

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Tuesday, March 26, 2013, 9:00 a.m.  
Commissioners' Conference Room  
Benton County Courthouse, Prosser, WA

**Present:** Chairman Shon Small  
Commissioner James Beaver  
Commissioner Jerome Delvin  
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 Kelty; Adam Fyall, Sustainable Development Manager; Finance Manager Keith Mercer; Personnel Manager Melina Wenner; Human Services Manager Ed Thornbrugh; Public Works Manager Steve Becken; Planning Manager Mike Shuttleworth; DPA Ryan Brown; Susan Walker and Valerie Smith, Planning; Jacki Lahtinen, District Court; Auditor Brenda Chilton; Steve Brown, Building; Teri Holmes, Central Services; Dean Docken, Facilities Manager; Erhiza Rivera, Treasurer's Office; Clay Vannoy, Sheriff's Department.

#### Approval of Minutes

The Minutes of March 19, 2013 were approved.

#### Consent Agenda

**MOTION:** Commissioner Beaver moved to approve the consent agenda items "a" through "dd." Commissioner Delvin seconded and upon vote, the Board approved the following:

#### Auditor

- a. Line Item Transfer, Fund No. 0104-101, Dept. 000

#### Central Services

- b. Microsoft Master Services Agreement w/Microsoft Corporation

#### Commissioners

- c. Centennial Proclamation for Florence Stanley
- d. Contract Amendment w/Design West Architects for District Court Remodel Services

#### Facilities

- e. Copier Lease w/Ricoh

#### Horticultural Pest and Disease Board

- f. Appointment of J Lunden to the Benton County Horticultural Pest & Disease Board
- g. Appointment of D Murray to the Benton County Horticultural Pest & Disease Board
- h. Appointment of A denHoed to the Benton County Horticultural Pest & Disease Board

### **Human Services**

- i. Grant Agreement w/Genesis Housing Services for Construction of Housing Development
- j. Amended Agreement w/City of Richland for Construction Extension

### **Juvenile**

- k. Contract w/K Moreno for Indigent Defense

### **Office of Public Defense**

- l. District Court Public Defense Contract Amendment w/R Swinburnson

### **Parks**

- m. Contract w/Dayco, Inc. for Wood Stove Installation

### **Personnel**

- n. April Employee of the Month Appointment
- o. Certificate of Appreciation for R Petersen to the Benton County Civil Service Commission
- p. Appointment of J Petersen to the Benton County Civil Service Commission Board
- q. Line Item Transfer, Fund No. 0000-101, Dept. 137

### **Public Works**

- r. Funding of the Red Mountain Interchange Project
- s. Purchase Authorization from 3M for Traffic Sign Materials
- t. Approval of Annual Certification for Traffic Enforcement & Fish Passage Barrier Removal
- u. Order & Agreement for Nonexclusive Franchise for BC Water Company, LLC
- v. Interlocal Agreement w/City of Benton City for Use of Solid Waste Brush Bandit
- w. Interlocal Agreement w/City of Prosser for Use of Solid Waste Brush Bandit

### **Sheriff**

- x. Purchase Agreement w/911 Supply Inc. for Employee Uniforms
- y. Authorization to Pay Net Transcripts, Inc.
- z. Purchase Agreement w/Bob Barker Inc. for Inmate Supplies
- aa. Approval of Application for Use of Training Center w/United Way of Benton & Franklin Counties
- bb. Purchase Agreement w/Interline Brands Inc. for Jail Chemical Supplies
- cc. Purchase Agreement w/Crown Paper & Janitorial Supply Inc. for Paper & Glove Supplies
- dd. Purchase Agreement w/Blumenthal Uniforms & Equipment Co, Inc. for Employee Uniforms

### **Continued Public Hearing – Open Record Appeal – EA 12-14**

Mike Shuttleworth said the Board continued the public hearing on March 19, 2013 and directed staff to prepare findings for the Board's signature. Additionally, he had to ask at each meeting about Board disclosure.

Commissioner Beaver said he talked to Darryll Olsen about his concern about the livestock water exemption and he spoke to Ryan Brown.

Chairman Small said he spoke to Mr. Olsen twice to talk briefly about this issue in October and February and he also met last week met with Ryan Brown.

Commissioner Delvin said he read an email while he serving as State Senator from Darryll Olsen and had brief conversations with attorney Ryan Brown regarding procedure.

**MOTION:** Commissioner Beaver moved to approve the findings of fact and hearing decision as presented for EA 12-014. Chairman Small seconded and upon vote, the motion carried with Commissioner Delvin abstaining.

### **Public Hearing - Red Mountain AVA Master Site Plan – CPA 13-02**

Susan Walker and Valerie Smith presented the information for the public hearing to amend the Benton County Comprehensive Plan and adopt the sub area plan for the 2012 Red Mountain AVA Master Site Plan (RM MSP). The RM MSP would provide a vision, guiding principles, maps and descriptive text, recommendations, and strategies to achieve the desired goals on Red Mountain. The Planning Commissioner held its hearing and voted to recommend approval by the Board of Benton County Commissioners. Additionally, CPA 13-02 was reviewed under the requirements of the State Environmental Policy Act and a determination of non-significance was issued. Ms. Walker said it was the recommendation of the Planning Commission and Planning staff to approve and adopt the amendment proposal CPA 13-02.

#### **Public Testimony**

Larry Pearson said he had a vineyard and winery within Red Mountain AVA since 1984 and had been involved in the Red Mountain Master Site Plan. He urged adoption of the plan as a sub area plan of the Comprehensive Plan and said it gave focus to the plans of the vineyard and winery owners and having support of the Comprehensive Plan would assist the vision.

James Wade said he had no objection to the project providing it did not cost the taxpayers any money. He wanted to know who would be paying for the costs of improvement and costs for fire, police and roads. He asked if Red Mountain would be paying for it and how much it would cost the county. He said as long as it didn't raise his taxes, he did not object.

Commissioner Beaver stated those systems were in place right now and time and population is what dictated how the County would grow. He indicated this proposal did not have anything to do with the concerns he was bringing forward.

Commissioner Delvin said he shared Mr. Wade's concerns, however, the infrastructure was done by their own assessment on Sunset Road through CRID's and the water going in was being paid by KID and self-assessment by the irrigators. He said the owners paid property taxes that go to a special district to pay for fire and law enforcement but this was just a plan devised to hopefully make it a tourism area that would also bring in tax dollars.

Scott Revell, KID Planning Manager, said the district owned over 600 acres in the AVA and they supported the plan and were involved in its formulation and believed it would provide for long-term property protection. He said the irrigation project was set to break ground in a couple of weeks and they supported the plan and urged adoption.

Jim Holmes said he was a farmer on Red Mountain and farmed 160 acres of grapes. He said owners on the mountain decided it was a good idea to begin planning for growth with the interest that was growing on the mountain. He indicated they received huge contributions from the community and at least 10-12 agencies to get this process started and he was in favor of adoption.

Ed Shaw, President of Red Mountain AVA Alliance, said he was one of 10 + landowners and wineries that started this process five to six years ago when they realized development would happen and they wanted to get a handle on the planning. He said they worked hard on this process and were very happy it was before the Board for adoption. He indicated there was still a lot of work ahead for implementation but it was a very professional and comprehensive document to guide what how they developed Red Mountain. They were now seeing renewed interest nationally with the economy rebounding and this would be a matter of economic development for the entire county.

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

Chairman Small asked Ms. Walker how long they had been working on this project and she said in 2005 they started looking at the area. Additionally, he asked if the plan reflected that the County would be increasing any taxes and Ms. Walker said no.

**MOTION:** Commissioner Beaver moved to adopt the Planning Commission's Recommendations and Findings of Fact as their own and approve CPA 13-02 as presented. Commissioner Delvin seconded and upon vote, the motion carried unanimously.

### **Public Hearing - Ordinance 525**

Ryan Brown said the Board previously held a public hearing on adoption of Ordinance 525 to repeal BCC 7.16.140 which prohibited the possession of a firearm at an outdoor music festival. He said they were contacted by the Tri-City Herald and found it inadvertently failed to publish the notice of public hearing so to make sure the public had adequate notice, they were holding the public hearing again to ratify or repeal the adoption of Ordinance 525.

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

**MOTION:** Commissioner Beaver moved to approve the resolution ratifying its prior decision on adoption of Resolution 2013-172 and Ordinance 525. Commissioner Delvin seconded and upon vote, the motion carried unanimously.

### **Aging & Long Term Care Presentation**

L. Brown and Penny Black presented a draft interlocal agreement between the counties of Benton, Asotin, Columbia, Franklin, Garfield, Kittitas, Walla Walla, and Yakima to form a Council of Governments to facilitate the organization and operation of an Area Agency on Aging designated as Planning and Service Area number 9. Ms. Brown said she met with the Board last year and talked about the potential of this agreement between the counties.

Ms. Brown said that the counties were operating under an agreement that was created in the 70's, however, a copy of that agreement had not been found. Currently, Yakima County was the administering county so it was awkward that they were approving contracts for other counties and thought it made more sense to form a council for governments. There would still be an advisory council that represented each of the participating counties and provide input, but this would formalize the current agreement but require more involvement by each county. She said it would require one designated county commissioner member and/or alternate.

She said they were asking the counties to review the interlocal and bylaws and provide comments and then would ask for another meeting to approve the documents. Additionally, there would be administrative steps to modify the area plan and transfer existing employees from Yakima County that would now be employees of the COG; this would occur between now and January 1.

Ms. Black said that Southwest Washington recently formed a COG and she was hired to assist with this process. She said this would provide the agency with a formal and efficient way to communicate with each county and more opportunity to have a voice; liability was equally shared among the counties and currently this area was the only area agency in the State that did not operate under a Council of Governments.

There was a discussion regarding the current funding formulas. Commissioner Beaver expressed his concern that Yakima County was leading this change and what its game plan was. Additionally, he was concerned about reduced funding since the buck continued to get passed down to the local level from the State and Federal government. Ms. Brown said there was a federal requirement to provide for nursing homes and she understood the concern about reduced funding but the counties had never been assessed for continuing these programs; the programs were reduced according to the funding that was available.

Chairman Small said he agreed with Commissioner Beaver's concern about the State giving responsibilities to local governments. He said the program had been going since the 70's and it seemed to work great and thought it would fine without Benton County being involved and he did not want to be a part of this Board.

Ms. Brown said the COG would be covered by its own liability insurance and they felt they were separate from Yakima County and were not saying this on behalf of Yakima, but on behalf of Aging & Long Term Care. She said there would be impacts in the years to come and they wanted to bring up the level of awareness for eight county commissioners so the counties were aware of the impacts to their individual counties. She said they could not be directly involved with each county at this point but with the COG it could bring these concerns to the state agencies and WSAC and with elected officials engaged would be able to have better conversations and better plans. Additionally, this was the only area in the 13 areas that had a host agency with Yakima County.

Chairman Small reiterated he did not want to merge. Commissioner Delvin asked about the current agreement and operation. Ms. Black said there was an interlocal (that could not be

found) that bound each county to the current operation and Yakima agreed to be the host. The new interlocal would give each county an equal standing voice with all other commissioners. She said if Benton County decided it wanted to opt out and not have a formal agreement they would have to decide on how to go forward; there might be seven other counties agreeing to go forward without Benton County and that would not be a good place to be (be part of the program, but not part of the COG).

Commissioner Beaver said he was concerned this was an attempt by Yakima County to wrap eight counties together and shed 100 employees. He said there were inequities in the contracts between the State and counties and Benton County always got the short end of the stick.

The Board requested they work the issue through Mr. Ed Thornburgh and then he could report back to the Board.

### **Department of Energy Law Enforcement Contract**

Cpt. Clay Vannoy presented the law enforcement contract between Benton County and the U.S. Department of Energy for law enforcement services on the Hanford Site. Additionally, he said there was some reduction in funding.

**MOTION:** Commissioner Beaver moved to approve the law enforcement services contract between the United States Department of Energy and Benton County. Commissioner Delvin seconded.

### **Discussion**

Chairman Small commented on the reduction in funding and asked if the Sheriff's office was going to gear down for that. Captain Vannoy agreed they would have to plan for that.

Upon vote, the motion carried unanimously.

### **Building Department – Permit Management System Contract**

Steve Brown presented the resolution and service agreement with iWorQ to upgrade the permit management system and evolve with changing technologies. He said that Teri Holmes had reviewed the system and Ryan Brown approved the contract.

Mr. Sparks said the annual cost was \$6,000 and they paid \$300,000 for the previous program. He said it would take care of many of the issues they were currently having, it would interlink Planning and Building, take the pressure off IT and fit in with the PTI study.

**MOTION:** Commissioner Beaver moved for approval of the Service Agreement with iWorQ for the Benton County Building Department. Commissioner Delvin seconded.

## Discussion

Commissioner Beaver said it was important to support the departments when they asked for assistance when the Board had requested the County move forward in technology. He said it was exciting to see the County was moving forward and he thanked everyone.

Chairman Small agreed and said that two weeks in a row they had talked about IT improvements and they were getting where they needed to be.

Upon vote, the motion carried unanimously.

## **Fairgrounds Restroom Discussion**

Dean Docken brought forth a proposal to build a new restroom at the Fairgrounds. He said the last restroom improvement was made in 2001 and the current restrooms at the Fairgrounds were not adequate to support the users. The restroom they wanted to replace had 22 stalls and the new restroom would double that. He said the plan was to either repurpose the restroom or tear it down and also tear down the Grange to make space for the restrooms. He said they could possibly tear it down themselves to save money.

Commissioner Beaver said he wanted to give direction to Dean to move forward on this. Mr. Docken said the cost estimate was \$750,000 (\$600,000 for construction and \$150,000 for architect and engineering).

Mr. Sparks said he proposed they use REET funds (it currently met the criteria – it had to be in the CFP and Comp. Plan) and had to be used for capital improvements.

**MOTION:** Commissioner Beaver moved to authorize moving forward on the restroom project at the Fairgrounds as presented. Commissioner Delvin seconded and upon vote, the motion carried unanimously.

## **Tax Title Property Discussion**

Keith Mercer said the County acquired parcel 1-1389-305-0005-000 through tax title in November 2012 because it didn't sell at the foreclosure auction. He said it was an active irrigation pond that KID currently used. He said the property was currently in trust and he recommended the Board authorize selling this parcel by private negotiation and an offer be brought back at a later date.

**MOTION:** Commissioner Beaver moved to approve the Board authorize selling this parcel by private negotiation. Commissioner Delvin seconded and upon vote, the motion carried unanimously.

## **Commissioner Assignment Update**

Commissioner Delvin said he attended a water meeting with the groundwater group with Mr. Shuttleworth and reminded the Board about the meeting on April 1 in Yakima with the other counties; he also attended the West Richland chamber meeting. Additionally, he said there was an open position on WSAC from Eastern Washington and he asked the Board to support him in that position. The Board agreed.

Commissioner Beaver said he attended the Council of Government interviews and a job offer was extended and accepted for the executive position. He also attended the Chamber executive meeting, the Fairgrounds Improvement Board meeting, and the Southridge ribbon cutting ceremony. He said he wanted to spend more time talking with Benton county officials about building a better community and showing off Benton County successes. Additionally, he thanked the Sheriff's office to taking care of the shootings on Owens Road (they cited 15 individuals for shooting on that property).

Chairman Small said he also attended the Southridge ribbon cutting. Additionally, he agreed the County should capitalize on its successes and said there would be future projects they should brag about. He then read a letter of thanks from the Walter Clore Center for the County's assistance and contribution for that project.

The Board recessed, reconvening at 10:38 a.m.

## **Executive Session**

The Board went into executive session at 10:38 am with DPA Ryan Brown for approximately 15 minutes to discuss potential litigation. Also present were David Sparks, Loretta Smith Kelty, Melina Wenner and Cami McKenzie. The Board came out of executive session at 10:53 am. Mr. Brown said no action was taken by the Board.

## **Vouchers**

Check Date: 03/22/2013  
Warrant #: 77111-77273  
Transfer #: 01010313, 05010313  
Remittance #03122-03127  
Total all funds: \$5,403,744.54

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

## **Resolutions**

2013-238: Line Item Transfer, Fund No. 0104-101, Dept. 000  
2013-239: Microsoft Master Services Agreement w/Microsoft Corporation  
2013-240: Contract Amendment w/Design West Architects for District Court Remodel Services

- 2013-241: Copier Lease w/Ricoh
- 2013-242: Appointment of J Lunden to the Benton County Horticultural Pest & Disease Board
- 2013-243: Appointment of D Murray to the Benton County Horticultural Pest & Disease Board
- 2013-244: Appointment of A denHoed to the Benton County Horticultural Pest & Disease Board
- 2013-245: Grant Agreement w/Genesis Housing Services for Construction of Housing Development
- 2013-246: Amended Agreement w/City of Richland for Construction Extension
- 2013-247: Contract w/K Moreno for Indigent Defense
- 2013-248: District Court Public Defense Contract Amendment w/R Swinburnson
- 2013-249: Contract w/Dayco, Inc. for Wood Stove Installation
- 2013-250: Appointment of J Petersen to the Benton County Civil Service Commission Board
- 2013-251: Line Item Transfer, Fund No. 0000-101, Dept. 137
- 2013-252: Funding of the Red Mountain Interchange Project
- 2013-253: Purchase Authorization from 3M for Traffic Sign Materials
- 2013-254: Approval of Annual Certification for Traffic Enforcement & Fish Passage Barrier Removal
- 2013-255: Order & Agreement for Nonexclusive Franchise for BC Water Company, LLC
- 2013-256: Interlocal Agreement w/City of Benton City for Use of Solid Waste Brush Bandit
- 2013-257: Interlocal Agreement w/City of Prosser for Use of Solid Waste Brush Bandit
- 2013-258: Purchase Agreement w/911 Supply Inc. for Employee Uniforms
- 2013-259: Authorization to Pay Net Transcripts, Inc.
- 2013-260: Purchase Agreement w/Bob Barker Inc. for Inmate Supplies
- 2013-261: Approval of Application for Use of Training Center w/United Way of Benton & Franklin Counties
- 2013-262: Purchase Agreement w/Interline Brands Inc. for Jail Chemical Supplies
- 2013-263: Purchase Agreement w/Crown Paper & Janitorial Supply Inc. for Paper & Glove Supplies
- 2013-264: Purchase Agreement w/Blumenthal Uniforms & Equipment Co, Inc. for Employee Uniforms
- 2013-265: Denial of Appeal – EA 12-14
- 2013-266: Amendment to BC Comprehensive Plan – CPA 13-02 – Red Mountain
- 2013-267: Ratifying Adoption of Resolution 2013-172 and Ordinance 525
- 2013-268: Approving Law Enforcement Contract with Dept. of Energy
- 2013-269: Agreement with iWorQ Systems – Permit Management System

There being no further business before the Board, the meeting adjourned at approximately 10:53

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Clerk of the Board

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Chairman