

Minutes for September 23rd, 2002

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060129 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **September 23, 2002 at 10:05 a.m.** Greg Partch, Chairman, Jerry Finch and Les Wigen, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

10:05 a.m. - Board Business.

D060129A 1. Call to Order/Pledge of Allegiance.

Present: Chris Anderson and John Peterson.

Commissioner Wigen was temporarily away from the meeting.

D060129B 2. Motion by Commissioner Finch to approve the Consent Agenda. Motion **seconded** by Commissioner Partch and **carried**.

0601303. Claims/Payroll warrants numbered **139922-139949** and **140174-140343** for **\$568,051.27** approved.

FUND FUND NAME	AMOUNT	AMOUNT	AMOUNT	
001	Current Expense	\$32,988.50	\$8,390.80	\$289,589.00
101	Self Insurance			3,581.46
102	Building & Development	1,000.00	200.00	219.40
103	Countywide Planning		200.00	902.73
104	Developmental Services			34,804.45
105	Mental Health	8,150.40	250.00	
107	Chemical Dependency	1,149.60		
110	County Roads	15,495.00	4,797.20	3,790.20
112	Public Facilities Improvement			2,277.84
119	Emergency Services	500.00		
123	Paths & Trails			40,780.26
127	Drug Enforcement	400.00		
400	Solid Waste	1,750.00		82,306.97
410	Solid Waste Reserve			
501	Equipment Rental & Revolving	4,006.00	1,197.20	28,520.38
510	Photocopier Revolving			22.21
658	Rural Library	262.62		
690	Clearing & Suspense			519.05

0601314. September 16, 2002 minutes approved.

060132-060148 5. Personnel board orders approved.

10:10 a.m. - Dean Ferguson.

0601496. The first amendment to the Pullman-Moscow Airport Law Enforcement Services agreement was received from the City of Pullman. **Motion** by Commissioner Wigen **seconded** by Commissioner Finch and **carried** to sign the amendment.

0601507. A resolution authorizing John Peterson, Administrative Director, to sign for investments, warrant cancellations, and fund transfers was received. **Motion** by Commissioner Wigen **seconded** by Commissioner Finch and **carried** to sign said resolution.

RESOLUTION NO. 050150

WHEREAS, the Whitman County Commissioners Office authorizes the individual below to sign instruments including investments, warrant cancellations, and fund transfers on behalf of the Whitman County Commissioners.

Authorized Signature

/s/ John Peterson
Administrative Director

This authorization is to take effect September 23, 2002.

Dated this 23rd day of September 2002.

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

060151 **8.** Information pertaining to the 2003 Capital Improvement Program was received, reviewed, and tabled to September 30th.

0601529. A letter was received from Jeffrey W. Winter, P.E., of the Federal Aviation Administration, stating that the county's letter of September 3, 2002 serves as adequate justification for the proposed transfer of the Whitman County Memorial Airport to the Port of Whitman County.

06015310. The Office of Community Development sent a reminder notice for activity reports due October 15th for the CDBG grants #01-64021-038 and #F-99-74099-015. The Community Action Center is in the process of completing these reports.

06015411. Proposed revisions to the Whitman County Solid Waste Advisory Committee bylaws were received and tabled to September 30th.

10:25 a.m. - Commissioner Wigen excused himself from the remainder of the morning session.

06015512. A letter was received from Representative George Nethercutt concerning the proposed closure of 4 state parks in Eastern Washington. Representative Nethercutt informed the Board that \$1.5 million was recently rejected by Gonzaga University. This money might be able to be used by the state to fund these parks another year for a total of \$750,000.

Commissioner Finch indicated one thing that came out of the meeting he attended is that this is a power play between the state and federal government. The state wants the federal government to start running their parks. The federal government's logic is sound. If they take over these 4 parks they will have 49 other states asking for the same assistance.

Commissioner Finch added representatives of the State Parks Commission blatantly lied and were caught in their own trap. The state is shocked there has been no public outrage about the closure of these parks. It is too bad for these good citizens that pay taxes, raise their children and don't ask much from the government other than to enjoy the parks. Now, these people will be shut out. Commissioner Finch thought the Governor's office should be embarrassed by this action.

Chairman Partch said Whitman has been one of the more proactive counties. From the get go, the Board has written letters trying to get something done to keep the parks open. He suggested the possibility of again writing letters to the 9th district legislators for continued support in this area. Chairman Partch pointed out that Representative Cox has written letters and attended one of the meetings.

The meeting was then opened to comments/questions from the floor.

06015613. Notice was received from the Department of Revenue stating they would be conducting their annual countywide appraisals of selected personal property.

06015714. Notice was also received from the Department of Revenue stating they would be conducting their annual countywide appraisals of selected real property.

06015815. A letter was received from the Department of Ecology confirming Dretha Phillips completion of the required Water Conservancy Board training.

10:35 a.m. - Kathy Lemon, Revenue Officer.

Present: Dane Dunford, Bob Lothspeich, Phil Meyer, Dean Ferguson, Chris Anderson, and John Peterson.

060159Dane Dunford distributed a list of proposed Public Works vehicles he would like declared surplus by the Board and later sold at public auction. In response to Chairman Partch, Public Works would still work with Public Health regarding a vehicle they are interested in purchasing jointly with other departments.

Commissioner Finch wondered if old computer equipment could be included in this process and Ms. Lemon replied yes, provided she receives specific information about the equipment in advance of advertising.

Treasurer Lothspeich asked if there was a possibility of joining with WSU. Mr. Dunford said the only problem is the cost of staff time and equipment to transporting everything to WSU for the sale and then picking up and disposing of whatever doesn't sell.

060160 Motion by Commissioner Finch **seconded** by Commissioner Partch and **carried** to authorize publishing a notice of hearing for October 21 at 10:45 a.m. to consider declaring certain county equipment surplus.

Commissioner Finch will contact Information Services about old computer equipment and the Auditor's office about old voting equipment.

10:45 a.m. - Dane Dunford, Public Works Director.

Present: Dean Ferguson, Chris Anderson, and John Peterson.

Engineering Division:

D060160A 1. The Director provided an update on current bridge projects.

Maintenance Division:

D060160B 2. The Director also provided an update on the work being performed by the Maintenance crews.

10:50 a.m. - Julie Fox, Mark Storey, Brandon Miles, and Alan Thomson.

Solid Waste Division:

D060160C 3. Julie Fox talked to the commissioners about the residential fall cleanup currently in progress, recycling/educational program conducted at the Pullman Lentil Festival, 3rd recycled art contest held at the 2002 Palouse Empire Fair, working with teachers to get environmental lesson plans into the schools, and Ms. Fox' plans to begin a recycling program at the 2003 Fair.

Planning Division:

D060160D 4. The two new Assistant Planners were introduced by Mr. Dunford and welcomed aboard by the commissioners.

11:00 a.m. - Recess.

11:30 a.m. - Chad Connors, Juvenile Administrator.

0601611. Mr. Connors presented DSHS contract amendment #0163-03803 entitlement funds dealing with the impacts of E3SHB 3900 and SSB 5214 (Community Juvenile Accountability Act). This amendment increases the allotment by \$354 changing the biennial amount from \$25,112 to \$25,466. **Motion** by Commissioner Finch **seconded** by Commissioner Partch and **carried** to authorize the contract amendment.

0601622. A letter addressed to Commissioner Finch was presented by Mr. Connors pertaining to his concerns about the current level of educational/treatment programming offered to Whitman County juvenile offenders housed at Martin Hall.

11:40 a.m. - Recess.

1:10 p.m. - Tim Myers, Tom Miller, and Ron Shirley.

D060162A **Motion** by Commissioner Finch to go into Executive Session with the above individuals for discussion of legal matters until 1:35 p.m. **Seconded** by Commissioner Wigen and **carried**.

1:35 p.m. - Return to Open Session.

1:35 p.m. - Steve Trump, Steve's Glass, Colfax.

Present: Tom Miller, Tim Myers, Ron Shirley, Gary Libey, and John Peterson.

060163 Attorney Libey indicated he was present representing Steve Trump, dba Steve's Glass, a bidder for the Courthouse windows project. Mr. Trump is concerned that his bid, which was properly submitted, should actually be considered the lowest bid in response to the call for bids that the county put out for the project. The project

specifications specifically state, “requesting a bid for all new windows, will have low e-glazing and dual seal argon gas filled type construction and must meet schedule 40 energy code”. Steve’s Glass bid windows that are called “dual seal, argon gas filled”. This is a different type of window than the other bidder bid. There is a difference in the quality and cost. In assisting the county with the drafting of the specifications, Mr. Trump believed the county was looking specifically for “dual seal, argon gas built construction”. The other bidder did not bid this type of construction. The other product bid is of lesser quality and less expensive. Had Mr. Trump bid the same product, he would have beat the other bidder by a large margin, simply because it is a less expensive product. Mr. Libey said they are here today to ask the Board to reject the bid of Galen Mertsching.

Mr. Libey read the following from the cities/towns bid law. “A bid must substantially comply with the applicable procedures or specifications if it is to be considered.” As a general rule, a bid that does not meet the specifications should be rejected as an immaterial or substantial variance. The other bidder bid a dual seal equivalent, not a dual seal window. There is a large difference.

With respect to the warranty, the other bidder bid a 20-year warranty and Steve’s Glass bid a 10-year warranty. On the surface, the other bidder’s warranty appears to be better until it is actually reviewed.

Steve Trump distributed informational packets to the commissioners. When Tom Miller and he initially talked about the project, because of where the Courthouse sits (most of the windows are on the south and west sides of the building) the windows will take a very hard beating with the hot and cold weather and wind.

1. As a Summit Windows representative, Mr. Trump asked the Summit Windows representative if they could make a dual seal unit for this job and the representative said no. Summit Windows could produce a dual seal equivalent, but an equivalent is not what the specifications call for. It meets some of the specifications, but it does not meet the hot, cold, or 100 MPH winds.

Included in the packet was information from HP Fuller Company about true dual-seal units. “True Dual-Seal Edge (TDSE) utilizes the first 1G manufacturing system to commercially offer a true dual seal process in a single, co-extrusion application. TDSE is a hybrid of two sealants from HB Fuller-INSUL-CURE I.G. sealant and TERMO-SEAL hot melt butyl sealant. The benefits of the TDSE seal system include improved environmental cycling performance and overall barrier properties of the seal.” What this means is one works good when it is hot and the other works good when it is cold. These windows are not Summit Windows nor are they Tri-Windows. They are an example of a dual-seal and a dual-seal equivalent. Mr. Trump said he has sold Empire Pacific Industries (EPI) windows for nearly 5 years and has never replaced a window due to seal problems. Mr. Trump then explained the difference in the two window samples he brought to the meeting.

2. A letter from PPG Industries, Inc. was also reviewed. “As requested, I have included some information regarding the testing completed on your new DSE material. So you are aware, PPG coined this term (DSE) to identify curable sealants used with PPG’s Intercept IG technology. Sealants qualify as DSE in our terms when they are extrudable, provide chemical/moisture cure, resist degradation in the presence of moisture, and provide insulating glass seal longevity performance similar to that obtained with classic dual seal units (e.g. PIB and polysulfide, etc). We will be using this term throughout our discussions with customers and advertising related to Intercept technology.” Therefore, DSE was coined by a glass manufacturer so they can compete with a real dual seal which the Fuller Company has a patent. Any company can bid a true dual seal unit, but it cost more.

Mr. Libey said the county by accepting the other bid is receiving a different product for a lesser amount. It is only fair the county considers apples and apples and this is the position Mr. Trump is in.

3. Mr. Trump noted that Summit Windows offered a 20-year warranty, but it is a 20-year pro-rated warranty and basically after the first 5 years, they are not buying much.

4. Mr. Trump said he requested copies of all the bid documents the day after the bids were opened when he learned he lost the bid to Clarkston Glass. He just this morning received the requested information. The date on Mr. Trump's bid document was the 6th and the date on Mr. Mertsching's documents was the 18th. His question is where are the original bid documents? Mr. Trump was told he was bidding against and lost to Clarkston Glass and he received nothing from that company in the bid documents he received today. This is something he would like an answer to also.

5. Mr. Libey indicated Mr. Trump also received a quote from Allside showing the difference between the cost of the dual seal windows and dual seal equivalent windows. Mr. Trump bid on the dual seal and not the equivalent.

1:45 p.m. - Kelli Campbell and Naomi Daubert.

6. Mr. Trump referred to the quality of the product from EPI using steel for added strength and stability and low E glass, which is the best on the market. Mr. Trump thought he specked the best unit for the job because like EPI, he did not want to be called to replace fogged windows. And, EPI does not pay labor after 1-year for any commercial job. Mr. Trump pointed out it is his policy to service what he sells. If a unit fails, he replaces it at no charge to the customer, no matter if he is or is not reimbursed by the supplier.

7. According to Mr. Miller, Mr. Trump said the Deputy Prosecutor informed him the county does not allow for changing specifications and awarding different specifications, which is the whole premise for his argument; changing the specifications and awarding a contract on changed specifications.

Mr. Trump said he would really like to do this job for the county because this is his town and community.

Mr. Libey asked if the contract has been signed. Chairman Partch said the commissioners have not signed a contract. Ron Shirley responded that the Board awarded the bid last Monday (September 16th) and the notice to proceed was issued to the bidder by Facilities Maintenance. Mr. Trump said Tom Miller advised him that that would not happen until he saw the specifications on the window.

Chairman Partch said the issue would be further discussed. A letter was subsequently sent to the other bidder, Galen Mertsching, inviting him to meet with the Board on September 30th.

2:25 p.m. - Roller Bid.

Present: Dane Dunford, and Phil Meyer.

060164 The following bid was received, opened, and read aloud.

Western States Equipment Company \$51,592.04

Staff will make a recommendation for award on September 30th.

2:30 p.m. - Kelli Campbell, Human Resources.

Present: Naomi Daubert and Ron Shirley.

D060164A Motion by Commissioner Finch to go into Executive Session with the above individuals for discussion of personnel matters until 2:45 p.m. **Seconded** by Commissioner Wigen and **carried**.

2:45 p.m. - Return to Open Session.

2:45 p.m. - Board Business Continued/BOCC Workshop.

Present: Dane Dunford, Mark Bordsen, (Bob Lothspeich and Mike Werner 3:45 p.m.).

Commissioner Wigen was not in attendance.

06016516. Items discussed involved planning related issues and space allocation. No action taken.

4:15 p.m. - Recess.

D060165A THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **September 24, 2002 at 9:40 a.m.** Greg Partch, Chairman, Jerry Finch and Les Wigen, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

9:40 a.m. - Reconvene/Board Business Continued/BOCC Workshop.

060165B 17. Items discussed included Port minutes-WA-CERT, McGregor letter, CIP responses, and Space Allocation Committee report.
No action taken.

10:30 a.m. - Recess.

2:00 p.m. - Joint Port/County Commissioners' Meeting at the Port Office.

Present: Dan Boone, Bob Gronholz, Poe Poire, Jerry Finch, Les Wigen, and Linda Olson.

Commissioner Partch is attending a Joint Planning meeting in Pullman.

060166 Items discussed included WA-CERT, Airport transfer, State parks, RTPPO, ADO contract, E-911, Palouse Economic Development forum, and a letter from Alex McGregor. No action taken.

3:30 p.m. - Recess.

D060166A THE BOARD OF WHITMAN COUNTY COMMISSIONERS met at the Public Service Building, Colfax, Washington for **September 25, 2002 at 8:30 a.m.** Greg Partch, Chairman, Jerry Finch, and Les Wigen, Commissioners attended.

8:30 a.m. - Board Business Continued/BOCC Workshop.

Present: Dane Dunford, Mark Bordsen.

D060166B 18. The commissioners toured the Solid Waste Transfer Station and returned to the Public Service Building to discuss road related issues. No action taken.

12:00 p.m. - Recess.

2:00 p.m. - Reconvene/Board Business Continued/BOCC Workshop (Conference Room).

Present: Kelli Campbell.

06016719. Items discussed included 2003 employee medical, dental, vision, and life insurance benefits. No action taken.

3:30 p.m. - Adjournment.

D060167A Commissioner Finch **moved** to adjourn the **September 23, 24, and 25, 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 **September 30, 2002**. The foregoing action made this **25th** day of **September 2002**.

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

MARIBETH BECKER, CMC
Clerk of the Board

GREG PARTCH, Chairman
Board of County Commissioners