

## Minutes for April 30, 2012

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**072993 THE BOARD OF WHITMAN COUNTY COMMISSIONERS** met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, April 30, 2012** at **8:45 a.m.** Chairman Greg Partch, Patrick J. O'Neill and Michael Largent, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

**8:45 a.m. - Call to Order/Board Business/Workshop.**

Present: Gary Petrovich, 6 residents and Kelli Hadley.

**072994 1.** The item discussed was the 2<sup>nd</sup> amendment to the Hawkins Development amendment. No action taken.

**9:10 a.m. - Recess.**

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

Present: Chris Nelson, Joan Willson, Karen Johnson, Kirk Suess, Art Swannack, Bill Spence, Joe Smillie and Kelli Hadley.

**D072994A 2. Motion** by Commissioner O'Neill to accept the consent agenda. Motion **seconded** by Commissioner Largent and **carried**.

**072995 3.** Claims/Payroll warrants numbered **262720-262734** and **262757-262840** for \$569,970.27 approved.

**072996 4.** April 16, 2012 minutes approved.

**072996A-072998 5.** Personnel change orders approved.

**072999 6.** Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to sign the 1<sup>st</sup> PDC Lobbying report.

**073000 7.** Chris Nelson presented documentation pertaining to the Cisco Network and VoIP Hardware, Software, Annual Maintenance and Installation Services for an estimated \$167,937.88 with tax. Ms. Nelson indicated over 75% of the county's network is not serviceable under contract and Cisco portion is close to its end of life. Also, if approved the connection between buildings would be increased from 1 gb to 10 gb. Commissioner Largent said he had a great deal of confidence in Ms. Nelson's judgment but he had not had an opportunity to review the information in detail and requested the decision be tabled until May 7<sup>th</sup>.

**BOCC MINUTES-04/30/12**

8. Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to approve grant application data forms for the Health Department as follows:

**BOCC MINUTES-04/30/12**

- 073001** Blue Ribbon E2SSB Distribution for 2012 for \$30,000.  
**073002** Local Capacity Development for 01/01/12-06/30/12 for \$24,863.  
**073002A** Local Capacity Development for 07/01/12-12/31/12 for \$24,863.

**073003** 9. A letter of thanks was received from Dennis McLaughlin for his appointment to the Solid Waste Advisory Committee.

10. Notice of mediation case filings was received from the Public Employment Relations Commission for the:

- 073004** Sheriff's Correction Officers/Support Staff Bargaining Unit, and  
**073005** Solid Waste Bargaining Unit.

**072006** 11. Commissioners' pending list reviewed.

**10:25 a.m. - Recess.**

**10:30 a.m. - Pacific Northwest (PNW) Farmer's Cooperative Fallon Zone Change Hearing.**

Present: Mark Storey, Alan Thomson, Keith Becker, Joan Willson, Karen Johnson, Art Swannack, Joe Smillie and Kelli Hadley.

**ACTION ITEMS:**

**Planning Division:**

**073007** 12. Chairman Partch convened the hearing and requested a staff report.

Mr. Thomson said PNW is requesting a 5 acre zone change from the Agricultural District to Limited Heavy based on the actual operation at the Fallon site.

The Chairman opened the hearing to public comments. There being none, the hearing was adjourned.

Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to accept the Planning Commission's recommendation to approve the Pacific Northwest Farmers Cooperative zone change at the Fallon site of 5 acres from Agricultural to a Limited Heavy Industrial District.

**ORDINANCE NO. 073007**

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

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

**BOCC MINUTES-04/30/12**

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 for PNW Farmers Cooperative for five acres from Agricultural District to Limited Heavy Industrial District for five acres of property located north of Pullman, WA on Fallon Road in the NW ¼ of Section 35, Township 16 N., Range 45 E.W.M., Whitman County, Washington.

PASSED AND APPROVED by the Board of Whitman County Commissioners of Whitman County, Washington, on the 30th day of April, 2012.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

\_\_\_\_\_  
Greg Partch, Chairman

\_\_\_\_\_  
Patrick J. O'Neill, Commiss.

ATTEST:

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Maribeth Becker, CMC  
Clerk of the Board

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

**10:40 a.m. - Pacific Northwest Farmer's Cooperative Ewartsville Zone Change Hearing.**

Present: Joe Smillie and Kelli Hadley.

**073008** 13. Chairman Partch convened the hearing and requested a staff report.

Mr. Thomson said PNW is requesting a 5 acre zone change from the Agricultural District to Limited Heavy based on the actual operation at the Ewartsville site.

The Chairman opened the hearing to public comments. There being none, the hearing was adjourned.

Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to accept the Planning Commission's recommendation to approve the Pacific Northwest Farmers Cooperative zone change at the Ewartsville site of 5 acres from Agricultural to a Limited Heavy Industrial District.

ORDINANCE NO. 073008

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

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 for PNW Farmers Cooperative for five acres from Agricultural District to Limited Heavy Industrial District for five acres of property located southwest of Pullman, WA on Ewartsville Road in the SW ¼ of Section 16 and the NE ¼ of Section 21, Township 14 N., Range 44 E.W.M., Whitman County, Washington.

PASSED AND APPROVED by the Board of Whitman County Commissioners of Whitman County, Washington, on the 30th day of April, 2012.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

\_\_\_\_\_  
Greg Partch, Chairman

\_\_\_\_\_  
Patrick J. O'Neill, Commiss.

ATTEST:

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

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Michael Largent, Commissioner

**D073008A 14.** Mr. Thomson said he will be bringing a proposed code change for an administrative variance for conditional use in the industrial district.

**D073008B 15.** The Planner will be advertising for Planning Commission members this week.

**Engineering Division:**

**073009 16.** Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** that the Title VI Non-Discrimination agreement be signed as presented.

**073010 17.** Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to publish the notice of hearing for franchise agreement with Zayo Group.

073011 18. Commissioner O'Neill moved Commissioner Largent seconded the motion and it carried that the Bauer Quarry and Stockpile site lease be signed as presented.

**Solid Waste Division:**

073012 19. Commissioner O'Neill moved Commissioner Largent seconded the motion and it carried that the resolution to initiate a capital improvement project for the Solid Waste Transfer Station be signed as presented.

**RESOLUTION NO. 073012  
BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS**

In the matter of initiating a county solid waste capital improvement project designated as Project No. XEW07.

IT IS HEREBY RESOLVED that the Transfer Station Capital Upgrades project includes the following:

This project provides for the construction of a new transfer building, affiliated site improvements, new scale structures, paving, drainage improvements, recycling facilities, and some demolition of existing structures.

This project is hereby declared to be a public necessity and the County Engineer is hereby ordered and authorized to report and proceed thereon.

IT IS FURTHER RESOLVED that an appropriation from the official adopted solid waste fund budget and based on the following estimate is hereby made in the amounts and for the purposes shown:

<b>PURPOSE</b>	<b>AMOUNT OF APPROPRIATION</b>
Engineering (PE & CE)	\$ 350,000.00
Contract	<u>\$2,300,000.00</u>
TOTAL	<u>\$2,650,000.00</u>

IT IS FURTHER RESOLVED that the construction is to be accomplished by contract in accordance with established county policies and procedures.

ESTIMATED date of commencing work: May 1, 2012  
ESTIMATED date of completing work: December 31, 2013

ADOPTED this 30th day of April, 2012.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

\_\_\_\_\_  
Greg Partch, Chairman

ATTEST:

\_\_\_\_\_  
Patrick J. O'Neill, Commiss.

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Maribeth Becker, CMC  
Clerk of the Board

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Michael Largent, Commissioner

**Administrative Division:**

**073013** 20. A quote through the small works roster process for a boom lift was awarded to Western States Equipment Company of Lewiston for a total bid amount of \$23,714.

**11:00 a.m. - Recess.**

**11:15 a.m. - Hawkins Proposed Second Amendment to Development Agreement Decision.**

Present: Mark Storey, Joan Willson, Karen Johnson, Joe Smillie, Kelli Hadley, Bill Spence, Art Swannack and 4 other residents.

**073014** 21. The issue of the Hawkins second amendment to the development agreement was before the Board. An email from Denis Tracy stated he would have something to the Board by the end of business on May 7<sup>th</sup>. Therefore, the Board had nothing to review at this time.

**073015** 22. Bob Schultz of Colfax submitted a letter opposing the second amendment.

**073016** 23. Diane Hathaway of Pullman called April 26<sup>th</sup> in support of the Hawkins development and Jenny Harder of Pullman called April 27<sup>th</sup> in support of the Hawkins development.

**073017** 24. Colleen Oelke of Pullman called April 27<sup>th</sup> in support of the Hawkins development.

**073018** 25. Julie Walker of Pullman called April 27<sup>th</sup> in support of the Hawkins development.

**073019** 26. Ms. Covetto emailed April 27<sup>th</sup> in support of the Hawkins development.

**BOCC MINUTES-04/30/12**

**11:45 a.m. - Port of Whitman Loan Request.**

Present: Joe Poire', Gary Petrovich, Bob Lothspeich, David Ledbetter, Art Swannack, Joe Smillie and Kelli Hadley.

**073020 27.** Gary Petrovich stated earlier this month the Port sent a letter to the Board requesting a \$1 million short term loan to be repaid over a 2-year period from Public Facilities .09 funds. Since that time, Joe Poire' and he have Spokane and the request was reduced to \$750,000 to be repaid in one year.

Joe Poire' said the initial request for \$1 million would have been repaid over a 2-year period. The reduced loan amount can be repaid in one payment with interest, the same as they did for another Port building using .09 funds. The Port has a growth opportunity to get some work done this year that would exceed their capitalization funds.]

Commissioner O'Neill asked how this ties in with Pullman and other companies who are asking seeking fiber optic franchises. Mr. Poire' said the Port is not in competition with others. The fiber optics project is not on-line as yet. More services are needed at the towers for cell phones, research, and in-fill money for smaller city project to bring services to their facilities.

Commissioner Partch said the money the county has is for building the corridor and he has huge concerns about the impacts. However, the timing is such that he thought it would work. Mr. Poire' responded that the Port is aware of the county's commitment. Commissioner Partch also thought any new .09 funds will be subject to the rebate factor for the wind mill project but shouldn't be a risk to the Hawkins project.

David Ledbetter explained the loan would be handled as an interfund payment and no budget amendment would be necessary. Gary Petrovich said repayment with interest of 2.25% and the principle would be due 5/21/13. Mr. Petrovich will draft an amortization schedule and Mr. Lothspeich will prepare the resolution for the Board's official action on May 7<sup>th</sup>.

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

**1:00 p.m. - Commissioners and Precincts Redistricting Hearing.**

Present: Eunice Coker, Art Swannack, Dave Gibney, David Ledbetter, Joe Smillie, Kelli Hadley, Debbie Hooper, Francis Benjamin, and Michele Beckmann, Bill Spence and Michael McLaughlin and Ned Armstrong Spokane County Elections. (Elinor Huber, Recording Clerk)

**073021 28.** Chairman Partch convened the hearing and requested a staff report.

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The Auditor clarified redistricting is the responsibility of the legislative authority. Spokane County is assisting the county in getting the data entry information into our system for whatever plan is adopted.

Eunice Cocker reported that there are three options that show the old precincts in the City of Pullman that are being moved from district to district to equalize the voter registrations precincts. We would be moving precincts inside the city limits of Pullman from one commissioner district to another. The Pullman wards will not be affected other than trying to keep them as consistent with commissioner district boundaries as possible. Each commissioner district must be within 10% of the population in the other two commissioner districts.

The other project we are dealing with has to do with the boundaries of the sixteen cities and towns in Whitman County. Thirteen of which have incorporated and unincorporated areas that were all under the same precinct number. The unincorporated areas must have separate numbers so we have to rename those thirteen new precincts. That may result in thirteen more possible candidates for precinct committee officers (PCO) in the upcoming primary. The only cities not affected are Palouse, Pullman and Colfax.

The Chairman opened the hearing to public comments.

Francis Benjamin of Pullman wrote the commissioners about the timing for adoption, the Albion districts looks like there are islands just off Davis Way on the edge of Pullman.

Eunice Coker explained when the City of Pullman submitted their ward maps to the county they were not aware of all the precinct requirements. That has since been corrected.

With respect to timing for adoption, Eunice Coker contacted the Secretary of State's office who said there must be one week between the hearing and adoption of the redistricting and two weeks prior to filing week. Therefore, by the time the ordinance is adopted, it will be only one week prior to the filing period, but is something that must be done.

Dave Gibney of Pullman said once the cities delineate their wards and they can split precincts, it is up to the county to make the boundaries match and the county had 6 months to do that.

Michael McLaughlin of Spokane County said the way it is set up is that one precinct cannot encompass two commissioner districts.

Dave Gibney argued that the law says the city sets the ward lines and the county sets the precinct boundaries to conform to the ward lines. Now due

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to a timing issue, the precincts cannot be changed until after the general election. He felt it was too late to adopt any changes today. But as of today there are conceivably thousands of people that could file for office.

The Auditor spoke to the Secretary of State specifically about this. Mr. Gibney is correct about first the population figures must be taken into account but after that each commissioner district must be as close as possible while staying within the 10% registered voter totals, excluding anyone under 18 years of age and non-registered voters within the population totals. She also realized the hearing should have taken place at least one week earlier, but that did not happen for a number of reasons. What must be done next week is to:

- A) Select option 1, 2 or 3
- B) Resolve the city precinct issue
- C) Take the heat for not adopting the redistricting plan by April 30<sup>th</sup>.

Michael McLaughlin said there are two separate issues:

- 1) precinct changes must be done 14 calendar days prior to candidate filing, which is today.
- 2) candidate filing for mail-in candidacy is 10 business days before candidate filing which is today.

Art Swannack asked what are the penalties for not getting this done on time. Based on conversations with the state, Debbie Hooper said they were told to get it done.

Dave Gibney reiterated, if the redistricting plan is not adopted today, the precinct boundaries cannot be changed again until December.

The Auditor said the Board has three options before them. Once a decision is made, Spokane County will assist Whitman County with data entry into the voter registration system, and uploading the information to the Secretary of State's office. If that cannot be accomplished, Whitman County could be cut off from online candidate filing because the information the state currently has won't be updated.

There being no further comments the hearing was adjourned.

Commissioner Largent asked if the Auditor had a recommendation for which of the three options might be the most efficient to implement. According to Debbie Hooper, Courtney Thompson the GIS contracted employee, she led with Option #1.

The Board will adopt a redistricting plan on May 7, 2012.

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**1:50 p.m. - Present:** Bob Reynolds.

**D073021A 29.** Bob Reynolds reported on the McKinstry project. The corrections building chiller is in transit and should arrive on the 4<sup>th</sup> and installed sometime during the week of May 7<sup>th</sup>. McKinstry is asking about Phase II.

Commissioner O'Neill talked about the legislature releasing funding for future projects. Bob Reynolds indicated the funding is grant based. His concern was with the size of Phase II, the timing and cost of the project ranging from \$1.3-\$2 million. It was recommended by the Board not to consider Phase II at this time but to wait until the county is more prepared.

**2:00 p.m. - Recess.**

**D073021B THE BOARD OF WHITMAN COUNTY COMMISSIONERS** met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, May 3, 2012** at **9:00 a.m.** Chairman Greg Partch, Patrick J. O'Neill and Michael Largent, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

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

Present: Dan Boone, John Love, Tom Kammerzell, Joe Poire, Tony Bean and Bill Spence.

**073022 30.** Items discussed included the following joint Port/County related issues: thank you from Port for loan, fiber optics, IPZ, Unit at McCoy, wind farm and realignment of Pullman-Moscow Airport. No action taken.

**4:15 p.m. - Adjournment.**

**D073019A** Commissioner O'Neill **moved** to adjourn the **April 30 and May 3, 2012** 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 **May 7, 2012**. The foregoing action made this **3rd** day of **May 2012**.

ss/ PATRICK J. O'NEILL, COMMISSIONER  
ss/ MICHAEL LARGENT, COMMISSIONER

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MARIBETH BECKER, CMC  
Clerk of the Board

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GREG PARTCH, CHAIRMAN  
Board of County Commissioners