

Minutes for June 28th, 2004

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062656 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **June 28, 2004 at 9:00 a.m.** Les Wigen, Chairman, G.R. "Jerry" Finch and Greg Partch, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

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

Present: Fran Martin (9:00 a.m.).

062657 1. Items discussed included Homeland Security funding, funding needs, tracking, inventory, the future of CETC, selection of Planning Commission member, CASA request, and Deputy Sheriff's negotiations. No action taken.

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

Present: Tammy Lewis and Dan Brown.

D062656A 2. Motion by Commissioner Finch to approve the consent agenda. Motion **seconded** by Commissioner Partch and **carried**.

062657 3. Claims/Payroll warrants numbered **164414** and **164484-164576** for **\$733,070.93** approved.

FUND	FUND NAME	AMOUNT
001	Current Expense	12,899.87
102	Building & Development	181.24
103	Countywide Planning	51.00
104	Developmental Services	4,095.37
110	County Roads	89,972.15
118	Inmate Welfare	376.86
127	Drug Enforcement	616.52
135	Prosecutor's Stop Grant	10.93
141	Washington Housing SHB 2060	504,468.05
300	Capital Projects	99.56
400	Solid Waste	10,626.64
410	Solid Waste Reserve	1,000.00
501	Equipment Rental & Revolving	9,064.48
690	Clearing & Suspense	11,608.26

062658 4. June 21, 2004 minutes approved.

062659-062663 5. Personnel board orders approved.

BOCC MINUTES-06/28/04

062664 6. Mr. Brown explained an Asset Acquisition request for the Commissioners' office. After review, **motion** was by made by Commissioner Partch **seconded** by Commissioner Finch and **carried** to approve an Asset Acquisition request to replace a printer and purchase software and memory upgrades for 4 computers in the Commissioners' office totaling \$785.31.

062665 7. **Motion** by Commissioner Partch **seconded** by Commissioner Finch and **carried** to publish a notice seeking vendors for the small works and professional service rosters.

062666 8. **Motion** by Commissioner Finch **seconded** by Commissioner Partch and **carried** to publish a notice of the July 12th hearing for closeout of the CDBG Lead Base grant.

062667 9. **Motion** by Commissioner Finch **seconded** by Commissioner Partch and **carried** to sign a business associate agreement (HIPAA) with the Council on Aging and Human Services.

062668 10. Chairman Wigen reported on the District III, Whitman County Planning Commission vacancy. On June 21st he met with 2 members of the Planning Commission and the Public Works Director. It was agreed to offer the position to Mike Koenig, who previously sought appointment to the commission. He contacted Mr. Koenig who stated he was still interested in an appointment. **Motion** by Commissioner Finch **seconded** by Commissioner Partch and **carried** to appoint Mike Koenig to a 4-year unexpired term on the Planning Commission. Mr. Koenig's term will expire December 31, 2007.

062669 11. As requested, a proposal for master planning services was received from Beaman Architecture, Ltd. The proposal is being reviewed.

D062669A 12. Commissioners' pending list reviewed.

10:30 a.m. - Whitman County Parks Ordinance Chapter 2.12.

Present: Tim Myers, Bob Reynolds, Tammy Lewis and Maggie Breshears.

10:20 a.m. - Recess.

062670 Chairman Wigen opened the public hearing for proposed revisions to County Parks Ordinance Chapter 2.12.

Tim Myers and the Board reviewed areas requiring further revision/discussion as follows:

Section 2.12.080 - Park hours.

Section 2.12.090 - Animals in park.

Section 2.12.110 - Horseback riding in designated areas only-not to endanger others.

Section 2.12.150 - Teasing, annoying, feeding of any animal prohibited on park property.

BOCC MINUTES-06/28/04

Section 2.12.160 - Refuse restrictions.

Section 2.12.240 - Enforcement methods in county parks.

Those in attendance were given an opportunity to comment.

In response to the Chairman's inquiry, Mr. Myers indicated that the Park Board did approve the proposed revisions. All members voiced their concurrence with the changes.

Chairman Wigen closed the hearing.

Motion by Commissioner Finch **seconded** by Commissioner Partch and **carried** to accept the ordinance with the changes put forth. Mr. Myers will incorporate all changes discussed.

Ordinance Number 062670

**Whitman County
Board of County Commissioners**

Whitman County Ordinance Chapter 2.12

Whitman County Park and Recreation Board

NOW THEREFORE, BE IT RESOLVED that Whitman County hereby modifies Whitman County Ordinance Chapter 2.12, Whitman County Parks, as follows:

Chapter 2.12 Whitman County Park and Recreation Board

Sections:

2.12.060 Purpose.

2.12.070 Definitions.

2.12.080 Park hours.

2.12.090 Animals in parks.

2.12.100 Disturbance by animals prohibited.

2.12.110 Horseback riding in designated areas only.

2.12.120 Motor vehicles - parking in designated areas only.

2.12.130 Motor vehicles - operation in designated areas only.

2.12.140 Trail use.

2.12.150 Teasing, annoying, feeding of any animal prohibited on park property.

2.12.160 Refuse restrictions.

2.12.170 Firearms and weapons permitted in designated areas only.

2.12.180 Fireworks.

2.12.190 Sales - permission of Director required.

2.12.200 Amplified music and public address systems.

2.12.210 Fires.

2.12.220 Camping area.

2.12.230 Violation of park rules unlawful.

2.12.240 Enforcement methods in County parks.

2.12.250 Severability.

2.12.060 Purpose.

This chapter is declared to be an exercise of the police power of the county for the public peace, health, safety and welfare and its provisions are to be liberally construed. The park areas, playgrounds, activity centers and other facilities of the parks of the county are established by law for public recreation purposes. The primary purposes of such facilities and parks are for the accommodation of the public as a whole and secondary for the recreational activities of community groups or other groups consistent with the use of such facilities by the public as a whole.

2.12.070 Definitions.

The terms herein used unless clearly contrary to or inconsistent with the context in which used shall be construed as follows:

- A. "Motor vehicle" means any self-propelled device capable of being moved upon a road and in upon or by which any persons or property may be transported or drawn, and shall include, but not be limited to, automobiles, trucks, motorcycles, motor scooters, jeeps, or similar type of four-wheel-drive vehicles and snowmobiles, whether or not they can be legally operated upon the public highways.
- B. "Park" means and includes all county parks, park drives, parkways, park museums, bathing beaches and play and recreational grounds owned and controlled by Whitman County.
- C. "Park Board" means the Whitman County Park Board as established and created by RCW 36.68.
- D. "Person" means all natural persons, firms, partnerships, corporations, clubs and all associations or combination of persons whenever acting for themselves or by an agent, servant, or employee.
- E. "Trail" means any path or track designed for use of pedestrians, bicycles, or equestrians, and which is not of sufficient width, nor graded or paved with concrete, asphalt, gravel, or similar substance, so as to permit its use by standard passenger automobiles, or other right-of-way specifically designated and posted for non vehicular use.

2.12.080 Park hours.

It is unlawful for any person to be in a public park when it is closed, other than park personnel and those overnight camping in approved campground areas. A park is considered closed to public use other than regular posted hours of operation as determined by the Parks' Director. Park hours of operation shall be posted on the property. Parks may be closed due to emergencies or to protect the park and park visitors as determined by Park's Director and posted on site.

2.12.090 Animals in parks.

Dogs or other household pets may be exercised in county parks providing they are on a leash or carried by the person owning or having custody of the animal. It is unlawful to allow or permit any domesticated animal to run at large in any county park except in designated areas or as may be permitted for special occasions by the parks' Director. The person owning or having custody shall be responsible for any mess created or caused by their animal.

2.12.100 Disturbance by animals prohibited.

No person shall allow his dog or other pet or domestic animal to bite or in any way molest or annoy other park visitors. No person shall permit his dog or other pet or domestic animal to bark continuously or otherwise disturb the peace and tranquility of the park.

2.12.110 Horseback riding in designated areas only - not to endanger others.

- A. No horses shall be permitted in any county park except where designated and posted to specifically permit such activity.
- B. In such areas as may be designated and posted for horseback riding, no person shall ride any horse or other animal in such a manner that might endanger life or limb of any person or animal and no person shall allow such horse or other animal to stand in such area or any other area of the park unattended or insecurely tied.

2.12.120 Motor vehicles - parking in designated areas only.

No operator of any automobile, trailer, camper, boat trailer. Or other vehicle, shall park such vehicle in any county park area, except where the operator is using the area for a designated recreational purpose and the vehicle is parked in a designated parking area. No person shall park, leave standing, or abandon a vehicle in any county park area after closing time, except when camping in a designated area. Any vehicle found parked in violation of this section may be towed away at the owner or operator's expense.

2.12.130 Motor vehicles - operation in designated areas only.

No person shall operate any motor vehicle on a trail in any county park area unless such trail has been specifically designated and posted for such use. Subject to the provisions of this section, no person shall operate a motor vehicle within the boundaries of a county park area except on roads, streets, highways, parking lots, or parking areas; provided, that traveling upon such roads, streets, highways, parking lots, or parking areas has not been prohibited by proper posting and provided that the parks' Director, or his designee, may give written authorization for the operation of a motor vehicle at any place within a county park when such vehicle is operated in furtherance of county business.

2.12.140 Trail use.

Unless otherwise posted, it is unlawful to use bicycles or other similar wheeled vehicles on unpaved trails and posted paved trails, with the exception of wheelchairs and strollers. Further, it is unlawful for any person to travel on a trail at a speed greater than is reasonable a prudent under the existing conditions and having regard to actual and potential hazards. In every event, speed shall be so controlled as may be necessary to avoid colliding with others who are complying with the law and using reasonable care. Travel at speeds in excess of fifteen miles per hour on a walking, bicycling, hiking, and in-line skating trail, unless otherwise posted, shall constitute in evidence a prima facie presumption that the person violated this section. Travel at speeds fifteen miles per hour or less shall not relieve the rider from maintaining control of themselves and their equipment, and from the duty to ride with due regard for the safety of all persons.

2.12.150 Teasing, annoying, feeding of any animal prohibited on park property.

It shall be unlawful for any person in any park, in any manner to tease, annoy, disturb, molest, injure, kill, throw stones or projectiles of any kind at, or to strike with any stick or weapon, any animal, bird, fowl, or fish. It shall be unlawful for any person in any park to feed any wild animal, bird, fowl or fish except as may be authorized by the parks' Director.

2.12.160 Refuse restrictions.

It is unlawful to deposit any refuse, not generated in parks, in designated receptacles.

2.12.170 Firearms and weapons permitted in designated areas only.

No person, other than law enforcement officers acting in their official capacity, shall carry any firearm, nor shall any person discharge across, in, or into any park area a firearm, bow and arrow, or air or gas weapon, slingshot or any device capable of injuring or killing any person or animal, or damaging or destroying any public or private property, except in such area and under such circumstance as the parks' Director may designate.

2.12.180 Fireworks.

It is unlawful to shoot, fire or explode any fireworks, firecrackers, torpedo or explosive of any kind in any park unless a written permit has been obtained from the parks' Director.

2.12.190 Sales -permission of Director required.

It is unlawful to sell refreshments or merchandise in any park without the written consent of, or a concession contract with the parks' Director or his designee.

2.12.200 Amplified music and public address systems.

BOCC MINUTES-06/28/04

It is unlawful to operate a powered public address system or amplified music speaker system or other means of amplifying sound at any park areas without a written permit from the parks' Director.

2.12.210 Fires.

It is unlawful to build any fire, except in devices designed to contain such fires. Fires are allowed only in designated areas using approved devices provided therefore. No fire will be allowed during posted "No Fire Season" as determined by park's Director.

2.12.220 Camping area.

It is unlawful for any person to camp in any park except at places set aside for such purposes and so posted, except as may be permitted for special occasions by the parks' Director.

2.12.230 Violation of park rules unlawful.

It is unlawful to violate or fail to comply with any park rule or regulation duly adopted by the Whitman County Park Board and codified by the Board of County Commissioners

2.12.240 Enforcement methods in County parks.

- A. Violation of the park rules may be a civil infraction.
 - 1) Enforcement of these provisions shall be consistent with applicable law, including RCW 36.68.080.
 - 2) Infraction Penalty.
The Parks and Recreation fine shall be set as listed in IRLJ 6.2 subsection b unless otherwise specified. Repeat violations of any code shall double the fines.
- B. Loss of Park Privileges
In addition to any prescribed penalty, any person failing to comply with any provision of this chapter shall be subject to the loss of park or recreation facility use privileges and ejection from the County Park, associated marine park area or recreation programs. The length of time of ejection shall be determined by the Director at his/her discretion not to exceed twelve months.
- C. The provisions of this section may be enforced by any sworn member of the Whitman County Sheriff's Department and any Park Ranger/Operations Coordinator of the Whitman County Parks, Fair, and Facilities Management Department, and any other person designated by the Director of the Whitman County Parks, Fair, and Facilities Management Department.

2.12.250 Severability.

The section, subsection, clause, phrase, or work in this ordinance or in the supporting Policy and Purpose or any provision adopted by reference therein are severable and, if any is held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining ordinance, Policy and Purpose, or any provision adopted by reference therein shall not be affected thereby.

BOCC MINUTES-06/28/04

Dated this 28th day of June 2004 and effective as of July 1, 2004.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Les Wigen, Chairman

ATTEST:

Greg Partch, Commissioner

Maribeth Becker, CMC
Clerk of the Board

G. R. Finch, Commissioner

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

Present: Mark Storey, Mark Bordsen, Michael Schuler and Alan Thomson.

Action Items:

062671 1. Motion by Commissioner Partch **seconded** by Commissioner Finch and **carried** to set the date for a decision on the Van Houten zone change for July 6th at 11:15 a.m.

062672 2. Motion by Commissioner Finch **seconded** by Commissioner Partch and **carried** to set the date for a decision on the Mickelsen zone change for July 6th at 11:15 a.m.

062673 3. Motion by Commissioner Partch **seconded** by Commissioner Finch and **carried** to set the date for a decision on the Christian zone change for July 6th at 11:15 a.m.

062674 4. Motion by Commissioner Partch **seconded** by Commissioner Finch and **carried** to publish the notice of call for bids for Looney Bridge when documentation is received.

Solid Waste Division:

D062674A 5. The department has finished grinding yard waste at the Transfer Station.

Maintenance Division:

D062674B 6. Crews are preparing for seal coating; the county will perform work for the Towns of Oakesdale and Colton.

11:17 a.m. - Recess.

1:00 p.m. - Board Business Continued/BOCC Workshop.

BOCC MINUTES-06/28/04

Present: Dana Brown of Wolf & Associates and Kelli Campbell (1:00 p.m.) and Dane Dunford (2:15 p.m.).

D062674C 13. Items discussed included LEOFF I members long-term care insurance proposal, rural housing, rock on bypass, permitting tenure resolution, chip truck/grinder process at Transfer Station, arbitration settlement and building inspector. No action taken.

3:00 p.m. - Recess.

D062674D THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **June 29, 2004 at 9:00 p.m.** Les Wigen, Chairman, G.R. "Jerry" Finch and Greg Partch, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

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

Present: Gary Hunt and Valerie Hunt, Sharron Cunningham and Kelli Campbell.

D062674E 14. Items discussed included arbitration settlement. No action taken.

10:00 a.m. - Recess.

D062674F THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **July 1, 2004 at 10:00 a.m.** Les Wigen, Chairman, G.R. "Jerry" Finch and Greg Partch, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

10:00 a.m. - Reconvene/Board Business Continued/BOCC Workshop.

Present: Dane Dunford and Mark Storey (10:00 a.m.), Joe Poire (11:00 a.m.) and Marlynn Markley.

D062674G 15. Items of discussion pertained to Naylor Farms, the CETC building and a District Court vacancy.

11:00 a.m. - Recess.

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

Present: Brett Myers, Ron Rockness, Jodie Hamilton and Sharron Cunningham.

D062674H 16. The item of discussion pertained to the Sheriff's budget. No action taken.

4:00 p.m. - Adjournment.

BOCC MINUTES-06/28/04

D062674I Commissioner Partch **moved** to adjourn the **June 28 and July 1, 2004** 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 **July 6, 2004**. The foregoing action made this **1st** day of **July 2004**.

ss/ G.R. FINCH, Commissioner
ss/ GREG PARTCH, Commissioner

MARIBETH BECKER, CMC
Clerk of the Board

LES WIGEN, CHAIRMAN
Board of County Commissioners