

COMMISSIONERS RECORD 47
FRANKLIN COUNTY
Commissioners' Proceeding for October 16, 2006

The Honorable Board of Franklin County Commissioners met on the above date. Present for the meeting were Neva J. Corkrum, Chairman; Bob Koch, Chair Pro Tem; and Frank H. Brock, Member; Fred Bowen, County Administrator; and Mary Withers, Clerk to the Board. Frank H. Brock, Member, was absent at the beginning of the meeting.

OFFICE BUSINESS

Secretary Patricia Shults met with the Board.

Public Hearing: To take testimony for and against increasing the revenue and expenditure bottom lines of the 2006 Miscellaneous Veteran's Assistance Fund #187-000-001 by \$7000

Public Hearing convened at 9:03 a.m. Present: Commissioners Corkrum and Koch; County Administrator Fred Bowen; Secretary Patricia Shults; and Clerk to the Board Mary Withers. Present in audience: Keith Lawler, James Reed and Walt Swearingen from American Legion and Ross Carpenter.

Ms. Shults said the Veteran's Assistance Fund is short by approximately \$6000. The maximum amount required by law was not budgeted when the budget was initially adopted. We are increasing it to that amount. The request is for an increase of \$7000.

Mrs. Corkrum asked three times if anyone in the audience opposes this budget increase. There was no response. Mrs. Corkrum asked if anyone wants to speak in favor.

Jim Reed, Service Officer with American Legion, spoke in favor. He said we are getting more and more veterans back who need more assistance. It costs more. Gas costs more. Food costs more. We're running out of money.

Keith Lawler, American Legion Post 34, said with all due respect to Pat Shults, he would like to correct a statement. This \$7000 will take us up to the state-mandated minimum amount, not the maximum. Ms. Shults agreed his statement was correct.

No one else wished to speak.

Motion – Mr. Koch: I move the approval of Resolution 2006-505 regarding the Miscellaneous Veteran's Assistance Fund increase by \$7000. Second by Mrs. Corkrum. 2:0 vote in favor.

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Consent Agenda

A woman, Todd Rowell and Dave Piovesan joined the audience.

Motion - Mr. Koch: I move for approval of the consent agenda as follows:

1. Approval of **joint Resolution 2006-506** in the matter of the request for signature from the Chairman of the Boards of Benton and Franklin County Commissioners on the Professional Services Agreement between the Juvenile Justice Center and Kuffel, Hultgrenn, Klashke & Shea, LLP, for independent legal counsel, effective immediately upon signing and renewable from year to year. (Exhibit 1: Information sheet.)
2. Approval to submit a petition to the City of Pasco to vacate the street/alley rights-of-way for parcel #112-012-036 and #112-012-045 and authorizing the Chairman to sign said petition on behalf of the Board. (Exhibit 2)

Second by Mrs. Corkrum. 2:0 vote in favor.

Motion – Mr. Koch: I move for approval of Miscellaneous Fund expenditures for Current Expense in the amount of \$11.90. Second by Mrs. Corkrum. 2:0 vote in favor. (Exhibit 3)

PLANNING AND BUILDING DEPARTMENT

Planning Director Jerrod MacPherson and Assistant Director Greg Wendt met with the Board.

Closed Record Public Hearing: To consider an appeal of the Planning Commission's recommendation for case file Subdivision #SUB 2006-06 – Sullivan Rowell Homes – a preliminary plat to subdivide approximately 10 acres into 17 single-family residential lots. The property is zoned Residential Suburban 20,000 (RS-20). The average lot size in the development is approximately 21,867 square feet. The land is located within the Pasco Urban Growth Boundary.

Closed Record Public Hearing convened at 9:18 a.m. Present: Commissioners Corkrum and Koch; County Administrator Fred Bowen; Planning Director Jerrod MacPherson; Assistant Director Greg Wendt; and Clerk to the Board Mary Withers. Present in audience: Ross Carpenter, a woman, Todd Rowell, Hayden Watson and Planning Commission Chairman David Piovesan.

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Mrs. Corkrum said an appeal was received following the Open Record Public Hearing held by the Planning Commission. No new testimony can be taken. She read other rules of the hearing. Following the hearing, the Commissioners may ask questions of persons in the audience. The Commissioners can agree with or alter the Planning Commission's recommendation.

Mr. Wendt said the application is for a 17-lot development. He reviewed the Action Summary information (Exhibit 4). As proposed, the lots would be approximately one-quarter acre in size. The property is within Pasco's urban growth boundary. The Planning Commission held a public hearing and forwarded a positive recommendation to the Board.

Mr. MacPherson showed a copy of the plat submitted by the applicant on the screen. He said the first test for an application is to make sure it is consistent with the City of Pasco's comprehensive plan. He showed a map of Pasco's comprehensive plan. He showed where the property is located. The area of the application is designated for two to five dwelling units per acre.

Mrs. Corkrum said so this is the largest of the city's lots. Mr. MacPherson said it is the largest size lot listed in Pasco's comprehensive plan. However, Pasco's plan doesn't prohibit someone from creating a larger lot in that zone.

Mr. MacPherson showed a 2004 aerial photo on the screen to acclimate the Board with the vicinity. He showed the project site. He pointed out the corporate limits of the City of Pasco. He showed the subdivision plan for Bushey Estates, SUB 2006-06. As proposed the application is consistent with the Comprehensive Plan. The zoning requirements are already in place.

Mr. Wendt reviewed the conditions of approval that are listed in the Action Summary. One condition is that a new road will have to be constructed to county standards, as well as the applicant's portion of Road 88. Another condition is that we're asking the applicant to redesign Lots 11, 12 and 13 to eliminate the flag lot for Lot 12 and give everyone the appropriate frontage. Planning Department staff and the Planning

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Commission have recommended approval of the application subject to the findings of fact and conditions of approval.

Mr. Koch asked is there no easement on the east side for a future road?

Mr. MacPherson showed a parcel line that goes east and west. As this property comes in for development (indicated), we're going to recommend that it be reserved for a future road to punch through to Road 84. Mr. Koch asked so there's nothing proposed north and south at this point? Mr. MacPherson said not at this point. Mr. MacPherson showed a parcel line on the screen. He said when either one of these areas come in for development (indicated), there will be a recommendation from Public Works to ensure that we have an easement. We made sure that the proposed road from Sullivan Rowell lined up with that parcel boundary to ensure that it's consistent and that it goes through.

Mrs. Corkrum asked if we have any information in regard to the reason for the appeal. Mr. Wendt said there was no written reason for the appeal. Mr. MacPherson said the appeal just stated they wished to appeal the subdivision application.

The Board reviewed the minutes from the Planning Commission hearing. Mr. MacPherson said the minutes have a section called clarification of public statements and Planning Commission discussion recaps which summarizes some of the issues that were talked about. They are not verbatim transcripts. They were approved last Tuesday night by the Planning Commission with the one correction, that the neighbors within 500 feet be notified. The law requires 300 feet but it was voted to extend that distance to 500 feet just to make sure there is ample notice.

Mr. MacPherson said with the closed record hearings, there was an open record hearing where testimony was taken, a closed record hearing where no new testimony is taken, but the closed record can be treated almost like closing arguments at trial. The Board members decided to ask the audience for information. Mrs. Corkrum said the person appealing the subdivision is in the audience. She invited Mr. Carpenter to speak.

Ross Carpenter, 3420 Road 88, said basically the information that has been presented has been presented. A half acre is the lot size. The landowners around there don't prefer it. Mrs. Corkrum asked where is your residence? Mr. Carpenter showed his

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residence off of Road 88, kitty-corner from the start of the project on Lot 17. He showed a map of the development. He asked Mr. MacPherson if it could be shown to the Board. Mr. MacPherson said that's fine. (The map is included as Exhibit 5.)

At Mr. Carpenter's request, Mr. MacPherson showed a larger picture of the area on the screen. Mr. Carpenter said our big argument is that everyone around there has over an acre. It just doesn't fit in. Myself, if I come into a community, I would ask those people around the community what they like or what would you think about this. Nobody said anything, it's just boom because they can do it. The people from the construction outfit said at the last meeting that these houses are quality houses. I believe they are. Nobody is arguing the houses aren't going to be quality. I've seen some houses in Badger Canyon. They build a good house. Our argument is that we'd like to see an acre. We know that's not possible. How about three-quarters of an acre instead of a half acre? That would kind of adapt it to the surrounding community. We know the laws are the laws so they can do what they want. That's our biggest concern.

Mr. Carpenter said there are going to be traffic problems. Argent and Road 88 are very busy roads right now. You've got a lot of traffic right there. It's going to add to it.

Our biggest concern at this moment is that people came out there to have a piece of ground and a little bit of quietness. We wanted a little bit of area or ground to move on. I don't know if you read the letter I submitted. Everybody within 500 feet received notice. Of those people, there was one person in that whole thing that really didn't care. Everybody else is really not happy with it.

Mr. Carpenter said to tell Mr. Brock before he leaves, "I would like to say, I hope he has a good retirement." He quoted from a September 20 Tri-City Herald newspaper article, saying Frank Brock was quoted as saying, "I've learned that you have to listen to the people and you have to work with the people." Mr. Carpenter said that's what we're getting at right now. That's the bottom line, the bottom line being we know this is going to happen. We know annexation is coming. So we've already got in the works -- and I don't know if you can show the map from Road 84 at the city limits to Road 92, city limits north of Argent Road, we're going to go to annexing, pre-zoning. We're going to

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do this, just so the county commissioners know. Once that goes in, we'd like to see maybe all the way down to the river and then open things up. If you can't fight them, you might as well join them.

The people around here, we really don't feel that we've got any representation with the county. I've heard, "It's just kind of an island out there. We'd like to help but there's not much we can do."

Mrs. Corkrum said we have to abide by the law.

Mr. Carpenter said "I understand. I was going to tell Mr. Brock -- he lives out in the country -- if the farmer next to him decided he wanted to put up some labor housing, he'd probably ask him if he'd want to put it next to his place. People talk and get along and do things."

Mr. Brock joined the meeting at 9:34 a.m.

Mr. Carpenter said the contractor is coming across with this big spiel about quality homes. Nobody thinks they build a shoddy home. They have real nice ones. It's not about the quality of home. It's about the size of spot. If it's about money, at the last minute, come out and say it's about money. But I'm getting my say because I'm tired of fitting into this when it doesn't fit into our lifestyle. I understand they're going to do what they can for the maximum money.

Mrs. Corkrum asked if anyone would like to speak in favor of this subdivision.

Todd Rowell with Sullivan Rowell homes spoke in favor. He said the Planning Department and Planning Commission pretty well addressed the issues. What we're proposing to do is very similar to what has already taken place in several other little neighborhoods. He pointed to one on the map. He said a couple developments have been completed off of Road 92 and Road 96. Our dream when we found this piece of property was to do something just like that. The neighborhoods in my opinion turned out very well. It brings a lot of value to Franklin County. In my opinion it is a good asset to the existing neighbors as well. I have nothing else to say. I can answer any questions.

Mr. MacPherson said I offered a personal note at the open record public hearing. I personally want to reiterate it. If it were me as a neighbor, I understand the concern, but

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also understanding this is inside the Pasco urban growth boundary, I'd much rather have half-acre lots next to me instead of 7500 square-foot lots, basically three lots to one-half acre which is what the city allows. Mrs. Corkrum asked that would be allowed if it were annexed? Mr. MacPherson said correct. Mr. Wendt said there are ways of doing pre-zoning with the city and trying to get it established for a half-acre or 3000 square feet, etc., so there are ways that neighborhoods and the city can work together.

Mrs. Corkrum asked if these half-acre lots will allow a septic system with city water. Mr. MacPherson said correct. Mrs. Corkrum asked or if the city extends sewer out there, because it will be close with the high school out there? Mr. MacPherson said yes. With the pre-zoning, as you annex you can go through the pre-zoning process. That doesn't mean that you will get it as you want it. The largest zone Pasco has in there now is a half acre.

Mr. Koch said I don't have any questions. My only comment would be that that's just one spot in what I see as quite a large section of open ground. I don't know that we can throttle people down from trying to sell their property when it's been okayed and in front of public hearings. It didn't just come up this last month. There have been public hearings on setting the standards of the lot sizes.

Mr. MacPherson said this was addressed in a previous comprehensive plan and reiterated again in 2004. Mr. Koch said there were public hearings at that time. He said he understands Mr. Carpenter's point.

Mr. Carpenter said, "I know what's going to happen. It's just a point about giving my side. That's all you can do."

Mr. Koch said if we were to stop that one, it wouldn't stop the next person from doing it. He said legally they can do it. Mrs. Corkrum said if we stopped it here, it would go to Superior Court and they would prevail and both sides would spend a lot of money. She said I do appreciate your interest in coming in and speaking before the Board.

Mrs. Corkrum said she has no other questions.

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Mr. Brock said he would reiterate what has already been said. It's within the parameters of the law and it's their right to do it. If we were to stop them here, all it would do is make a couple of lawyers happy.

Motion – Mr. Koch: I make a motion to deny the appeal request and grant preliminary approval of subdivision application SUB 2006-06 subject to the six findings of fact and nine conditions. Second by Mr. Brock. 3:0 vote in favor. This is Resolution 2006-507.

Mr. MacPherson said there is also a term called the bright-line rule which is fairly predominant in western and central Washington hearing boards where the hearing boards are requiring cities and counties in the urban growth boundaries to not allow anything larger than 10,000 square feet no matter what the zoning is. Basically the zoning has to be changed to reflect a 10,000 square foot maximum.

Planning Commission

Mr. Piovesan addressed the Board briefly.

Grant for GMA updates with CTED

Mr. MacPherson said the county has been awarded a \$30,000 grant to perform updates to our draft critical areas ordinance regarding landslides. He said we have worked with Engineer Tim Fife and Dann Borden in Information Services to help with an update and come up with a review of our current policies regarding landslides due to recent activity with the Ringold formation. There are some studies regarding slope, presence of water, soil type, and many other factors. The grant also updates the subdivision ordinance and sign code to be consistent with the Comprehensive Plan.

Motion – Mr. Koch: I move the approval of the chair's signature on the grant application. Second by Mr. Brock. 3:0 vote in favor.

PUBLIC WORKS

Engineer Tim Fife met with the Board.

Vouchers/Warrants

Motion – Mr. Brock: I move for approval of payment of the following vouchers/warrants: County Road Fund for \$258,123.06; MV & PW Equipment Fund for

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\$41,536.16; Solid Waste Fund for \$5493.99; and Solid Waste Fund for \$297.75. Second by Mr. Koch. 3:0 vote in favor. (Exhibit 6)

One Solid Waste fund is for litter and one is the regular Solid Waste fund vouchers.

Notice of Public Auction

Mr. Fife asked for approval of the Notice of Public Auction prior to the hearing declaring the property surplus in order to meet the newspaper deadline for advertising.

Motion – Mr. Brock: I move we approve the Notice of Public Auction. Second by Mr. Koch. 3:0 vote in favor. (Exhibit 7)

Glade North Road – Fir Hill Road project

Mr. Fife said paving is scheduled for next week on the Glade North Road project Clark Road

Mr. Brock asked if the speed limit on Clark Road could be 55 miles per hour instead of 50 miles per hour except where it is reduced to 35 miles per hour. Mr. Fife said he supposes it could. Mr. Brock said there are no side roads.

BUILDING DEPARTMENT

Planning and Building Director Jerrod MacPherson met with the Board. Present in audience: Chris Giles and Robert Nelson.

Building Department Update

The Board reviewed the September Building Report. He does not know if we're going to meet the projected revenue. To date for the year, there has been revenue of \$166,000 for permits and \$16,000 for plan checks for a total of \$182,000. The revenue for 2006 was projected at \$235,000. Things are picking back up, though.

In 2005, we issued 312 building permits. In 2006, we have issued 243 by the end of September. The activity is still pretty good but the number of homes is down.

Mr. MacPherson has been discussing with Walla Walla County officials about providing inspection services to Burbank. He is also trying to work with Connell, Kahlotus and Mesa to provide inspection services to those towns.

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Mr. Koch said we're going to have to consider what the county's stance is about water/fire suppression in no man's land. He said the insurance industry doesn't care. If there is no fire protection, they'll just add to the cost of insurance. They won't stop anyone from building.

Mrs. Corkrum thinks the taxes would be less than what the increased insurance cost is. Mr. Koch said that may be true if they were to annex in the entire area that is not currently covered.

Mr. Koch asked where do we as a county stand on making these people annex in or contract in to a fire district? Mr. Brock said I don't know if we have any power to do that. Mrs. Corkrum does not know either.

Mr. MacPherson said right now if it's a permitted use, there is nothing said; it's just unspoken. When we get into businesses that are proposed, where are we going to be at liability-wise if we ignore that issue and there is a fire? Mr. Koch said the only problem there is that they have opted to not have a fire district.

The question was asked how can we make them put in a 30,000-gallon tank of water? How can we make them get a fire contract with a fire district? Mr. MacPherson said some of the Planning Commission Board members feel we can make them do that as a condition.

Mr. Brock would like to get a legal opinion.

Mrs. Corkrum suggested contacting Municipal Research and asking if the county can require the fire coverage.

Biodiesel

Mrs. Corkrum asked if there is any interest in biodiesel. Mr. MacPherson said we had a lot of interest early on but he has not heard any lately.

Additional Help

Mr. MacPherson said our office is really busy with many issues. We're sitting on some outside committees such as migrant housing and affordable housing. Currently we're at a staffing level with one person less than in 1994. He hopes during budget time to put together a proposal that if we can create some additional revenue with small cities,

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as long as there's no impact to Current Expense -- Mrs. Corkrum said it has to be worth our while to take on Burbank and other cities. Mr. MacPherson said we have two full-time temporary building inspectors. He would like to keep one on and hire an entry-level planner.

Web Site

Mr. MacPherson showed the Board an example of the developing web site for the Planning Department. There is a new product called "Contribute" which is a web-based software program. He could edit the site using the software.

FACILITIES

Facilities Director Chris Giles and Carpenter/Custodian Robert Nelson met with the Board. Mr. Giles introduced Mr. Nelson to the Board.

Recessed at 10:26 a.m.

Reconvened at 10:34 a.m.

SUBSTANCE ABUSE SPECIALIST

Cathy Daniel with the Benton County Sheriff's Office met with the Board. Also present: Richard Dickenson, David Stoneking, Steve Miller, Gabe Reid, Sean C. Kelly and Franklin County Chief Civil Deputy Prosecutor Ryan Verhulp.

Coordinated CTED grant

Ms. Daniel said the grant is to operate the substance abuse program in the Benton County jail. It is the same program as in the Juvenile Justice Center (JJC). Apparently this year there were some legal issues with the contract. Our contract actually expired in June so the matter is relatively time-sensitive. We've been operating without funds. She said the Benton County Commissioners did agree to sign the grant contract based on the time-sensitive aspect and the fact that we have had the same contract for three years with the same agency. It is a boiler-plate contract. We will work on getting the contract for next year to more agreeable wording on both sides. We're here in Franklin County asking for approval since it's a Benton-Franklin County grant.

Mr. Verhulp said he submitted a number of proposed revisions to the state and some of those revisions were under discussion. The state did not agree to any of the

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revisions so the contract is in its present form as in previous years. With that, the Benton County PA's office recommendation still is the same, that they're not approving as to form, but he understands the Benton County Board has decided to accept some of those risks with the understanding that the contract has some value to it as well and with the hope that future negotiations might correct a number of problems in the contract. Mr. Verhulp said he has previously advised the Board about many problems with the contract. He said that's the nature of some contracts.

Mrs. Corkrum said the statewide prosecutors' association negotiated with the Department of Social and Health Services (DSHS) contracts because they were advising none of the counties to sign the way they were. The new DSHS director and the prosecutors' association came up with some good language that protects the counties. CTED's contracts are the same as they were, which are not acceptable to the prosecutors throughout the state. The contracts relieve the state of any liability and place it all on the counties. That's our holdup. She knows the contracts are through the bi-county Human Services Department but it's solely a Benton County issue.

Mr. Verhulp said this is one of those instances where it's going to be up to the Board's discretion based on the value of contract and the circumstances. There appears to be a greater degree of exposure for Benton County than Franklin County. Not all contracts are in the form that we would like to see. The main concern with this contract is the liability shift.

Ms. Daniel said no issues were raised to her office in the past and it's the same contract that the JJC is operating under currently that is signed by all parties. If we had had enough time to negotiate this, it would have been fine, but now we're operating basically without funds. Human Services is footing the bill. The program benefits outweigh the risks. Over 45 people have successfully completed the program. We have testimonials in the audience. She thinks being given the opportunity to work towards next year's contract and hammer some of these things out would be ideal. It is a year-to-year contract.

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Mr. Verhulp recommended a brief description of the services provided to the Board. A lot of the exposures come through the services provided.

Ms. Daniel said a lot of the services are also grant requirements. We have a 12-bed housing unit totally segregated from the rest of the jail population. There is a substance abuse counselor present. We offer group counseling, individual counseling, and moral recognition therapy (which is basically behavioral modification classes. It is a three-phase program. An inmate has to volunteer to be in the program, serving a minimum of a three-month sentence. The first phase is about 10 weeks long. Then the person is graduated to Work Release where they have to find employment and maintain employment, still being monitored by the jail. They have to report back in when not working, then graduate to home monitoring, assuming their sentence is long enough. The substance abuse counselor develops a treatment therapy plan for release. The whole point is to reduce recidivism, help substance abuse problems, and help members become productive citizens.

The Board reviewed the contract.

Ms. Daniel said Joel Chavez, program specialist with Human Services, handles the grant. The grant is actually through Human Services and we are a partner in that. It's from CTED to Human Services. The program functions in the Benton County jail.

Mrs. Corkrum said before when we signed these contracts, she always questioned about signing the contracts because it is a Benton County jail but she understands that Franklin County is asked to approve also because Human Services is a bi-county department.

Motion – Mr. Brock: I move for approval of the grant between Benton and Franklin County Human Services Department and CTED with Joel Chavez, Program Coordinator, as specified and authorize the chairman's signature. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2006-508. (Exhibit 8: Action Summary information.)

Mrs. Corkrum said she will sign with reservations. Mr. Brock said we all have reservations but we operate an existing program now.

The people in the audience thanked the Board for approving the contract.

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ELECTIONS DEPARTMENT

Diana Killian, Elections Supervisor, and Sue Boothe, Administrative Assistant to the Auditor, met with the Board.

Elections Drop Box

Ms. Killian showed the Board a picture of proposed official ballot drop boxes. She said we are required to have two boxes. We're going to have one at TRAC and one at the Courthouse. People will be able to drive past the box without having to find a parking space. At TRAC, it would be located next to the PUD drop box.

The Board and Mr. Bowen would like to put it on the north side of the courthouse rather than on the east side of the courthouse. Ms. Killian said that would also be her preference. Mr. Bowen said the design of the driveway area might change in a year but the box can still be accommodated.

Mr. Koch asked if the Annex is the right place for a drop box instead of the courthouse. Ms. Killian said we would probably add one there. Mr. Koch asked since that's where you do all your counting, wouldn't it make sense to have one there? Ms. Killian will consider it.

Sample Ballot

Ms. Killian showed the Board a sample ballot.

COUNTY CLERK

County Clerk Mike Killian met with the Board.

Jury Pilot Program

Mrs. Corkrum said when we read the article in the Tri-City Herald about Franklin County participating in a Jury pilot program, we wondered if we as a Board had okayed that. Now it's done. If the state quit paying the additional \$50 per day per juror and the county had to pay it, the jury costs would be about \$210,000 per year. Mr. Killian said if the money from the state stops, we're done with the program.

Mrs. Corkrum said that happened with a previous program called the CASA program; if the grants go away, the program goes away. However, we had a room full of people browbeating us and they're still browbeating us. The judges want us to implement

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it. If we start something and it goes away, then we're crucified, not the state, not you, because we handle the money. That was my only concern about this pilot program. I think it is worthy. I think it needs to be done. But I don't look for the state to come up to the plate afterwards.

Mr. Killian said it will take the citizens of other counties to talk to their legislators. He is still waiting for the Memorandum of Understanding to come. They wanted to get some press put out there anyway. He has talked to a person at the Administrator of the Courts (AOC) office who told him the turnaround time for reimbursement to the county would be two weeks. Mrs. Corkrum said that's a lot better than what we figured. Mr. Killian said he told the AOC that it had to be less than 30 days. Mrs. Corkrum said that report will be easily sent in. Mr. Killian said yes. Mr. Killian said he was clear to the Tri-City Herald that if the funding is gone, the program is done.

The county will still pay the \$10 per day plus the mileage. For the pilot program, the state will pay \$50 per day per juror.

Mr. Killian asked for approval to participate in the pilot program.

Motion – Mr. Brock: I move for approval of the pilot program. Second by Mr. Koch. 3:0 vote in favor.

COUNTY ADMINISTRATOR

County Administrator Fred Bowen met with the Board.

Hay Company

Mr. Bowen gave the Board a brief update on the Hay Company salary compensation study. After the study is completed, the Board can decide whether to implement any changes.

MINUTES

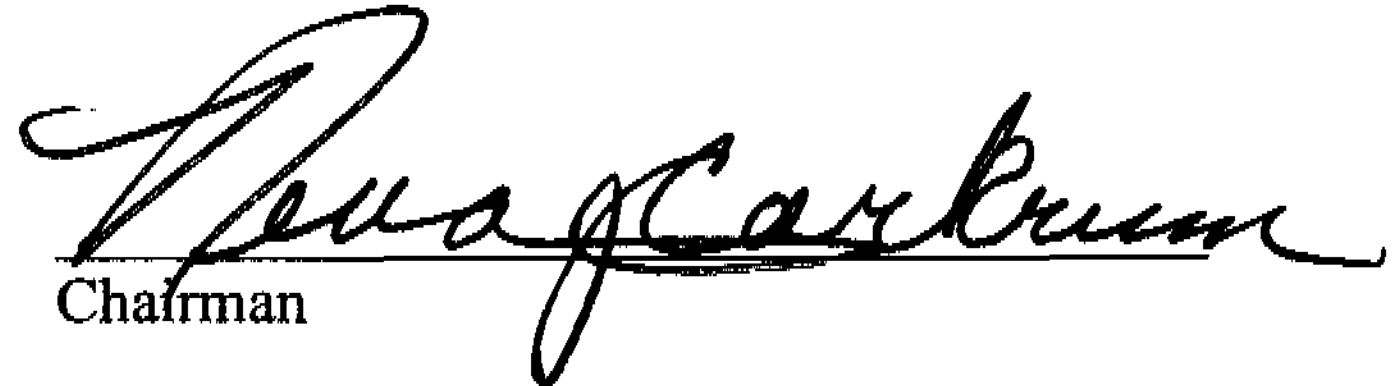
Motion – Mr. Koch: I move for approval of Commissioners minutes for October 9 and 11, 2006. Second by Mr. Brock. 3:0 vote in favor.

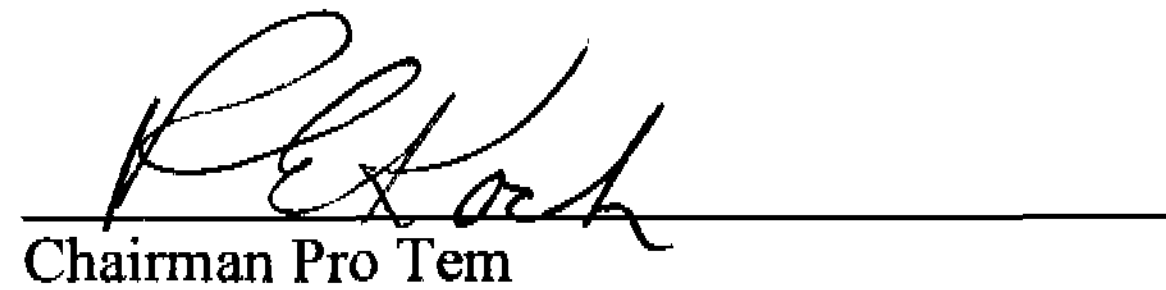
Adjourned at 11:21 a.m.

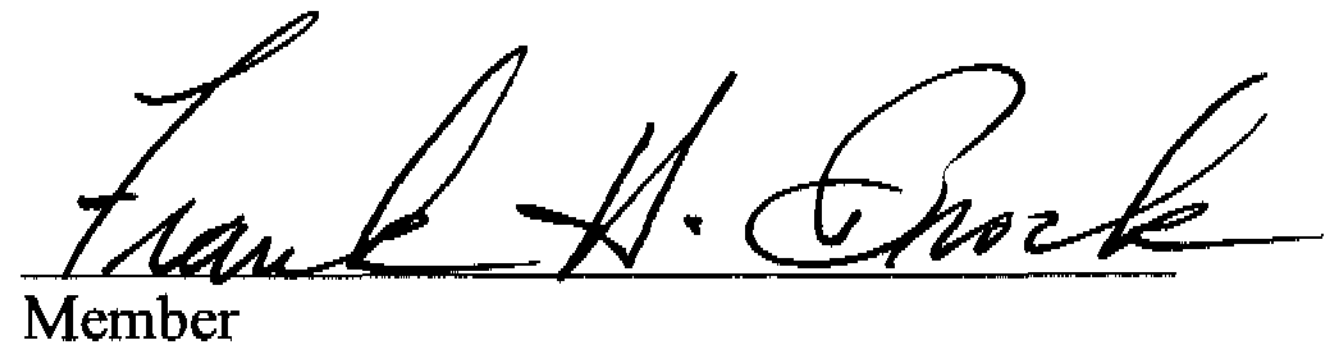
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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until October 18, 2006.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON


Chairman


Chairman Pro Tem


Member

Attest:


Clerk to the Board

Approved and signed October 23, 2006.

AGENDA ITEM: Consent		TYPE OF ACTION NEEDED	CONSENT AGENDA	xx
MEETING DATE: B/C 10-09-06 F/C 10-16-06			EXECUTIVE CONTRACT	xx
SUBJECT: Professional Services Agreement			PASS RESOLUTION	xx
Prepared By:	Kathryn M. Phillips		PASS ORDINANCE	
Reviewed By:	Sharon Paradis		PASS MOTION	
		Other		
			1ST DISCUSSION	
			2ND DISCUSSION	
			OTHER	

BACKGROUND INFORMATION

The Benton County and Franklin County Prosecutor's offices feel that it is in the best interest of the Benton-Franklin Counties Juvenile Justice Center to retain independent counsel while negotiating defense panel attorney contracts. Retention of independent legal counsel will keep the Counties in statutory compliance.

SUMMARY

Kuffel, Hultgrenn, Klashke & Shea, LLP., is an established law firm in the Tri-Cities area. The firm is knowledgeable in the juvenile justice system and its proceedings.

RECOMMENDATION

We recommend that the Board of Commissioners of Benton County sign the Professional Service Agreement between Kuffel, Hultgrenn, Klashke & Shea, LLP., and Benton-Franklin Juvenile Justice Center for services immediately upon signing.

FISCAL IMPACT

The service rates are included in Juvenile's 2007 Budget.

MOTION

I move that the Chairman of the Board of Benton County Commissioners, and the Chairman of the Board Franklin County Commissioners be hereby authorized to sign the Professional Services Agreement with Kuffel, Hultgrenn, Klashke & Shea, LLP., to provide independent legal counsel.

MASTER FILE # _____

DATE SUBMITTED: _____

CITY OF PASCO STREET / ALLEY VACATION PETITION

I, we the undersigned, owners of two-thirds of the privately owned abutting property hereby petition the City Council of the City of Pasco to vacate the following described street/alley rights-of-way:

(Parcel #: 112-012-036 & #112-012-045)

APPLICANT:

Print Name: Franklin County
Sign Name: *[Signature]*
Address: 1016 N. 4th Avenue
Phone # 545-3578 Date 10/16/06

Print Name: Franklin County
Sign Name: *[Signature]*
Date 10/16/06

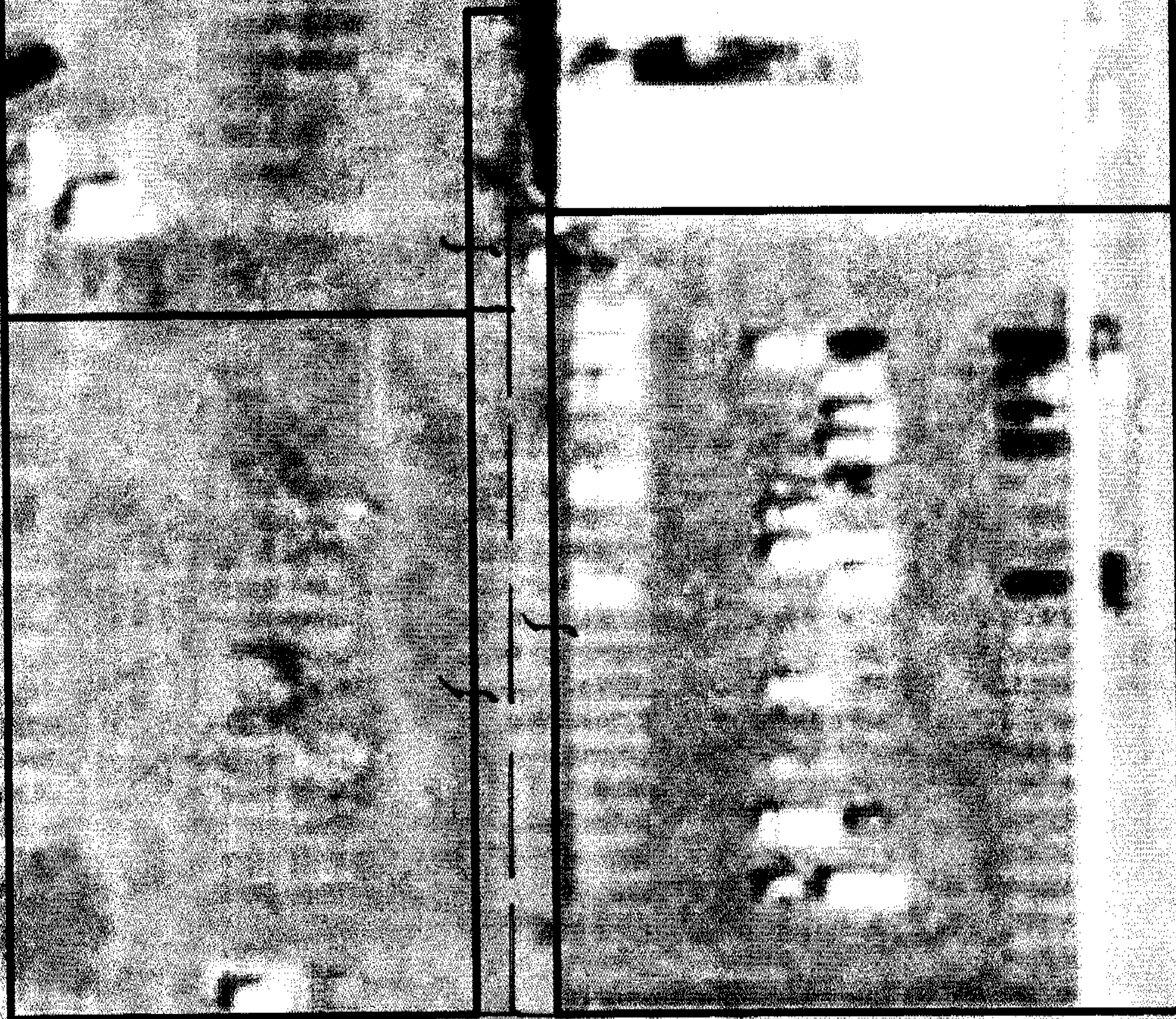
Print Name: _____
Sign Name: _____
Date _____

PROPERTY OWNED (Legal Description)

Parcel # 112-012-045
Sylvester Park add lots 13
through 28, Block 8 TOG with
N2 vac Octave St adj on
S & S 10' Vac Marie St
Adj on N

Parcel #112-012-036
Sylvester Park add Blk 8,
tog with vac alley, exc lots
13 to 28 & tog with N2 vac

Octave St adj on S & S 10'
Marie St adj on N



Franklin County Auditor

1016 North 4th Avenue
Pasco, WA 99301

ZONA LENHART, Auditor
509-545-3840 • Fax: (509) 545-2142
www.co.franklin.wa.us

P.O. Box 1451
Pasco, WA 99301

October 16, 2006

Franklin County Commissioners:

Vouchers audited and certified by the auditing officer by RCW 42.24.080, expense reimbursement claims certified by RCW 42.24.090, have been recorded on a listing, which has been sent to the board members.

Action: As of this date, October 16, 2006,

Move that the following warrants be approved for payment:

FUND	WARRANT	AMOUNT
Expenditures	Range	Issued
Current Expense	53407	\$11.90

In the amount of \$11.90. The motion was seconded by
And passed by a vote of 2 to 0

FRANKLIN COUNTY ACTION SUMMARY

Agenda Item: Sullivan Rowell Homes	<u>TYPE OF ACTION NEEDED</u>	Consent Agenda
Meeting Date: October 16, 2006	Execute Contract	
Subject: SUB-2006-06, subdivide approximately 10 acres into seventeen (17) single-family residential lots	Pass Resolution X	
	Pass Ordinance	
Prepared By: Greg Wendt	Pass Motion X	Other: <i>Closed Record Public Hearing</i>
Reviewed By: Jerrod MacPherson	Other	

BACKGROUND INFORMATION

This is a closed record public hearing to consider an appeal by Mr. Ross Carpenter. Mr. Carpenter is appealing the Planning Commission's recommendation of 'preliminary approval' for Subdivision application SUB-2006-06.

The applicant has submitted a preliminary plat to subdivide approximately 10 acres into seventeen (17) single-family residential lots. The property is zoned Residential Suburban 20,000 (RS-20). The average lot size in the development is approximately 21,867 square feet. The land is located within the Pasco Urban Growth Boundary.

The 10 acres is located north of Argent Road, south of Maple Drive along the east side of Road 88 (118-161-034 and 118-161-025).

If approved, Preliminary Approval will allow the applicant 5 years to complete and record the final subdivision plat.

SUMMARY

At the regularly scheduled Planning Commission hearing on September 12, 2006 the Planning Commission voted to forward a positive recommendation for this application to the Board of County Commissioners subject to the following six (6) findings of fact and nine (9) conditions of approval:

Findings of Fact:

1. Adequate provisions **have been** made for the public health, safety and general welfare and for open spaces, drainage ways, roads, alleys, or other public ways, water supplies, sanitary wastes, parks, playgrounds and other public needs.
2. The proposed subdivision **does** contribute to the orderly development and land use patterns in the area.
3. The public use and interest **will be** served by permitting the proposed subdivision.
4. The proposed subdivision **does** conform to the general purposes of any applicable policies or plans which have been adopted by the Board of County Commissioners.

*Action Summary**SUB-2006-06**Page 2*

5. The proposed subdivision **does** conform to the comprehensive plan and zoning requirements.
6. The proposed subdivision **does** conform to the general purposes of the Subdivision Ordinance.

Conditions of Approval:

1. This approval is for a preliminary plat to subdivide approximately 10 acres into seventeen (17) single-family residential lots. The property is zoned Residential Suburban 20,000 (RS-20). The average lot size in the development is approximately 21,867 square feet. The land is located within the Pasco Urban Growth Boundary.

The 10 acres is located north of Argent Road, south of Maple Drive along the east side of Road 88 (118-161-034 and 118-161-025).

2. Applicant shall comply with the County Public Works requirements including the following:
 - a. In accordance with Franklin County's Subdivision Ordinance section 6.3(2), the final plat shall be accompanied with closure notes showing the calculations and method of balancing used for error of closure;
 - b. The plat is also missing all the standard signature blocks, dedications, title blocks, survey ties to nearest monuments, notes and etc. that are normally found on a standard plat of a subdivision;
 - c. The 30 feet of right of way for Road 88 and the 60 feet of right of way for the interior roads shall be dedicated for roads and shown as such on the plat;
 - d. The owner(s) shall construct all proposed roads shown on the plat to the current county standards for hard surfaced roads. They (the owners) shall also submit design and construction plans certified and stamped by a licensed professional engineer including drainage notes, calculations or statements on how the drainage will be taken care of. The county is not opposed to the proposed bulb on the interior road but it should not be located adjacent to a centerline curve. The drawings shall be as-built after construction and a mylar copy submitted to public works for their records prior to being accepted into the county road system. **Also, there needs to be a emergency vehicle turn around constructed at the end of Road 88.**
 - e. **Add the following notes to the plat:** 1) Access to lots 17 and 3 shall be from the proposed interior road only and not from Road 88; 2) Approach permits are required for any new approaches onto county roads. 3) Lot owners shall agree to participate in future L.I.D./R.I.D.s for roads, drainage, curb & gutters, streetlights, storm sewers and/or sanitary sewers.

Action Summary
SUB-2006-06
Page 3

3. Applicant shall meet and comply with the standards of the **Benton-Franklin Health Department**. (see letter dated see letter dated August 4, 2006).
4. Prior to final review and approval the applicant shall submit a copy of the Final Plat to the **Franklin County GIS Dept** for review of the Final Plat Survey. The Plat shall be reviewed for legal descriptions, signature blocks, dedications, etc.
5. The applicant shall meet and comply with the requirements of the **Franklin County Irrigation District**.
6. The developer is to comply with the Adoption of the 2003 International Fire Codes for placement of Fire hydrants within this proposed subdivision. It is recommended that three (3) fire hydrants be placed and installed. 1) A fire hydrant shall be placed at the northwest corner of Lot 1 facing Road 88 and 2) A fire hydrant shall be placed at the northwest corner of Lot 17 facing Road 88. 3) A fire hydrant shall be placed to serve the east end of the development at the southwest corner of Lot 10.
7. **City of Pasco:** There is an existing 6" (inch) water line located in Road 88. This line is to be upgraded to an 8 inch line the full length of the plat abutting Road 88. 8 inch water lines shall also be installed along all internal streets through the length of the proposed plat. Installation of the water main must comply with the City of Pasco standards. Annexation agreements will be required for all lots.
8. Applicant shall meet and comply with the requirements and standards of the **Franklin PUD**. This includes providing the following:
 - a. A 10' utility easement located across the front 10' feet of Lots 1-10.
 - b. A 10' utility easement located across the front 10' feet of Lot 17 (parallel with Road 88);
 - c. A 10' utility easement at the NW corner of Lot 16;
 - d. A 10' utility easement at the northeast corner of Lot 15 and the northwest corner of Lot 14;
 - e. A 10' utility easement located at the northeast corner of Lot 13, also across the front 10' feet of Lot 12 and the adjoining 10 feet of Lot 11;
 - f. The above requirements are all subject to the access point for Lot 17. Specifically that Lot 17 access via the new internal roadway and not Road 88. If access is provided via Road 88, then requirements will change.
9. The **County Planning Department** has determined the following for this application:
 - a. The land to be subdivided is zoned RS-20.
 - b. The land is located within the City of Pasco's Urban Growth Area Boundary.

Action Summary
SUB-2006-06
Page 4

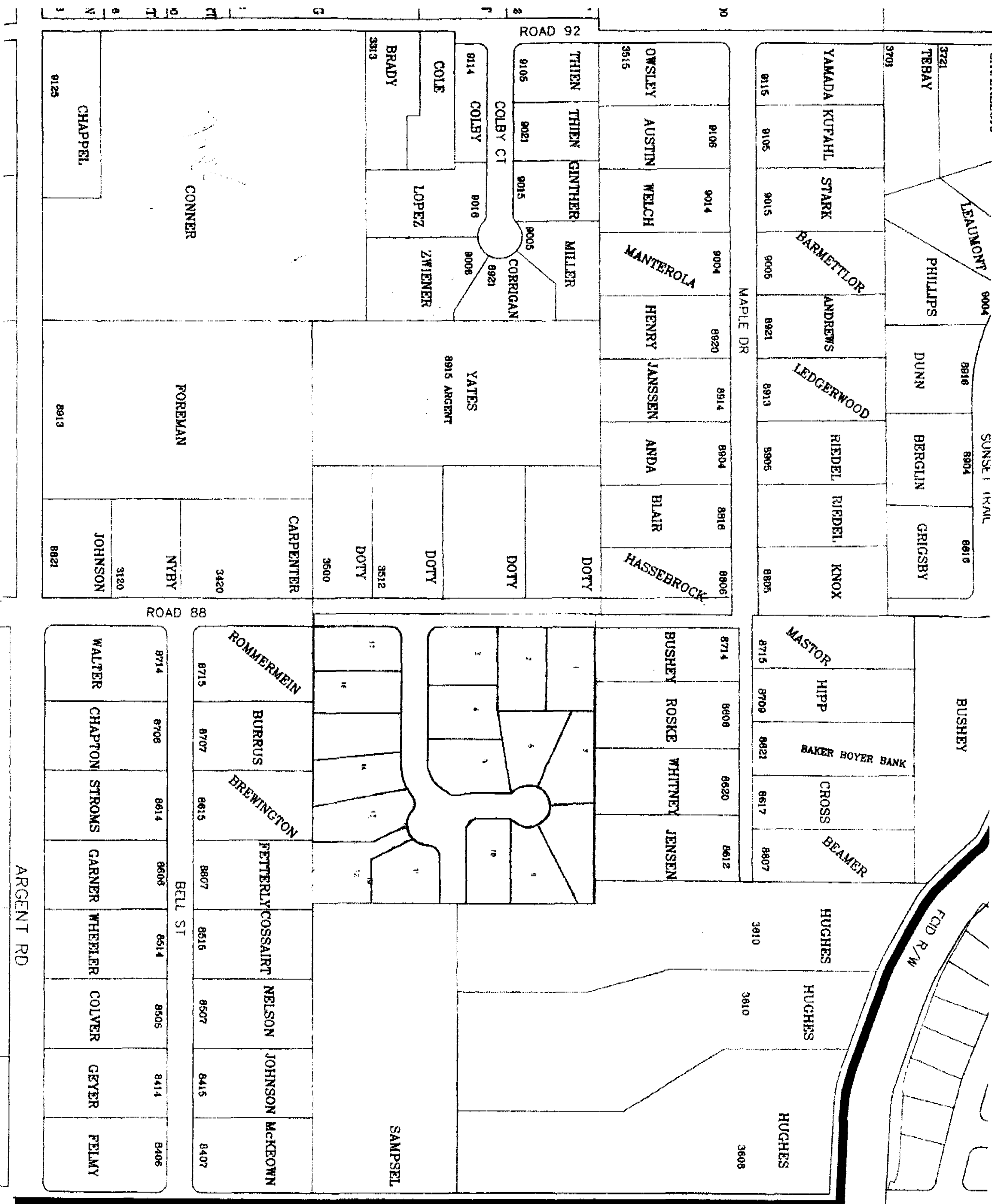
- c. As proposed by the applicant this project will occur in one (1) Phase and is not a Phased development.
- d. Final Plat shall be developed by a licensed Surveyor.
- e. Applicant shall contact the City of Pasco Engineering Department for specifications and requirements for city water.
- f. During construction on each property, all construction debris shall be maintained on-site and properly disposed of. Dust control measures including an adequate water supply shall be provided. **(This statement shall be placed on the Plat).**
- g. All lot owners shall provide grass/lawn in the unimproved portion of the right-of-way between the property line and the edge of pavement and/or curb. Maintenance of the landscaping is the requirement of each individual lot owner. **(This statement shall be placed on the Plat).** This applies only to the developments internal roadway and does not apply to Road 88.
- h. The land shall be in compliance with the County Fire and Nuisance codes at all times.
- i. Lots #17 and Lot #3 shall not be granted an access point via Road 88. All access points shall be via the new internal roadway. **(This statement shall be placed on the Plat).**
- j. The following shall be complied with for Enhanced 911 Emergency purposes: Address blocks shall be provided for all new lots. Addresses and road names should be gained via the Planning Department in coordination with the County's Enhanced 911 Coordinator.
- k. The Final Plat shall be developed in accordance with the County Subdivision Ordinance. See Chapter 6 of Ordinance 03-2000 for specifications. Signature blocks and requirements shall be provided for the following: Franklin PUD; Chair, Franklin County Planning Commission; Chair, Board of County Commissioners; Franklin County Irrigation District; Benton Franklin Health Department; County Engineer; County Treasurer; County Assessor; and County Auditor.
- l. Lots 1-17 are subject to Park Dedication Fees (\$300.00 per new lot/expected new dwelling unit). These fees may be paid prior to recording the final subdivision plat or at the time when a building permit is to be issued for the applicable lot(s). If the applicant chooses to not pay the fees prior to recording, then **a statement shall be placed on the plat** stating that Park Dedication Fees apply to Lots 1-17 and shall be paid prior to building permit issuance for a new home on each applicable lot.

Action Summary
SUB-2006-06
Page 5

- m. Preliminary plat approval is valid for a five (5) year period following approval by the Board of County Commissioners.
- n. After final plat recording, one (1) paper copy and one (1) electronic copy (disk, cd, or e-mail-pdf) of the recorded plat shall be distributed to the Planning Director and one (1) paper copy to the County Assessor.
- o. Lot(s) 11-13 shall be redesigned to meet minimum County standards for lot frontage. Also, the proposed bulb shall be removed to ensure elimination of the proposed flag lot.

MOTION


Deny the appeal request and grant preliminary approval of subdivision application SUB-2006-06, subject to the six (6) findings of fact and nine (9) conditions.



VOUCHER APPROVAL

WE, THE UNDERSIGNED BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, WASHINGTON DO
 HEREBY CERTIFY THAT THE MERCHANDISE OR SERVICES HEREINAFTER HAVE BEEN RECEIVED AND
 APPROVED FOR PAYMENT IN THE AMOUNT OF \$258,123.06 ON THIS 16TH DAY OF OCTOBER 2006.

COUNTY ROAD FUND
 15000
 150 000 001 540 00


 Board Member


 Board Member


 Board Member

Voucher #	Claimant	Purpose	Amount
	ADVANCE TRAVEL FUND	reimburse travel fund	369.00
	BC LIGHTING	replace light bulbs	170.16
	BIG BEND ELECTRIC COOP	monthly service	272.81
	BRUTZMAN'S	ruler/copy paper/file keeper	357.30
	CASCADE NATURAL GAS	monthly service	16.51
	CENTURYTEL	monthly service	38.37
	CINGULAR WIRELESS	monthly service	107.14
	COPENHAVER CONSTRUCTION	pay est#2/CRP555	245488.65
	DAY-TIMERS, INC.	compact indx refill/packet orig refill	61.44
	FEDEX	shipping charges	37.41
	FRANKLIN CO PUD	monthly service	750.56
	FRANKLIN CO INFO SERVICES	broadband Oct/Scan Sep 06	347.04
	INFRASTRUCTURE SOFTWARE	GL components/Pre-stage/customization	6508.75
	IMSA	annual dues	150.00
	OXARC, INC.	oxygen/acetylene	51.42
	PACIFIC OFFICE AUTOMATION	lease payment for copier system	895.64
	CITY OF CONNELL	monthly service	134.79
	TRI-CITY HERALD	detour/petition to vacate advertisement	561.12
	TRI-CITY SIGN AND BARRICADE	case black striping paint	57.40
	U.S. DOSIMETRY TECH., INC.	quarterly reports/TLD 5 chips	145.65
	U.S. LINEN	service	124.22
	UTILITIES UNDERGROUND LOCATE	notifications	142.60
	WSU	registration for conference	229.00
	4M JANITORIAL SUPPLY	monthly service	1106.08

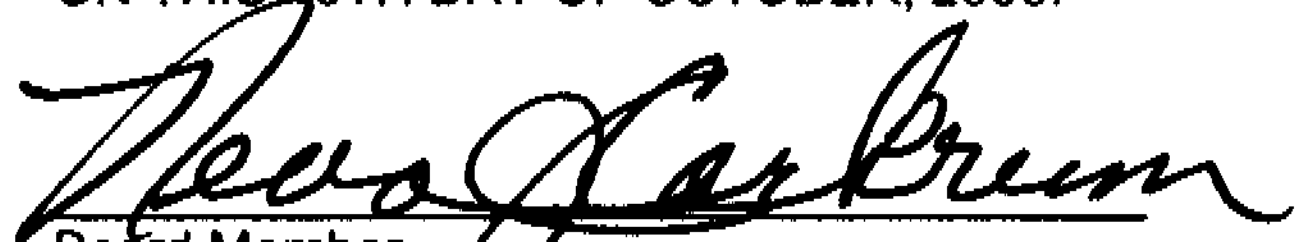
VOUCHER APPROVAL


WE, THE UNDERSIGNED BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, WASHINGTON DO
 HEREBY CERTIFY THAT THE MERCHANDISE OR SERVICES HEREINAFTER HAVE BEEN RECEIVED AND
 APPROVED FOR PAYMENT IN THE AMOUNT OF \$41,536.16 ON THIS 16TH DAY OF OCTOBER, 2006.

MV&PW EQUIPMENT FUND

500 000 001

548.60


 Board Member

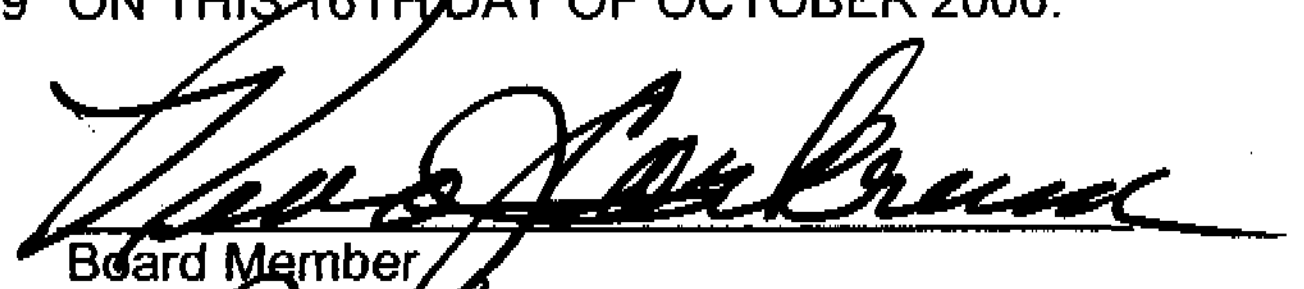

 Board Member


 Board Member

Voucher #	Claimant	Purpose	Amount
	Basin City Auto Parts	Hoses, swivels	45.58
	Cascade Natural Gas	Monthly service: 08/25/06-10/02/06	66.39
	Central Hose & Fittings, Inc.	Hose stems, elbows, hose, bulkheads, pipe	443.84
	Chevron Products Company	Oil/grease/fluids	1,403.84
	Clyde West	Primary brake cable	67.93
	Connell Grange	Credit, tire repair	17.92
	Connell Oil, Inc.	Leaded/Unleaded fuel	16,744.18
	Day Wireless Systems	Antenna base kits	48.74
	Fasteners, Inc.	U-Bolts, flange nuts, cap screws	109.40
	FEDEX	Shipment	31.26
	Franklin PUD	Monthly service: 08/29/06-09/27/06	562.57
	G&R Ag Products, Inc.	Hose shanks, caps, valves, fittings	40.38
	Les Schwab Tire Center	Credit, tires, o-rings, valves	4,562.30
	Mount's Lock, Key & Engraving	Keys	10.72
	NAPA Auto Parts	Misc. parts and supplies	941.30
	Rowand Machinery Co.	Wiper blades, brackets	41.36
	Safelite Glass Corp.	Windshield	195.28
	Six States Distributors	Fitting assy., sleeve ferrules	47.41
	Tri-Cities Battery & Auto Repair	Batteries, welding cable, terminals, lugs	457.30
	Valley Fluid Recovery	Antifreeze	159.74
	Wingfoot Commercials Tire, Inc.	Misc. tires	9,202.56
	Wondrack Distributing	Leaded/Unleaded fuel	6,336.16

VOUCHER APPROVAL

WE, THE UNDERSIGNED BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, WASHINGTON DO
 HEREBY CERTIFY THAT THE MERCHANDISE OR SERVICES HEREINAFTER HAVE BEEN RECEIVED AND
 APPROVED FOR PAYMENT IN THE AMOUNT OF \$5,493.99 ON THIS 16TH DAY OF OCTOBER 2006.

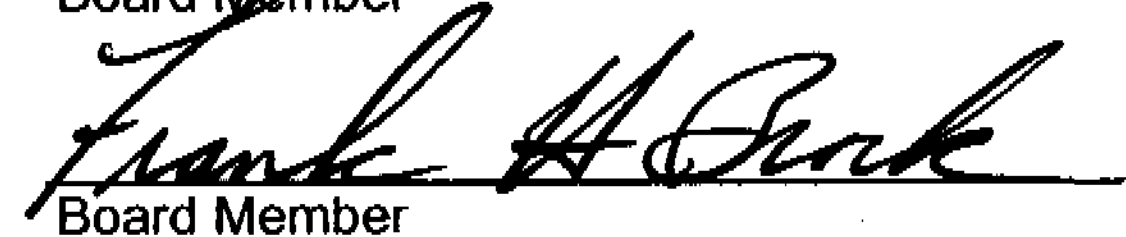


Board Member

SOLID WASTE FUND
152 001 001
539 10



Board Member



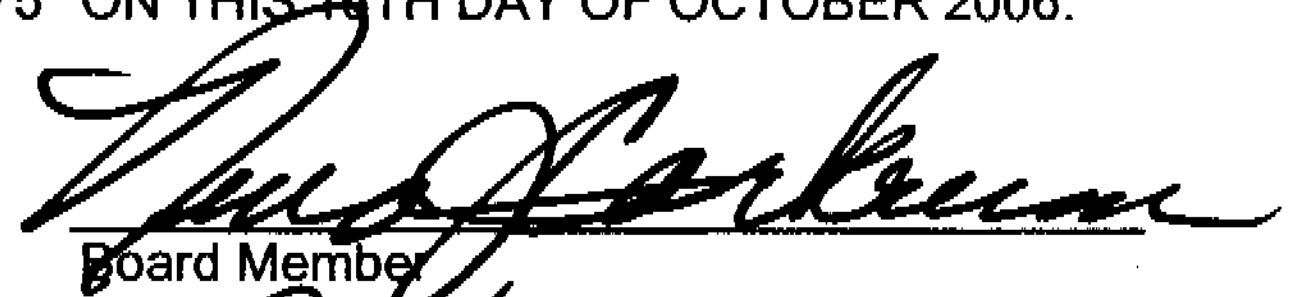
Board Member

Voucher #	Claimant	Purpose	Amount
	BDI TRANSFER	free dump coupons	421.19
	CINGULAR WIRELESS	monthly service	28.67
	FRANKLIN CO PUBLIC WORKS	3rd quarter services	1422.57
	FRANKLIN CO GRAPHIC	household waste advertisement	450.00
	ORRCO	pick-up used oil filter	55.00
	NORTHWEST CONTAINER RENTALS	recycle box rental	367.22
	PHILIP SERVICES CORP.	disposal-waste aerosols/paints/tars	2711.48
	RANCH & HOME	gloves/garbage bags	37.86

VOUCHER APPROVAL

WE, THE UNDERSIGNED BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, WASHINGTON DO
HEREBY CERTIFY THAT THE MERCHANDISE OR SERVICES HEREINAFTER HAVE BEEN RECEIVED AND
APPROVED FOR PAYMENT IN THE AMOUNT OF \$297.75 ON THIS 16TH DAY OF OCTOBER 2006.

SOLID WASTE FUND
152 002 001
523 30


Board Member


Board Member


Board Member

Voucher #	Claimant	Purpose	Amount
	BDI TRANSFER	littercrew disposal costs	280.25
	CINGULAR WIRELESS	monthly service	9.86
	OXARC, INC.	fire ext annual maintenance/tamper seal	7.64

**FRANKLIN COUNTY
NOTICE OF PUBLIC AUCTION**

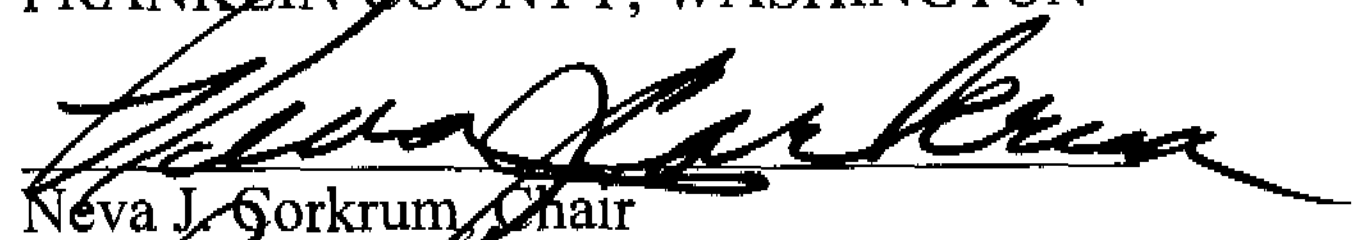
NOTICE IS HEREBY GIVEN, by the Board of County Commissioners of Franklin County, Washington, that surplus County property will be sold at public auction, using Booker Auction Company, at 9:00 a.m., November 4, 2006, at the S.W. corner of SR395 and Eltopia West Road in Eltopia, Washington.

The following equipment will be auctioned, for cash, to the highest and best bidder:

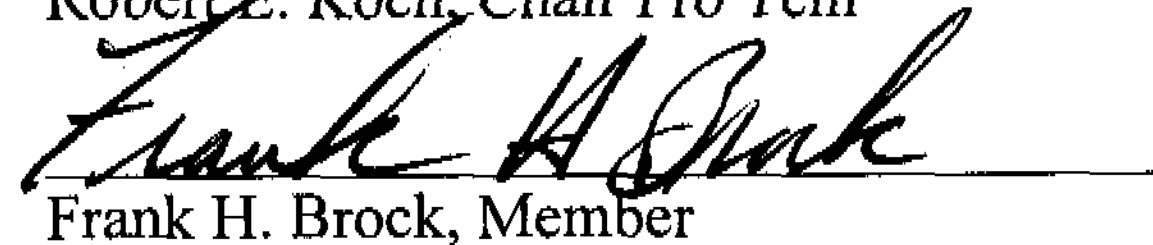
<u>Description</u>	<u>Serial #</u>
CS-2113 2001 CHEVROLET IMPALA (Sheriff)	2G1WF55K619320312
CS-2118 2001 CHEVROLET IMPALA (Sheriff)	2G1WF55K619322786
HT-9010 1989 SAND SPREADER Pickup Canopy	HIGHWAY MODEL E-2020

Dated this 16 day of October, 2006.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON


Neva J. Gorkrum, Chair


Robert E. Koch, Chair Pro Tem


Frank H. Brock, Member

Attest:


Clerk of the Board

FRANKLIN COUNTY ACTION SUMMARY COVER SHEET

AGENDA ITEM	TYPE OF ACTION NEEDED	
Contract #FO6-66202102 with Washington State Department of Community, Trade and Economic Development	<input checked="" type="checkbox"/> Execute Contract <input checked="" type="checkbox"/> Pass Resolution <input type="checkbox"/> Pass Ordinance <input type="checkbox"/> Pass Motion	<input checked="" type="checkbox"/> Consent Agenda <input type="checkbox"/> Public Hearing <input type="checkbox"/> 1 st Discussion <input type="checkbox"/> 2 nd discussion
	<input type="checkbox"/> Other	<input type="checkbox"/> Other

BACKGROUND INFORMATION

The purpose of this contract is to continue the Residential Substance Abuse Treatment services at the Benton County Jail.

SUMMARY

Award: \$43,550.00

Period: July 1, 2006 through June 30, 2007.

Funding Source: Department of Community, Trade and Economic Development of Washington State.

RECOMMENDATION

- ☒ Sign the resolution to accept the proposed agreement.
- ☒ Approve the proposed agreement by signing all the copies where indicated.

FISCAL IMPACT

There is no impact on the current expense budget. All revenues and expenditures are from the Fund 0108-101 Human Services Budget.

MOTION

To approve signing Contract #FO6-66202102 with Washington State Community, Trade and Economic Development and to authorize the Chair to sign on behalf of the Board.