

**Minutes for July 21, 2008**

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**068416 THE BOARD OF WHITMAN COUNTY COMMISSIONERS** met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, July 21, 2008** at **9:00 a.m.** Chairman Michael Largent, G.R. 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: Bev Divine, Sharron Cunningham and Joe Smillie (9:00 a.m.) and Esther Wilson (9:30 a.m.).

**068417 1.** Items discussed included a financial update, office supplies presentation, IRS mileage rate, Kitzmiller Road petition, laptop computer policy and Workforce Development award. No action taken.

**9:30 a.m. - Recess.**

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

Present: Bob Lothspeich, Lori Nails, Gary Kopf, Bob Reynolds and Joe Smillie.

**D068417A 2. Motion** by Commissioner Finch to accept the consent agenda was **seconded** by Commissioner Partch and **carried**.

**068418 3.** Claims/Payroll warrants numbered **217885-217898, 217958-218124** and **218127** for **\$421,799.90** approved.

FUND	FUND NAME	AMOUNT	AMOUNT	AMOUNT	AMOUNT
001	Current Expense	6,776.80	47,497.80	56,476.20	695.20
102	Building & Development		1,579.60	62.35	
103	Countywide Planning		2,552.40	291.16	
104	Developmental Services			36,966.57	
110	County Roads	550.00	14,265.80	4,102.17	7.26
111	CETC Building			169.56	
114	Bulk Purchasing			8,060.05	
117	Boating Safety			687.01	
118	Inmate Welfare			785.31	22.66
127	Drug Enforcement-Quad City		400.00	15,859.86	
128	Crime Victims/Witnesses		350.00		
134	Elections Reserve Fund			3,834.02	
135	Prosecutor's Stop Grant		150.00		
136	Electronic Monitoring			480.50	
137	Web Site Development			57.49	
144	Emergency Communications-144.260.001		250.00	155.06	
300	Cap. Projects Asset Acq.-300.010.001			259.80	

**BOCC MINUTES-07/21/08**

400	Solid Waste		1,250.00	3,510.04	2,973.99
501	Equipment Rental & Revolving	350.00	4,634.00	117,827.17	155.30
510	Photocopier Revolving			1,250.96	
513	Communications Revolving			2,886.89	
655	Hospital Districts		400.00		
660	Whitcom-General-660.911.000			68,915.11	
660	Whitcom-Grant Funding-660.911.001			14,301.63	

**068419** 4. July 14, 2008 minutes approved.

**068420-068426** 5. Personnel board orders approved.

**068427** 6. Commissioner Partch **moved** Commissioner Finch **seconded** the motion and it **carried** to approve an interfund operating loan for Tekoa Parks & Recreation District #6 in the amount of \$25,000.

**RESOLUTION NO. 068427  
BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS**

WHEREAS, the Board of Whitman County Commissioners met in regular session on the 21<sup>st</sup> day of July 2008; and,

WHEREAS, Tekoa Park & Recreation District #6 has requested an interfund loan to cover General Fund expenses for 2008 and a portion of 2009; and,

WHEREAS, this request complies with R.C.W.'s regarding loan agreements and debt limitations; and,

WHEREAS, a special tax levy was passed by Park and Recreation #6 voters in a special election held on February 19, 2008, to be assessed in 2009; and,

WHEREAS, the interfund loan will be repaid in payments as cash is available in 2009, but no later than November 30, 2009 at an interest rate equal to the monthly average of the Local Government Investment Pool (LGIP) of the State of Washington for the month immediately preceding the month during which the interfund loan is authorized.

NOW, THEREFORE, BE IT HEREBY RESOLVED that an interfund loan of \$25,000.00 is loaned to Tekoa Park & Recreation District #6, from the Whitman County Current Expense Fund at an interest rate of 2.29%, to be repaid as stated.

PASSED, APPROVED AND ADOPTED this 21<sup>st</sup> day of July 2008.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

\_\_\_\_\_  
Michael Largent, Chairman

ATTEST:

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Greg Partch, Commissioner

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Maribeth Becker, CMC  
Clerk of the Board

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G.R. Finch, Commissioner

7. Commissioner Partch **moved** Commissioner Finch **seconded** the motion and it **carried** to approve the following 2008-2013 criminal justice/misdemeanor contracts:

068428 Town of Farmington;  
068429 Town of Lacrosse;  
068430 Town of St. John; and,  
068431 Town of Uniontown.

068432 8. Commissioner Finch **moved** Commissioner Partch **seconded** the motion and it **carried** to approve publishing a notice of hearing for proposed amendments to Whitman County Code 2.02.04 as it relates to the Citizens' Commission for Salaries for Elected Officials.

10:15 a.m. - Sharron Cunningham.

068433 9. Commissioner Finch **moved** Commissioner Partch **seconded** the motion and it **carried** to sign a contract amendment with Beaman Architecture, Ltd. for ADA upgrades.

068434 10. Commissioner Partch **moved** Commissioner Finch **seconded** the motion and it **carried** to appoint Chris Tennant to the Emergency Communications Advisory Committee representing the Pullman Police Department (replacing Chief Ted Weatherly). Mr. Tennant's term will expire June 30, 2011.

068434A 11. A letter of appreciation was forwarded to Chief Weatherly for his service on the Committee.

068435 12. Commissioner Finch **moved** Commissioner Partch **seconded** the motion and it **carried** to have the Chairman sign a letter reappointing Marlene Ibsen to the Developmental Disabilities Advisory Board. Ms. Ibsen's term will expire December 31, 2010.

068436 13. Discussion ensued concerning consideration of the mileage reimbursement rate brought to the Board's attention by the IRS who made a mid-year adjustment. Chairman Largent explained the question is whether or not the Board needs to consider making a mid-year adjustment or allowing the 2009 budget process to accomplish that task.

**BOCC MINUTES-07/21/08**

Commissioner Partch said the county has based its mileage reimbursement on the IRS rate. It does make more sense to consider this through the budget process. If an adjustment was made today it would impact the county by \$38,000, which is not budgeted. Chairman Largent agreed with Commissioner Partch that energy prices have risen; this adjustment is relatively minor but it is very difficult for a small county to constantly readjust its budget. It makes more sense and is more fiscally responsible to consider this as a part of the 2009 budget process as a whole. Commissioner Partch **moved** Commissioner Finch **seconded** the motion and it **carried** to review and consider increasing the mileage reimbursement rate for use of personal automobiles through the 2009 budgeting process.

**068437** 14. Commissioner Finch **moved** Commissioner Partch **seconded** the motion and it **carried** to sign an Indirect Federal grant application data form for 50% reimbursement of bulletproof vests through the Bulletproof Vest Partnership in the amount of \$1,197.50.

**068437A** 15. The 2006 Whitman County financial statements and federal single audit report was received from the State Auditor's Office.

**068438** 16. A copy of the City of Pullman's Ordinance No. 08-09 was received annexing property by Johnson Road to the City.

**068439** 17. A petition for reduced speed on Kitzmiller Road was received, reviewed and forwarded to the Public Works Department.

**068440** 18. An official regulated fire closure order as of July 17, 2008 on lands administered by the Spokane BLM District was received. The order includes Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima counties.

19. The following executed documents were received:

**068441** Kara Riebold for LIFT grant executive summary (08/30/08);  
**068442** Palouse River Counseling for Juvenile Services (06/30/09);  
**068443** Administrative Office of the Courts #IAA08340 for Superior Court (06/30/09);  
**068444** DSHS #0763-19053-03 for Developmental Services (06/30/09); and,  
**068445** Spokesman Review for Human Resources advertising (06/30/09).

**068446** 20. Commissioners' pending list reviewed.

**10:30 a.m. - Recess.**

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

**BOCC MINUTES-07/21/08**

Present: Phil Meyer, Alan Thomson, Gary Kopf, Jeff Motley, \_\_\_\_\_, Judi Dunn-Gray and Joe Smillie.

**ACTION ITEMS**

**Planning Division:**

**068447** 1. Alan Thomson introduced the Gary Kopf, Williams Place LLC zone change. The proposal would change 21.154 acres from North-Pullman Moscow Corridor (N-PMC) District to the Heavy Commercial District.

The Chairman indicated although this is not a hearing, this time was slated for the Board's decision. However, the Board will hear from those in attendance and then decide if they want to make a decision today or table it for one week.

Jeff Motley said his understanding for the rezone is to be able to apply for an inert landfill permit in the Pullman-Moscow Corridor (PMC). The Corridor has been slated as the county's #1 economic development area and in his opinion the #2 economic development area is Airport Road. Since this is the county's only economic development area it struck him odd that a landfill is planned for that area and noted there are many structural issues associated with building on a landfilled area.

Gary Kopf explained they have a 40-acre parcel already zoned heavy commercial and permitted for a landfill. The purpose of the rezone is to complete what was included in the original SEPA for the landfill adding additional acreage to fill the entire box canyon rather than creating a narrow drawal like the one at the SR 195 south bypass. The plan is to level it and ultimately end up with approximately 30 acres in total. The roads are designed for the edges of the property and the property itself is not visible from the SR 270.

In response to Chairman Largent's inquiry, Mr. Kopf said the fill will take 10-15 years to complete and will not be going through the compaction process. It will be graded and top soil added. It could be farmed or turn into ball fields or other recreational fields. All West Engineers will be performing environmental studies and observation of material deposited monthly to ensure only inert materials are being deposited. All West said there are ways to engineer foundations for buildings. They feel the expense to do that in 15 years will probably be less expensive than the extraordinary effort it would take to compact the soil up to 75 feet.

Commissioner Finch thought it to be a likely scenario someone will want to build structures on this property? Mr. Kopf said that might be the case after 15 years. However, they have another 120 acres in the area with buildable sites to absorb other commercial activities as they arise. If in 15 years someone wants to build on the filled ground, they will have to hire a geotech or engineer to engineer a foundation.

## BOCC MINUTES-07/21/08

Commissioner Finch said landfills are a tough item to build on. He referred to a home built in Idaho in a subdivision on a landfill site that is now sinking and no one wants to take responsibility for it. Therefore, he was concerned about not compacting as it is filled. He wondered who would be responsible if a structure begins sinking on this property. Based upon what he has learned as risk manager he has a real problem accepting inert landfills that are not compacted. He was not against development in the Corridor but he was not 100% comfortable.

Mr. Kopf stated when selling property a seller transfer disclosure must be completed. The seller must disclose if the property was ever a fill site, had hazardous materials and all other aspect of the property to the buyer. That would be a trigger to a buyer if the property was landfilled to hire a geotech observation on the site. Also, Mr. Kopf said he will be signing off environmentally on the observation throughout the fill process.

Mark Storey said having spent much time in the geotech business, it was his opinion if 75' of fill is going to be placed in a canyon with native soils on one side and fill on the other side it is not the total settlement that will cause a problem, but the differential settlement that will prevent buildings. He didn't believe Mr. Kopf would find very many types of structures that could later be placed on this fill property, especially not homes. He thought it was more likely the property would be considered open space if not compacted.

Commissioner Partch explained the difference between an inert landfill and a solid waste landfill. When Mr. Kopf's plans were initially discussed, the county was just feeling the effects of the Safeway issue. Obviously, with the county's topography, it is absolutely necessary there is some place for fill. At that time compaction was discussed at great lengths. He also remembered discussions about non-compacted landfill being set aside for uses without a permanent foundation as mentioned by Mr. Kopf. He agreed with Commissioner Finch about future housing and he hoped that could be excluded.

According to the information received from the Planning Division, Mr. Thonnie was the only one with questions and those questions were adequately addressed. Therefore, he was in favor of moving forward as recommended by the Planning Commission.

Chairman Largent asked about the suitability of this property if not filled and Mr. Kopf said most of it has been farmed and this particular area is restricted from residential structures.

Mr. Storey noted the plans are to fill a canyon and will not be higher than the hills around.

**BOCC MINUTES-07/21/08**

Alan Thomson said only thinking about the 40 acres in the Agricultural District that already has a conditional use permit for a landfill under the Code was approved by the Board of Adjustment and does not require action by the County Commissioners. The 21.154 acres being discussed today is a natural extension of a bowl. In his opinion, an incorrect assumption is being made that this land is buildable and there has been no talk about building on this land. This property is located on the backside of the Corridor and is not visible from SR 270.

Traveling from the 40 acres already permitted for a landfill up the hill in a southerly direction towards SR 270 is where the 21.154 acres is located. It is the side of a hill and cannot be built upon because it is very steep. This proposal simply extends the natural bowl and is not useful for anything else.

As a historical perspective and in follow-up about landfills, in the area mentioned by Mr. Motley as being important for development there is a Motley landfill right off of Airport Road which could be considered prime development land as well. He didn't feel it is a good argument to say we can't have landfills because there may be a building in the future. There is a process for building on landfills. The land must be certified as buildable and currently, houses cannot be constructed in the Corridor. If it is still in the Agricultural District, it is a debatable point whether that land would ever be opened to any kind of development because it is not easily accessible from the Corridor or Airport Road. The only road that accesses the property is Mr. Kopf's private road. As far as the Planning Division is concerned, the proposal is all above-board.

Commissioner Partch added the Corridor and Airport Road are the county's main areas for development. The commissioners said all along they wanted to make it a business friendly as possible in the Corridor and that means not having to truck fill a long distance. This project is half completed and Mr. Kopf did point out at the time of his initial proposal that if all went as planned he would be back to include additional acreage. Commissioner Partch noted he was in favor of proceeding today, he understands Mr. Motley's concerns but he also understands the need for an inert material landfill.

Commissioner Finch said he was conflicted and wants to make an on-site inspection of the property. Therefore, the decision on this rezone was tabled to July 28<sup>th</sup> at 10:45 a.m. Chairman Largent thanked both Mr. Kopf and Mr. Motley for their respectful presentations.

**Engineering Division:**

**068448** 2. A copy of the "Notice to Proceed" order sent to N.A. Degerstrom, Inc. for the Henderson Mill Bridge was received.

**11:30 a.m. - Sharron Cunningham, Administrative Services.**

**BOCC MINUTES-07/21/08**

Present: Bev Divine, Bob Lothspeich, Bob Reynolds, Brett Myers, Dave Frazier, Denis Tracy, Doug Robinson, Eileen Roe, Eunice Coker, Fran Martin, Joe Reynolds, Kelli Campbell, Kim Kopf, Mark Storey, Marlynn Markley, Nannette Bolyard, Peggy Wright, Pete Martin, Ron Rockness, Sharon Roberts, Shirley Bafus, Susan Nelson, Tim Myers, Joe Smillie, Jana Mathia, Maggie Breshears, Rory Curtis and Jerry Jones.

Excused: Janet Schmidt.

**068449** The June 2008 ending financial report provided by Ms. Cunningham.

June 2008 Cash Balance - \$3,280,622  
June 2007 Cash Balance - \$3,163,918

June 2008 Revenue - \$ 5,736,555 - 48.68% of budget.  
June 2007 Revenue - \$6,043,147 - 46.03% of budget.

June 2008 Expenditures \$5,549,525 - 45.99% of budget.  
June 2007 Expenditures \$5,447,633 - 41.26% of budget.

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

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

Present: Gail Griggs, Karl Johansen, Kelli Campbell (1:00 p.m.) and Tim Myers (1:45 p.m.)

**D068449A 21.** Items discussed included employee car/van pooling and Parks and Developmental Services updates. No action taken.

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

**2:10 p.m. - Board Business Continued/BOCC Workshop.**

Present: Mark Storey, Julie Banks and Jeff Marshall (2:10 p.m.).

**D068449B 22.** The item discussed was the 6-year road program. No action taken.

**3:00 p.m. - Board Business Continued/Executive Session.**

Present: Sharron Cunningham.

**D068449C 23.** Commissioner Partch **moved** Commissioner Finch **seconded** the motion and it **carried** to go into executive session with the above individual until 4:00 p.m. for a personnel matter.

4:00 p.m. - Adjournment.

D068449D Commissioner Finch **moved** to adjourn the **July 21, 2008** meeting. Motion **seconded** by Commissioner Partch and **carried**. The Board will meet in regular session, in their Chambers', in the Whitman County Courthouse, Colfax, Washington, on **July 28, 2008**. The foregoing action made this **21st** day of **July 2008**.

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

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MARIBETH BECKER, CMC  
Clerk of the Board

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MICHAEL LARGENT, CHAIRMAN  
Board of County Commissioners