

Minutes for April 1st, 2002

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059464 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, April 1, 2002 at 10:00 a.m.** Greg Partch, Chairman, Jerry Finch and Les Wigen, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

10:00 a.m. - Board Business.

D059464A 1. Call to Order/Pledge of Allegiance.

Present: Chris Anderson and Gordon Forgey.

D059464B 2. Motion by Commissioner Finch to approve the Consent Agenda with the deletion of item #1. Motion **seconded** by Commissioner Wigen and **carried**.

059465 3. March 25, 2002 minutes approved.

059466-059472 4. Personnel board orders approved.

10:05 a.m. - Jennifer Snead.

059473 5. Motion by Commissioner Wigen **seconded** by Commissioner Finch and **carried** to approve a resolution designating October 1 of each year as the deadline for consideration of annual county dues requests.

RESOLUTION NO. 059473

BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS

WHEREAS, the Board of Whitman County Commissioners met in regular session on this 1st day of April 2002; and,

WHEREAS, it is becoming increasingly important to the Whitman County Commissioners that annual expenditures must be budgeted in the new years' preliminary budget.

NOW THEREFORE, IT IS HEREBY RESOLVED by the Whitman County Commissioners that any requests for annual dues and/or contributions be submitted to the Whitman County Commissioners by October 1st of the preceding year for consideration in the following years' budget; and,

BE IT FURTHER RESOLVED that any request received after this date will be returned for resubmission and consideration for the next years' budget by the deadline indicated above.

Done at Colfax, Washington this 1st day of April 2002 and effective as of this date.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Greg Partch, Chairman

G. R. Finch, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

Les Wigen, Commissioner

059474 **6.** The Board signed a grant application data form for the Human Resources Department Wellness Grant.

059475 **7.** A letter of interest for appointment to the Water Conservancy Board received from Lynne M. Gearhart. **Motion** by Commissioner Wigen **seconded** by Commissioner Finch and **carried** to appoint Ms. Gearhart to a 5-year term on the Water Conservancy Board. Ms. Gearhart's term will expire July 16, 2007.

059476 **8.** **Motion** by Commissioner Wigen **seconded** by Chairman Partch and **carried** to appoint Commissioner Finch as the primary representative and Tim Myers as the alternate representative on the Washington Counties Risk Pool Board.

059477 **9.** The Association for Information Management Professionals (ARMA) sent a request for 2002 dues in the amount of \$115. The request was denied.

059478 **10.** A response to the Chairman's inquiry to Dennis Braddock, DSHS Secretary regarding 10 new positions was received.

059479 **11.** A request for proposals to research alternative methods to reduce/eliminate emissions from agricultural burning received from the Department of Ecology. Copies forwarded to the Conservation Districts.

059480 **12.** Chairman Partch replied to Steve McClure, Editor, *Moscow-Pullman Daily News* concerning the error in his March 26th editorial about the proposed Highway/Waterway Commercial amendment.

059481 **13.** The Chairman sent a letter to Tom Sheer of Steptoe, per his request, concerning the fact that Mr. Sheer was unable to license a vehicle because the Licensing Division was closed in the Courthouse.

059482 14. Due to the death of the County Administrator who previously reviewed the Auditor's claims on behalf of the Board, a letter was forwarded to the County Auditor re-assigning the oversight and review of his claims to the County Treasurer.

059483 15. An appeal of certain language within the 2002 Agricultural Burning order was submitted to the Pollution Control Hearings Board.

059484 16. A letter was received from Bruce Grass concerning data entered about him in the Spillman system. The Board is looking into this matter.

D059484A 17. Chris Anderson asked the Board if any concerned citizen(s) came forward last week regarding the flag being flown at half-staff. Commissioner Wigen responded one individual did visit with him about flag etiquette stating the US President or Governor of Washington are the only people that can order the flag be flown at half-staff. The Board was unaware of that policy. Gordon Forgey said he received a number of comments about the flag. Commissioner Wigen said the Board recognizes they were in error. It has been done for past legislators and commissioners. It was done with good intentions in March.

10:30 a.m. - Whitman County 2002-2003 Legal Printing.

Present: Gordon Forgey, Jennifer Snead and Chris Anderson.

059485 A joint bid from the *Moscow-Pullman Daily News* and *Whitman County Gazette* was received, opened and read aloud. The total bid was \$8.50/column inch, representing no change from the previous contract year. **Motion** by Commissioner Wigen **seconded** by Commissioner Finch and **carried** to award the joint bid to the *Moscow-Pullman Daily News* and *Whitman County Gazette* for \$8.50/column inch.

10:35 a.m. - Recess.

11:00 a.m. - Dane Dunford, Public Works Director.

Present: Mark Storey.

Action Items:

059486 1. **Motion** by Commissioner Finch **seconded** by Commissioner Wigen and **carried** to award the Fitzgerald Bridge project to KSC, Inc., in the total bid amount of \$333,865.00.

059487 2. **Motion** by Commissioner Wigen **seconded** by Commissioner Finch and **carried** to award the Warner Bridge project to KSC, Inc., in the total bid amount of \$293,212.00.

059488 3. **Motion** by Commissioner Finch **seconded** by Commissioner Wigen and **carried** to publish the notice of day labor for the prior year.

Engineering Division:

059489 4. The notice for the Darden Bridge project was received for publishing. Authorization to publish was previously granted by the Board.

Maintenance Division:

059490 5. The 2002 bridge decking and H-Pile supplies were awarded through the small works roster process to Skyline Steel Corporation for a total bid amount of \$17,731.68 plus tax.

D059490A 6. The Director reported the crews are busy grading gravel roads. Due to budget constraints, the Director will not authorize overtime to work on dirt roads. He will only expend overtime on gravel roads when he is absolutely sure they will be able to get some bang for their dollars.

11:15 a.m. - Jean Wardwell.

D059490B 7. Chairman Partch asked if the county would be receiving any restitution for the Dry Creek Road damaged signs since an individual was apprehended. Mr. Dunford said he would contact the Prosecutor's office about this.

D059490C 8. The Chairman also mentioned the need for a workshop to discuss the Airport Access Road.

11:15 a.m. - Recess.

11:30 a.m. - Highway/Waterway Commercial Amendment Hearing.

Present: Dane Dunford, mark Storey, Mark Bordsen, Sara Sue Cochran, Jean Wardwell, Jennifer Snead, Alan Solan, Scott Zuger, Cheryl Morgan, Ray Turner and Evan Ellis.

059491 Hearing convened by Chairman Partch. The Planner was asked to give a report.

Mr. Bordsen said the proposed amendment dates back to 1996 when the county had an opportunity to hire a consultant, David Evans & Associates for one year. At that time the county was attempting to do an entire upgrade of the Comprehensive Plan and Zoning Ordinance. The consultant held workshops with the Planning Commission in 1996. In December 1996, when the document was presented to the county commissioners, the Planning Commission concluded that it would be better to make changes on a segment by segment basis rather than trying to adopt an entire new plan and ordinance and that is what has been taking place. The Planning Commission began with the recreational element, mining, telecommunications, Planned Residential Development, Corridor, and telecommunications again in 2001.

The Highway/Waterway Commercial amendment was proposed in 1996. The Planning Commission began working on it two years ago and made a recommendation to the Board at that time. When the Board went towards public hearing, one citizen suggested a change that the Board was amenable to consider. The Board's position at that time was to return the proposed amendment to the Planning staff rather than the Planning Commission for revisions that "not only require that this take place at the corner of an intersection, but that it should be 1000' away for the property to qualify". Staff was working on these changes but than other priorities in the Planning Department intervened and this project was bumped a couple times. In the meantime, and contrary to the editorial in the *Moscow-Pullman Daily News* and *Whitman County Gazette* headline "Board Nixes Highway/Waterway Commercial" was not the case. The Board never made a decision to reject this project. What they did was table it and sent it back to staff for further work. That has been done 2-3 times.

059492 The document before the commissioners and public now not only represents the previous board's directive but also the current board's directive to staff. Because this particular version differs from what the Planning Commission recommended, the County Commissioners must hold their own public hearing and that is what they are doing today.

The difference between the 1999 version and today's version is:

- 1) There are a greater number of locations that will allow for this type of zoning. A zone could occur where a state highway intersects with a paved county road or where two state highways intersect.

The markings on the map don't automatically make these locations Highway/Waterway Commercial zones today. What it means is that if someone submitted an application for Highway/Waterway Commercial, these are the locations that the Planning Commission would consider for recommendation to the County Commissioners for that type of zoning and then the commissioners could act on the recommendation. This is enabling legislation that would allow the potential for these zones to occur.

- 2) There are more uses that would be allowed in these zones. They started out primarily with convenience stores and gas stations but have now added uses such as, restaurants and motels.

All of this is contingent on meeting the county's critical area ordinances for wetlands, floodplain, and traffic implications through the SEPA process.

If this zone is proposed where two state highways intersects, that will only happen if the Washington State Department of Transportation allows access. If they refuse access, the zoning will not occur at that particular site.

If proposed where a county road intersects with a state highway, the Planning Department would listen to the County Engineer as to whether the access is safe for permitting.

Hearing opened to comments in favor of the proposal.

Sara Sue Cochran stated she was on the Planning Commission when the idea was first brought up. When looking at all intersections in the county they knew there was no way there would be a convenience store at every intersection in Whitman County. They felt there would only be 4-5 in the entire county for financial reasons. Ms. Cochran understood the need for this type of business and she was in favor of something like this happening in Whitman County.

The hearing was opened to comments from those against the proposal.

Ray Turner said he lives at the intersection of SR 195 and SR 194. His main concern is the influx of traffic at this intersection.

Jean Wardwell who was also on the Planning Commission in 1996 said the rationale was that nowhere in the county could an 18-wheeler pull off the road. She agreed with Ms. Cochran that there probably would not be more than 3-4 Highway/Waterway Commercial zones in the entire county due to the cost involved.

Ms. Wardwell said on page D-2 of the proposal, Section 19.22.040-Yard Requirements, there is an inconsistency between #2 and #3. The Planning Commission had found this inconsistency when reviewing the heavy commercial, light industrial, and heavy industrial zones and have eliminated #3 in those ordinances that will be coming to the County Commissioners in the near future. She recommended the Board eliminate #3 in this proposed amendment as well.

Mark Bordsen noted that staff concurs with the deletion. The reason this was not picked up earlier is because this particular amendment did not go before the Planning Commission.

Cheryl Morgan voiced her concerns about businesses along the highways and concurred with Mr. Turner about the safety issues. Since the proposal allows for more uses than the original recommendation, she questioned the types of businesses that would be permitted. Enforcement was another concern as was esthetics and fiscal impacts to the county. She suggested some type of security bonding or impact fees to protect the county and citizens and urged the Board to do something about enforcement before approving the amendment.

Chairman Partch opened the hearing to comments from the Board.

Commissioner Finch expressed his appreciation to the Planning Department staff for their work. He believes Whitman County had very negative growth and must send the message that Whitman County is willing and wants to grow. The county cannot tax its way out of financial growth. Instead, the county will have to grow out of it. He too agree that businesses would not pop up everywhere due to the financial expense. He also realized that some businesses do fail, but the county must keep trying.

059493 A letter from Peter Holland was acknowledged opposing the proposed amendment based on the fact it will dilute already struggling small business communities, safety of employees, sprawl in the scenic part of Washington state and the possibility of abandoned buildings at intersections throughout the county. If the amendment is passed, Mr. Holland hoped suitable controls would be put in place to deal with these concerns.

059494 A letter from Dale Miller was acknowledged opposing the proposed amendment based on the fact that development at 50 intersections could lead

to cheap strip developments and fact that the proposal undermines the viability of the small commercial areas in existing communities. He suggested identifying major intersections with traffic flows that might support a highway, oriented business.

Commissioner Wigen concurred with Mark Bordsen that the Board did not vote this issue down 2 years ago. They tabled it. He added it is the job of county commissioners to promote growth and development. He read the following excerpt: "The County has therefore discouraged such commercial activities in unincorporated areas". He thought this is a good, new zone. He didn't believe there would be 36 of these zones in the county. Commissioner Wigen agreed the Comprehensive Plan must be revised to make it easier to do business in Whitman County. He questioned the amount of businesses coming to Whitman County in the last 40 years noting the county is losing sales tax, there is no place for trucks to pull over to fuel up, the county is losing property taxes by eliminating growth and he thought it was time to bring this county into the 21st century. This zone change was tabled 2 years ago for consideration of points raised by residents. By doing so, economic growth was stopped in this county. No one is going to invest millions of dollars in a retail business without performing a market survey. It is the commissioners' job to see that this county grows. This amendment allows for potential growth.

059495 Chairman Partch read the letter sent to Steve McClure, Editor, *Moscow-Pullman Daily News* noted in the commissioners' correspondence earlier today. The Board felt it was important to send a response to Mr. McClure because the local media is the county's way of disbursing information to the citizens. But when something is glaringly wrong and was sent out as an editorial, it is obvious the Board had concerns. He too pointed out that the proposed amendment was returned to the Planning Department and not the Planning Commission.

Chairman Partch talked about expanded business growth in the unincorporated areas of the county. He agreed with Ms. Morgan that esthetics and screening are very important. However, he felt comfortable that the amendment addresses Ms. Morgan's concerns.

The county is going to be faced with a huge loss of state revenue in 2003. As Commissioner Finch noted, this loss cannot be made up on the back of taxes, but rather on the back of growth. What the Board is doing today is extremely important to the county and the decision made today will have an impact on future growth.

The Board will have to look into permitted uses that have become an eye soar as mentioned by Ms. Morgan.

There being no further comments, the hearing was adjourned.

Motion by Commissioner Finch **seconded** by Commissioner Wigen and **carried** to approve the Highway/Waterway Commercial amendment with the deletion of Section 19.22.040(3) under Yard Requirements. The ordinance approving the amendment will be addressed at the 04/08/02 BOCC meeting.

12:00 p.m. - Recess.

1:00 p.m. - Jodi Hamilton, Sheriff's Department.

Present: Diana Dawson.

059496 Ms. Hamilton requested authorization to refill one budgeted, part time Corrections Officer position due to a resignation. After discussion, the commissioners authorized the board order.

1:30 p.m. - Kelli Shrope, Human Resources Director.

Present: Diana Dawson.

059497 1. Commissioner Finch presented Ms. Shrope with a \$1,500 Wellness Grant for Whitman County awarded by the Washington Counties Insurance Fund for 2002.

D059497A 2. The Human Resources staff members gave a brief explanation on the Retrospective Rating Pool (RRP) program as well as reviewed the county report for the period 04/01-03/02. The Chairman suggested Ms. Shrope make a presentation on the RRP to the EAT (Elected and Appointed Team) Committee. Ms. Dawson asked the Board if they had any preference on how the retrospective rebate should be redistributed because it will be voted on this week in Ellensburg. The rebate amount is \$340,437 for the 2000-2001 period. In the past, it has been equally distributed. The Board voiced no particular preference leaving the decision to Ms. Dawson's discretion.

D059497B 3. **Motion** by Commissioner Finch to go into Executive Session with Ms. Shrope for discussion of personnel matters until 4:00 p.m. **Seconded** by Commissioner Wigen and **carried**.

2:10 p.m. - Return to Open Session/Recess.

2:30 p.m. - Mike Werner, Developmental Services Director.

059498 1. Mr. Werner explained that the Whitman County Public Health & Safety Network was put in place in 1993 via legislation to create Networks. These networks are not county entities; they are financially set up more like a junior taxing district. The Network bears Whitman County's name only because of its geographic representation. At one time there were over 50 Networks established to work on youth violence in Washington.

Last year, the state determined our Network was basically not in compliance primarily because of the fractured board membership. Whitman County was one of 20 networks determined to discontinue as of the end of June 2001. The state did give Whitman County an extension to complete the Network's business and close down.

In January 2002, the state determined they would extend the closeout timeline to 06/30/02. Mr. Werner pointed out, the Network operated at no

cost administratively since its' establishment. He presented a signed interagency amendment extending the contract period through June 30, 2002. Although the contract states it is for \$87,074.98, the Network does not have that much money to expend. There is approximately \$4,493 in carry over money from the 2001 budget and an additional \$5,000 from the state to complete the phase out.

059498A This will involve reestablishing a budget for the Network for 2002 in the amount of \$87,074.98 plus the \$4,493 carry-over and \$5,000 closeout funds totaling \$91,568. Once the budget is closed out, all remaining funds will be transferred to Whitman County. Mr. Werner was instructed to work with the County Treasurer for amendment purposes. He reiterated that the amendment should be treated as a junior taxing district entity budget and not a county entity budget issue.

This will be Mr. Werner's last official action as Chairperson in order for him to take on the role of finalizing the Network activities. Judy Allen will move from Vice-Chair to Chairperson.

2:45 p.m. - Glen Aldridge.

059499 2. Because of some changes at the state level, Mr. Werner indicated it is also necessary to amend the county's 2002 Development Services budget and make adjustments to contracts with some of the Developmental Services providers.

D059499A 3. Mr. Werner brought up a \$7,192 discrepancy within the Developmental Services budget that seemed to differ from the amount agreed upon during the budget process that involves his wages. Mr. Werner said if in fact the budget figures are correct, it would have a bearing on his workload and other programs he administers. He asked for resolution of this issue. Depending on the Board's decision, a budget amendment may be necessary at a later date.

2:55 p.m. - Recess.

D059499A THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **April 2, 2002 at 1:30 p.m.** Greg Partch, Chairman, Jerry Finch and Les Wigen, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

1:30 p.m. - Reconvene/Board Business/BOCC Workshop.

Present: Steve Tomson.

D059499B Items discussed included a Spillman System file inquiry and the Kelley/Strang accident. No action taken.

2:00 p.m. - Pat Jeffries.

059500 A draft personal services agreement proposal for the handling of Whitman County risk management was received from Mr. Jeffries.

059501 An insurance summary for Whitman County policies through Associated Independent Agencies, Inc. was also received from Mr. Jeffries. No action taken.

3:00 p.m. - Recess.

D059501A THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **April 3, 2002 at 11:00 a.m.** Greg Partch, Chairman, Jerry Finch and Les Wigen, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

11:00 a.m. - Reconvene/Board Business/BOCC Workshop.

Present: Bev Welch.

D059501B Items discussed included the County Administrator position. No action taken.

12:00 p.m. - Adjournment.

D059501C Commissioner Finch **moved** to adjourn the **April 1, 2, and 3, 2002** meeting. Motion **seconded** by Commissioner Wigen and **carried**. The Board will meet in regular session, in their Chambers', in the Whitman County Courthouse, Colfax, Washington, on **April 8, 2002**. The foregoing action made this **3rd** day of **April 2002**.

ss/ JERRY FINCH, Commissioner
ss/ LES WIGEN, Commissioner

MARIBETH BECKER, CMC
Clerk of the Board

GREG PARTCH, Chairman
Board of County Commissioners