

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
April 25, 2011, 8:30 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

Present: Chairman Leo Bowman
Commissioner James Beaver
Commissioner Shon Small
County Administrator David Sparks
Clerk of the Board Cami McKenzie

Benton County Employees Present During All or a Portion of the Meeting: Deputy Administrator Loretta Smith Kely; Adam Fyall, Community Development Coordinator; Finance Manager Keith Mercer; Public Works Manager Steve Becken; Planning Manager Mike Shuttleworth; County Engineer Malcolm Bowie; Human Services Ed Thornbrugh; Ehriza Rivera, Treasurer's Office; Personnel Manager Melina Wenner; Safety Coordinator Bryan Perry; Treasurer Duane Davidson; DPA Ryan Brown; Sue Schuetze, Public Works; Susan Walker and Valerie Smith, Planning; Nick Kooiker, Treasurer's Office; Brian Moneymaker, Assessor's Office.

Workshop Agenda

Commissioner Small reported on the following: financial meeting at GCBH (\$1.3 million will be received from RSN); meeting w/Tony Corsi (Benton County will be receiving Emergency Services money back).

Commissioner Beaver said he attended the following: PNNL new facility ribbon cutting ceremony; Benton Clean Air Authority meeting; Yakima River Basin water meeting w/Yakima and Kittitas County. Additionally, he said he spent a lot of time dealing with the Health District colon cancer campaign.

Ed Thornbrugh discussed some potential ways to save money in his department: a mental health program specialist resigned and he is looking at not filling that position; other positions would take those duties in preparation for changes in RSN that would provide more services and save money for Human Services. He said he would review the issue and come back in May with a recommendation before the next contract cycle.

Chairman Bowman said he had not received the official letter on Commute Trip Reduction but have received other communication that Benton County was out of consideration for the next biennium. He also expanded on Commissioner Beaver's idea about recognizing employees program and wanted to know if there was a way for the community to recognize employees and departments (maybe put an ad in the paper or something). Additionally, he said he was

concerned about departments spending their two-year budget in one year and how the Commissioners would monitor that program.

Commissioner Beaver said if the County could put some money in a fund to recognize employees, he was in favor of celebrating the efforts of all employees and departments. Also, he was in favor of a policy or procedure for the County Administrator to assist the departments with their two-year budgets.

Commissioner Small said he was in favor of broadcasting accomplishments and recommended Facebook and Twitter as a free way to do that.

Chairman Bowman said he wanted to write a letter to DOE and the City of Richland regarding the Hanford lands to remind them it was county land and their proposed operations and use of that land affected the County. He said he would talk to Planning about writing that letter because he wanted to be assertive without being offensive. The Board agreed.

Chairman Bowman said he would be out of town when the Canvassing Board met on the Prosser School Bond issue and suggested Commissioner Beaver be appointed to that Canvassing Board. The Board agreed (will be item "I" on the consent agenda).

Additionally, Chairman Bowman said he had discussed the colon cancer prevention campaign by the Health District at a meeting and that not everyone was offended by the campaign.

The Board briefly recessed, reconvening at 9:00 a.m. for the regular session.

Approval of Minutes

The Minutes of April 18, 2011 were approved.

Consent Agenda

MOTION: Commissioner Beaver moved to approve the consent agenda items "a" through "k", adding "I" (letter appointing Commissioner Beaver to the Canvassing Board). Commissioner Small seconded and upon vote, the Board approved the following:

Commissioners

- a. Older Americans Month Proclamation

Facilities

- b. WA State Contract Purchase of Surveillance Equipment from URS Electronics

Fairgrounds

- c. Public Works Contract w/Absolute Power, Inc.
- d. Lease Agreement w/Tri-Cities Woodcarvers Association

Human Services

- e. Purchase Authorization from Brutzman's Office Solutions

Juvenile

- f. Personal Services Contract w/Somerset Counseling Center

Personnel

- g. Denial of County Claims (5)

Public Works

- h. Contract w/Granite Construction Company for Bituminous Surface Treatment

Sheriff

- i. Personal Services Contract w/Pronto Processing Services, Inc.
- j. Professional Services Contract w/Dr. Brooks Watson II for Physician Services

WSU Cooperative Extension

- k. Authorization to Letter & Agreement w/WSU for Food Stamp Nutrition Education Program
- l. Letter to Auditor Regarding Canvassing Board Appointment

The Board briefly recessed, reconvening at 9:05 a.m.

PEDA Quarterly Update

Deb Heintz, PEDA, updated the Board on the following events:

- Clore Center – successful in obtaining \$2 million (12 months to get design and another 18 to build); membership drive – received add'l \$5,000; Cascade Natural Gas – working with them to get service to the property
- Strategic Planning Session w/Downtown Prosser Association
- Committee work – organization; business recruitment and expansion; project specific
- Signage system planning
- Job Fair
- Annual Report completed/annual meeting

Kathleen Coke, Deputy City Administrator, City of Prosser, talked about the following projects:

- Construction – Village Park (paperwork completed w/the help of County Treasurer and Commissioner Small)
- Water/sewer line improvements
- Acquiring property for new police facility
- Boys & Girls Club
- Grant from Michael Phelps Foundation for swimming lessons and water safety; new swimming pools and buildings

Scott Keller, Port of Benton, said \$1.5 million was still available in possible grants from the State for the Clore Center and another \$1/2 million from private donations. He also talked about Vintners Village Phase II, provided the Port's newsletter, and a video entitled "100 Years of Ports".

Public Hearing – Antinori Road – Proposed C.R.I.D. #21

Sue Schuetze reviewed the memo dated April 20, 2011 and said they received a petition to form County Road Improvement (C.R.I.D.), #21 requesting that an extension of the existing Antinori

Road (from the existing Antinori Road westerly to Sunset Road) be constructed to County standards. Additionally, the request included a bike path and roundabout at the intersection of Sunset Road and the new Antinori Road. The preliminary cost (worst case scenario) was estimated at \$1,697,690. All landowners were notified of the petition by letter and property owned by the State of Washington was sent by certified mail.

Public Works recommended approval of C.R.I.D. #21 with the inclusion of the bike path and exclusion of the roundabout. Additionally, they recommend the parcels (identified on the map in blue) not appearing to receive a benefit be removed from the CRID. The current assessment was estimated at \$666.54 per acre, however, if the parcels shown in blue were removed, the assessment would increase to \$713.08 per acre. Ms. Schuetze said that Public Works received four notarized letters from landowners who did not sign the petition and believed they should be removed from the C.R.I.D. (each of which was shown in blue) and Public Works agreed.

They also received a letter from Jeff Brown and Eva Baroni (Parcel #10) objecting to being included in the C.R.I.D. However, Public Works believed they received a benefit by gaining a second access.

Additionally, the Board could instruct Public Works to use a different method of assessment (zonal method) if it believed the assessment exceeded the benefit.

Duane Davidson said he talked to bond counsel about charging interest rates and it was determined the County should be reimbursed. He said he wanted it to be understood that preliminary costs included paying those interest fees and arbitrage fees and the proposed estimate would cover those fees. Additionally he inquired whether it was appropriate to charge for costs associated with a separate assessment and mailing and it was determined to not be reimbursable since it was considered a function of the county.

Public Testimony

Proponents

James Holmes, West Richland, spoke in favor. He said they were trying to promote the grape business in this area and had worked on the Red Mountain project for some time and this was the last piece of infrastructure. He said without completion of the circulation, Red Mountain could never be successful. Additionally, he said he didn't want the "roundabout" to be a showstopper.

Scott Revell, KID, said the district owned over 10% of the land in the proposed C.R.I.D. and the Board directed staff to support the petition and was in favor of the C.R.I.D. Additionally, KID had no opinion on a roundabout.

Scott Williams, Sunset Road, said he owned 250 acres and was not opposed but was nervous because it was a lot of money. He said he was not opposed to the project but was opposed to a roundabout and bike path. He stated that he saw people riding in that area without any problem and this was another \$100,000 that was not needed.

Opponents

Stan and Susan Hill, Whiteaker Hill Estates, said they didn't see any benefit (they already had access via Sunset Road) and there was no reason for them to use Antinori Road. They submitted a letter opposing inclusion in the C.R.I.D., submitted as "Opponent Exhibit 1".

Janelle Emory, Benton City, said she was not really opposed to the road or roundabout, but did not see any benefit to paying for the road. She said they helped pay for Sunset Road, rightfully so, but felt this really only benefited Col Solare winery and wanted to be excluded. She said she was also speaking on her father-in-law's behalf.

Jeff Brown, Richland, said he was in favor of the old Sunset Road and helped build that but did not see any benefit for Antinori Road for either safety or access. He said he did not sign the petition and was not contacted by anyone but did receive the mailing. Also, he was not in favor of the roundabout. He said there was clear benefit for those along the road. Also, some properties around him (with businesses) were not included in the C.R.I.D.

As there was no one else present to testify, the hearing was closed for public input.

Ms. Schuetze said they had heard from Ms. Emory but had not heard from Mr. Brown or the Hills.

Commissioner Small said the majority of the landowners wanted this road to go through and he did see benefits (including economical growth, safety, and increased traffic flow) and it was his job to be the sound for the majority of the people. He said he was in favor with the condition the Board take a look at interest and arbitrage fees. Additionally, it appeared the majority did not want a roundabout so he was in favor of removing the roundabout.

Chairman Bowman also requested Public Works include a stop warning at the bottom of the hill.

MOTION: Commissioner Shall moved to approve the formation of C.R.I.D. #21 based upon recommendations of Public Works and requested the bike path be included and the roundabout not be approved. Additionally, the benefit to each parcel exceeds the assessment, and the parcels identified as not appearing to receive a benefit as shown in blue be removed from the C.R.I.D. #21 (as submitted by Public Works). Commissioner Beaver seconded.

Discussion

Commissioner Small asked about the bike path. Commissioner Beaver said he did not think it was needed. Chairman Bowman said the community continued to want more and more bike paths and trails and believed it was a stair step to the future. Commissioner Small said he didn't see a need for it and wanted to be consistent with what was already in that area.

MOTION: Commissioner Beaver moved to amend the motion on the floor to exclude construction of the bike path. Commissioner Small seconded and upon vote, the motion carried with Chairman Bowman opposing.

Discussion Continued

The Board discussed whether or not to keep in Parcel #105 (owned by DNR) even though it was shaded in blue.

MOTION: Commissioner Beaver moved to exclude parcels in blue as outlined in the map, except 105, and to also exclude parcels 114, 113, 21, 21a and 10. The Board agreed with the friendly amendment.

Discussion

Chairman Bowman said the land value had increased in that area due to improvements and this would increase it more as the success of Red Mountain continued. He said he disagreed with removing those parcels that requested to be excluded, but would vote in favor of the motion.

Upon vote, the motion carried unanimously.

Public Hearing – Frank Teigs, LLC Franchise

Sue Schuetze said her office received a petition to continue a nonexclusive franchise. Additionally, the franchise was previously known as McKay and MacDonald and Lewis & Clark Ranch and they desired to change the name at this time to Frank Tiegs, LLC and Lewis & Clark Ranch, LLC. She said her office recommended approval, based upon the listed conditions.

As there was no one present to testify, public testimony was closed.

MOTION: Commissioner Beaver moved to approve application to continue a nonexclusive franchise as requested, with the listed conditions. Commissioner Small seconded and upon vote, the motion carried unanimously.

Public Hearing – Company 79 Franchise

Sue Schuetze summarized the petition to continue a nonexclusive franchised filed by Company 79 and said her office recommended approval with conditions.

As there was no one present to testify, public testimony was closed.

MOTION: Commissioner Beaver moved to approve the application for nonexclusive franchise filed by Company 79, with the listed conditions. Commissioner Small seconded and upon vote, the motion carried unanimously.

Public Hearing – Open Space Classification – Barker Ranch

Susan Walker, Mike Shuttleworth, and Brian Moneymaker presented the application for reclassification of that portion of Barker Ranch property that is under wetland reserve easements

with the Federal Government to open space land that promotes conservation of wetlands for current use.

Ms. Walker said the Planning Department reviewed the application and report and the Planning Commission reviewed the application and they recommended approval of the reclassification.

Chairman Bowman asked about using this property for a mitigation bank and the potential tax loss. Mr. Moneymaker said the tax loss or tax shift was approximately \$9,000.00. Mr. Crowder, Barker Ranch, said once the wetlands go into easement, you cannot bank them for more mitigation credits.

Testimony

Michael Crowder, Barker Ranch, spoke in favor of the application.

As there was no one else present to testify, public testimony was closed.

MOTION: Commissioner Beaver move to adopt the Planning Commission findings and conclusions as their own and approve the reclassification of that portion of the Barker Ranch property that is under wetland reserve easements with the Federal Government to open space land that promotes conservation of wetlands for current use assessment under RCW 84.34 and was subject to the applicant signing the open space agreement. Additionally, directing Planning staff to prepare an open space taxation agreement that provided the classification and conditions and authorize the Chairman to sign the agreement. Commissioner Small seconded and upon vote, the motion carried unanimously.

Ordinance Amendments – Group 2A

Susan Walker, Mike Shuttleworth, and Valerie Smith reviewed the zoning ordinance amendments to bring the County's zoning code into compliance with the goals and policies of the adopted Benton County Comprehensive Land Use Plan. They discussed the following ordinance amendments:

- Urban Growth Area Residential District
- Community Commercial
- General Commercial
- Interchange Commercial

The Board agreed to go to public hearing on the ordinance amendments as presented.

Vouchers

Check Date: 4/22/2011
Warrant #: 32836-33056
Taxes #: 01160411, 010104111, 050204111
Total all funds: \$890,255.25

Check Date: 4/15/2011
Warrant #: 32211-32668
Total all funds: \$385,390.50

Total amounts approved by fund can be reviewed in the Benton County Auditor's Office.

Resolutions

- 11.266 Older Americans Month Proclamation
- 11.267 WA State Contract Purchase of Surveillance Equipment from URS Electronics
- 11.268 Public Works Contract w/Absolute Power, Inc.
- 11.269 Lease Agreement w/Tri-Cities Woodcarvers Association
- 11.270 Purchase Authorization from Brutzman's Office Solutions
- 11.271 Personal Services Contract w/Somerset Counseling Center
- 11.272 Denial of Claim CC 11-05
- 11.273 Denial of Claim CC 11-06a, b, c, and
- 11.274 Denial of Claim CC 11-07
- 11.275 Denial of Claim CC 11-08
- 11.276 Denial of Claim CC 11-11
- 11.277 Contract w/Granite Construction Company for Bituminous Surface Treatment
- 11.278 Personal Services Contract w/Pronto Processing Services, Inc.
- 11.279 Professional Services Contract w/Dr. Brooks Watson II for Physician Services
- 11.280 Authorization to Letter & Agreement w/WSU for Food Stamp Nutrition Education
- 11-281 Approval of Reclassification (Barker Ranch) from Open Space Agricultural to Open Space Conservation

There being no further business before the Board, the meeting adjourned at approximately 11:00 a.m.

Clerk of the Board

Chairman