adjusts Planning Fees by resolution to set up an administrative permit fee regarding home based businesses.

10:40 a.m. - Mariah Simpson.

Commissioner Partch addressed issues raised by those in attendance at the county commissioners' hearing. He appreciated and thanked Mark Bordsen for his explanation today and at the hearing. He also thanked the Gazette for the exceptionally clear article.

Most of the concerns evolved around horse boarding. The intent of the Planning Commission was to make it easier for residents who board horses.

- 1) Horses are not being changed to a non-agricultural use.
- 2) There will be no change to Horticulture and floriculture.
- 3) Horse boarding was stricken as an automatic conditional use.

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- 4) Confusion about the legal advertising was addressed/resolved.
- 5) Business start-up concern addressed.
- 6) Whitman County operates under different regulations as addressed by Mr. Bordsen.
- 7) The Planning Commission operated with due diligence.

Commissioner Partch felt this to be a good transition between rural residential and home-based businesses.

Thinking from an agricultural perspective as a 5th generation farmer in the Palouse, Chairman Largent appreciated the Planning Commission's attempt to allow more uses and to make the ordinance easier. Motion **carried**.

ORDINANCE NO. 068024

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN AND ZONING ORDINANCE CHAPTERS 19.03 (DEFINITIONS), 19.10 (AGRICULTURAL DISTRICT), 19.12 (CLUSTER RESIDENTIAL DISTRICT), 19.15 (NORTH PULLMAN-MOSCOW CORRIDOR DISTRICT), 19.16 (SOUTH PULLMAN-MOSCOW CORRIDOR DISTRICT), 19.20 (HEAVY COMMERCIAL DISTRICT), 19.21 (AIRPORT COMMERCIAL DISTRICT), 19.30 (LIGHT INDUSTRIAL DISTRICT), 19.31 (HEAVY INDUSTRIAL DISTRICT), 19.40 (RURAL COMMUNITY RESIDENTIAL DISTRICT), 19.41 (RURAL COMMUNITY CENTER DISTRICT) AND 19.41 (RURAL COMMUNITY COMMERCIAL DISTRICT) AND CREATING A NEW CHAPTER 19.56 (HOME-BASED BUSINESS), to clarify and simplify zoning regulations regarding home-based businesses, while at the same time providing adequate notice, process and protection to adjacent property owners. These proposed amendments also encourage economic development by enabling home-based businesses that will augment family income and/or lead to a growing business, and these amendments set forth clear rules as to what is acceptable for home-based businesses and when such businesses have grown to a point that they need to move to commercial zones.

BE IT ORDINANCED and enacted by the Board of County Commissioners of Whitman County, State of Washington, it having been determined by the Board after hearing the Planning Commission's recommendations and findings of fact, after the Board's public hearing and adoption of findings of fact.

PASSED AND APPROVED by the Board of Whitman County Commissioners of Whitman County, Washington on the 31st day of March 2008.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Michael Largent, Chairman

ATTEST:

Greg Partch, Commissioner

Maribeth Becker, CMC
Clerk of the Board

G.R. Finch, Commissioner

Due to the length of the attachment for Ordinance No. 068024, it will not appear in full in the minutes, but is available for review in the Planning and Commissioners' offices.

10:50 a.m. - Recess.

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

Present: Phil Meyer, Paul Spencer, Evan Ellis, Travis Wambeke, Alan Thomson, Maria Thomas, Linda Davis and Joe Smillie.

ACTION ITEMS

Planning Division:

068025 1. Commissioner Finch **moved** Commissioner Partch **seconded** the motion to accept the Planning Commission's recommendation to approve the zone change of 15 acres for Travis Wambeke from Agricultural District to a Limited Heavy Industrial District.

The commissioners all voiced their pleasure with the growth this will bring Whitman County. They welcomed and thanked Mr. Wambeke for his hard work. Mr. Wambeke pointed out as a developer he has worked with many Planning and Building Departments in Washington and Idaho. In Whitman County he experienced nothing less than professional interaction, positive suggestions and a pleasurable working experience. Motion **carried**.

ORDINANCE NO. 068025

AN ORDINANCE AMENDING THE WHITMAN COUNTY ZONING MAP TO CHANGE THE ZONING FROM AGRICULTURAL DISTRICT TO A LIMITED HEAVY INDUSTRIAL DISTRICT.

BE IT ORDAINED and enacted by the Board of County Commissioners of Whitman County, State of Washington, it having been determined by the Board after hearing the recommendations and findings of fact of the Whitman County Planning Commission that these should be accepted and this action is consistent with the Whitman County Comprehensive Plan.

Change the zoning of the Travis Wambeke 15 acres from the Agricultural District to a Limited Heavy Industrial District as may be allowed by the Whitman County Zoning Ordinance, Chapter 19.04. The site of this proposed rezoned area is located at the NW corner of Airport Road and O'Donnell Road, east of Pullman, in the east half of Section 25, Township 15 N, Range 45 E.W.M., Whitman County.

PASSED AND APPROVED by the Board of Whitman County Commissioners of Whitman County, Washington on the 31st day of March 2008.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Michael Largent, Chairman

Greg Partch, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

G.R. Finch, Commissioner

Engineering Division:

068026 2. Commissioner Partch **moved** Commissioner Finch **seconded** the motion and it **carried** to award the bid for the Harlan Bridge project to Harry Johnson Plumbing and Excavation, Inc. for a total bid amount of \$696,362.50 without tax.

D068026A 3. Mark Storey gave brief updates on the following projects: McNeilly Bridge, Harlan Bridge, Almota Road survey work and the VanDyke Quarry.

Administrative Division:

068027 4. Commissioner Finch **moved** Commissioner Partch **seconded** the motion and it **carried** authorizing the publishing of Day Labor for 2007.

Maintenance Division:

D068027A 5. Phil Meyer reported some of the maintenance crews worked on Saturday/Sunday in the Oakesdale and Palouse areas plowing snow.

11:15 a.m. - Bob Reynolds, Fair/Facilities Management.

Present: Paul Spencer, Linda Davis, Maria Thomas and Joe Smillie.

068028 1. Mr. Reynolds discussed the immediate repairs needed as a result of a crop duster crashing at the fairgrounds. Initial investigations revealed several serious safety concerns for both responders at the scene and the continuing operations at the fairgrounds for the public. Therefore, Mr. Reynolds requested the Board declare the situation an emergency and waive the competitive bid process in order to accomplish these tasks.

Commissioner Finch **moved** Commissioner Partch **seconded** the motion and it **carried** to adopt the resolution.

RESOLUTION NO. 068028
OF
THE BOARD OF COUNTY COMMISSIONERS
FOR WHITMAN COUNTY, STATE OF WASHINGTON

WHEREAS, the Board of County Commissioners for Whitman County, State of Washington, met in regular session on Monday, March 31st 2008; and,

WHEREAS, the Board agrees that a state of emergency existed on March 22, 2008 at the Whitman County Fairgrounds due to an airplane accident; and,

WHEREAS, the Fairgrounds experienced damage some known and some undiscovered, such as underground electrical, repairs need to be implemented immediately due to pending events scheduled and considering the safety of visiting patrons; and,

WHEREAS, it is agreed that the Director of the Whitman County Fair and Facilities Management Department responded appropriately to this situation; and,

WHEREAS, the Board agrees with the Director in his letter dated Monday, March 31, 2008, and incorporates the letter as part of this resolution.

NOW THEREFORE, BE IT RESOLVED AND IT IS ORDERED that an emergency existed and the Competitive Bid process be waived due to safety concerns and the pending events/activities at the Fairgrounds in which the bid process would constitute a time-consuming and unmanageable situation in regards to unforeseen circumstances beyond the control of the county, presenting a real, immediate threat to proper performance of essential functions at the facility, as provided for in R.C.W. 39.04.280 Competitive Bids-Emergency purchases.

PASSED, APPROVED AND ADOPTED THIS 31ST DAY OF MARCH, 2008 BY THE BOARD OF WHITMAN COUNTY COMMISSIONERS.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Michael Largent, Chairman

Greg Partch, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

G.R. Finch, Commissioner

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068029 2. Mr. Reynolds presented and recommended award of a contract with Greg's Electric for the added electrical portion of the wire pull project outlined by the Detention Facility Security project contractor. Commissioner Partch **moved** Commissioner Finch **seconded** the motion and it **carried** to enter into a contract with Greg's Electric for the additional wire pull in the Detention Facility not exceeding \$38,940 plus tax.

D068029A 3. Mr. Reynolds touched on other items including evaluating the heating/cooling systems in the jail and Public Service Building, spring start-up at the fairgrounds, information forwarded to Beaman Architects regarding Courthouse lobby ADA accommodations, Public Health counter removal work and the need for a county surplus sale.

11:30 a.m. - Michael Adam Assenberg, Colfax.

Present: Denis Tracy, Brett Myers, Maria Thomas, Linda Davis, Joe Smillie and a friend of Mr. Assenberg.

068030 Mr. Assenberg said he has a serious problem with the County Sheriff. The Sheriff's Office has a program called "DARE" whereby they educate children about the dangers of marijuana. He has medical evidence (handout) from scientific resources showing that the Sheriff's Department is lying to our children and it needs to be stopped. According to Mr. Assenberg, this is perjury and he is taking the position of filing a lawsuit of perjury against the Sheriff. He is also going to run for Sheriff in 2010.

It was Mr. Assenberg's opinion if the commissioners looked at his website they would see he already has one lawsuit against federal agencies for what they did to him and his family. He asked that something be done about this before it has to go any further. If he has to go to the next step and file charges against the Sheriff it will cause a lot of unnecessary attention to the city. He thanked them for their time and asked them to speak to the Sheriff, review the medical research and his website at www.marijuanafactorfiction.org.

Chairman Largent thanked Mr. Assenberg noting the Board would have to take time to internalize the information.

11:35 a.m. - Recess.

1:15 p.m. - Board Business Continued/BOCC Workshop.

Present: Fran Martin (1:15 p.m.), Joe Reynolds, Bob Lothspeich and Mark Storey, Sharron Cunningham and Joe Smillie (2:00 p.m.), Brett Myers, Denis Tracy, Mark Storey, Phil Meyer, Joe Smillie and Representative Joe Schmick (3:00 p.m.) Chairman Largent was unavailable for the 3:00 p.m. portion of the workshop.

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D068030A 17. Items discussed included Environmental Health staffing, the LIFT grant and Steptoe tower. No action taken.

5:00 p.m. - Adjournment.

D068030B Commissioner Partch **moved** to adjourn the **March 31, 2008** meeting. Motion **seconded** by Commissioner Finch and **carried**. The Board will meet in regular session, in their Chambers', in the Whitman County Courthouse, Colfax, Washington, on **April 7, 2008**. The foregoing action made this **31st** day of **March 2008**.

ss/ GREG PARTCH, COMMISSIONER

ss/ G.R. FINCH, COMMISSIONER

MARIBETH BECKER, CMC
Clerk of the Board

MICHAEL LARGENT, CHAIRMAN
Board of County Commissioners