

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Tuesday, October 20, 2015, 9:00 a.m.  
Commissioners' Conference Room  
Benton County Courthouse, Prosser, WA

**Present:** Chairman Jerome Delvin  
Commissioner Shon Small  
Commissioner James Beaver  
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, Sustainable Development Manager; County Engineer Matt Rasmussen; Planning Manager Mike Shuttleworth; DPA Ryan Brown; Clerk Josie Delvin; District Court Administrator Jacki Lahtinen; GIS Manager Mary Phillips; Steve Brown and Dale Wilson, Animal Control; and Marianne Ophardt, Benton County WSU Extension.

#### Approval of Minutes

The Minutes of October 13, 2015 were approved.

#### Review Agenda

The executive session to discuss potential litigation was removed. An executive session to discuss qualifications of an applicant for employment was added, as well as Change Order No. 10 for the Kennewick road maintenance facility.

#### Consent Agenda

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

#### Auditor

- a. Surplus of Personal Property

#### Commissioners

- b. Establishing A Salary Grade for County Engineer; Amending Resolution 09-269
- c. Payment Authorization to Design West for Prosser Courthouse Renovation
- d. Line Item Transfer, Fund No. 0000-101, Dept. 107

#### Fairgrounds

- e. Contract w/ABC Fire Control, Inc. to Provide Testing & Service of Fire Extinguishers

#### Information Technology

- f. Purchase Authorization for Computers, Printers, Network Devices, Software and Support

**Juvenile**

- g. Line Item Transfer, Fund No. 0115-101, Dept. 171, 173 & 174

**Office of Public Defense**

- h. Amended District Court Public Defense Contract w/M Mendoza
- i. Agreement w/M Trombley for Supervision/Mentoring Services

**Prosecuting Attorney**

- j. Line Item Transfer, Fund No. 0000-101, Dept. 117

**Public Works**

- k. Line Item Transfer, Fund No. 0101-101, Dept. 500
- l. Award of Contract w/BCV, Inc. for Crack Seal Fall
- m. Award of Contract to Apollo, Inc. for Sellards Road

**Sheriff**

- n. Salary Request Statement
- o. Salary Request Statement
- p. Salary Request Statement
- q. Agreement w/LexisNexis for External Hard Drive for Case Law & Revised Codes
- r. Amended Contract w/D Anderson dba/Sew Me Pretty for Uniform Shoulder Patches

**Public Hearing - Short Plat Vacation – SPV 2015-005**

Mike Shuttleworth presented the request for short plat vacation submitted by Leonard and Sarah McGriff as further detailed on the staff report. The Planning Department received an email from one of the property owners expressing concerns because part of the vacation included a developed turnaround. The Planning Department recommended vacation, with proposed changes to address the turnaround.

**Public Testimony**

Leonard McGriff, applicant, asked what the proposed changes were. After review of the documents with Mr. Shuttleworth, he said he was not opposed to the proposed changes.

As there was no further testimony, the public hearing was closed.

**MOTION:** Commissioner Small moved to approve the vacation of the 10’ irrigation easement for BMID, the 60’ ingress-egress, irrigation and utility easement reserved for future Benton County Road R.O.W. and the 10’ utility easement located on the West 254.41 feet of the North 60 feet of the South 187.29 feet of Lot 1 of Short Plat 1324, recorded under AF 870890; and the vacation of the 60’ ingress-egress, irrigation and utility easement reserved for future Benton County Road R.O.W. and the 10’ utility easement located on the South 20 feet or the North 30 feet of Lot 3 and the on the South 20 feet or the North 30 feet of the West 125.62 feet of Lot 4 of Short Plat 1324, recorded under AF 870890 (as shown on Attachment A). Commissioner Beaver seconded and upon vote, the motion carried.

### **Security Control Replacement – Peer Review**

Paul Schut via/videoconference said they were working with the PA's office to get the bid documents complete for the security control replacement project. However, before proceeding, Larry Hueter requested the specifications and drawings be reviewed by another professional entity in the Spokane area that had experience with security control and the cost for that review was approximately \$6,000. The Board agreed to move forward with that recommendation and Mr. Schut said he would bring it back to the Board for final approval.

### **Change Order No. 9– Fowler General Construction – Kennewick Road Maintenance Facility**

Matt Rasmussen presented Change Order No. 9 for Fowler General Construction as follows:

- Electrical circuits to be added to storage area: \$5,615.78
- Future connections for installation of overhead hose reels not included: \$6,377.21
- IT connectivity through the building for cabling, conduit and server: \$28,846.07

**MOTION:** Commissioner Small moved to approve Change Order No. 9 with Fowler General Construction in the amount of \$40,840.06 plus WSST. Commissioner Beaver seconded and upon vote, the motion carried.

### **Change Order No. 10–Fowler General Construction– Kennewick Road Maintenance Facility**

Matt Rasmussen presented Change Order No. 10 in the amount of \$16,517.32 for grading and swale by the wash bay/fueling station.

**MOTION:** Commissioner Beaver moved for approval of Change Order No. 10 with Fowler General Construction in the amount of \$16,517.32. Commissioner Small seconded and upon vote, the motion carried.

### **2015 WA State Patrol Marijuana Eradication Program Grant Funding**

Sgt. McCary via/videoconference presented the resolution to authorize the resolution for the agreement to allow Benton County to participate in the FY 2015 Marijuana Eradication Program and receive \$3,000.00. He said it would pay for expenses associated with marijuana grows that were already eradicated.

**MOTION:** Commissioner Small moved to approve the Resolution and Interagency Agreement between Benton County and Washington State Patrol for grant funding in the amount of \$3,000 to participate in the FY 2015 Marijuana Eradication Program and authorize the Chairman to sign said agreement, including the certifications regarding lobbying; debarment, suspension and other responsibility matters; and drug-free workplace requirements. Commissioner Beaver seconded and upon vote, the motion carried.

## **Tree Fruit and Wine Grape Industry**

Gwen-Alyn Hoheisel and Marianne Ophardt updated the Board on the tree fruit and wine grape industry. Ms. Hoheisel gave a summary of her 10-year employment and briefly discussed the following:

- Blueberry production has grown a lot in this area but one problem was cold hardiness; have started working on this issue in the lab and would be having a workshop on physiology, etc. to address the issue – 330 seats and only 30 left;
- Sprayers update – training and collaboration; grant received;
- Economic impact is billions for tree fruit;
- Used to be very local and now a very global service at WSU

## **502 Retail Facilities – Continued Discussion**

Commissioner Small said there were now two retail facilities in Benton County and there was a limit of five but he believed that two was enough.

There was a discussion regarding the legislation and changes to the rules and guidelines. Mr. Shuttleworth said that Benton County sent a letter to the State but the State ignored Benton County's zoning ordinances; additionally, there was no longer a limit of five but the State would have to decide how to address it to include medical marijuana facilities.

Ryan Brown discussed a few legal cases but said there were not any decisions yet. Commissioner Small said he was in favor of putting a temporary moratorium on retail facilities. He said they originally followed the advice of prosecutors but were now hearing the cities and counties could say no.

Mr. Shuttleworth said the retail facilities were only allowed in the commercial zone in Benton County; if Benton County banned it and the State allowed it, it would be up to the County to enforce.

The Board discussed whether to impose a ban either as an emergency or through the normal process. Mr. Shuttleworth talked about the timing of amending the zoning and said the normal process would be at a minimum six weeks if the State gave an expedient review of the zoning ordinance. He said an applicant would have to come in with buildings plans and file for a building permit during that time period if it wanted to be allowed prior to a moratorium.

The Board agreed to pursue the emergency process and Mr. Brown said they would work on it and bring it back within the next week or two.

## **Radio Communications – Benton City**

Lt. Caughey via/videoconference said that any time patrol officers have had radio issues, either receiving or making transmissions to dispatch, he requested they send him an email so he was aware of it. He commented that it was almost always in Benton City and some areas near Hanford,

West Richland and Prosser. He indicated there were numerous dead spots in Benton City and that it seemed to be getting worse and to assist with this and keep the deputies from being in danger, he felt they needed new radio towers. He said it had been going on for about three years; a study was done previously and determined one of the towers had some damage. He said they tried to fix that and it seemed to help some, but they still had issues on portables; however, it seemed to be degrading again and deputies were unable to transmit and receive from dispatch. He suggested that one possibility was the radio tower that used to be on top of Rattlesnake Mountain had to be moved down lower which created a larger blind spot.

Mr. McGraff, BCES, said they had an analog system for years and it was changed to digital and during the initial implementation they were given a mandate to vacate Rattlesnake. However, they were given access and the tower was moved down the mountain but the location was not the best.

Chairman Delvin asked why the BCES Board was not making a decision on this and Commissioner Small indicated they would be talking about it again at the next meeting but he was just trying to keep the Board apprised and he felt like they had exhausted everything.

Mr. Sparks asked if it was in Benton City or unincorporated Benton County because Benton County did provide a service to Benton City at a lesser cost than years before and if it was also in Benton City, they should have costs associated with it.

Chairman Delvin said if other users were having trouble, it should be looked at.

Mr. McGraff said if the request was to have full saturation in that area they would need two sites (Red Mountain and Rattlesnake), but if it was only one site, Red Mountain would be the choice. He said that more sites were better and they only had five for the entire county. He added that Red Mountain would hugely increase Benton City coverage.

Mr. McGraff said the Motorola cost estimate with no discounts for site construction and tower work would be upwards to \$1.8 million.

## **Other Business**

### **Human Services/Crisis Response Special Meeting**

Commissioner Small indicated the special meeting was scheduled for Tuesday, October 27 at 6:30 p.m. at the Kennewick Justice Center. He said he did not know yet if it was going to be a bi-county meeting or just Benton County, but either way he had Yakima County Commissioner Bouchey, Walla Walla County Commissioner Dozier and Rick Weaver coming to speak at the meeting.

### **Wyndham Publications Agreement**

Commissioner Beaver said the Board rescinded that agreement while Chairman Delvin was gone since there were some discrepancies between the first letter of understanding and the second agreement and Adam Fyall and Loretta Smith Kelty were taking a look at it.

## Odyssey Program

Commissioner Beaver discussed the proposed Odyssey program and his concern about the split with Franklin County and the overall cost.

Chairman Delvin said he wanted the judges to come before the Board again now that he had returned and said he was not sure why Franklin County IT had not been involved.

Mr. Sparks said that Ms. Smith Kelty and Robert Heard were meeting with Superior Court to go over issues and concerns so they could fully understand what the implications were. He said they might be able to go to cloud service for Superior Court so they could have their own network that was jointly sponsored by both counties and were working through that issue as well. They needed to find out how much the State was going to pay for Franklin County being an early adopter. Also, what to do about Juvenile if the two counties were on different programs.

Chairman Delvin expressed frustration and concern over the issue and asked Ms. Smith Kelty to invite the judges to come again. He also discussed the District Court issue and the resolution that set the amount of credit for inmates sitting out their fines. Commissioner Beaver said he could not see where the resolution setting the amount for jail in lieu of fines stated the County Commissioners had authority to put people in jail. Commissioner Small said he agreed with that as well.

Pat Austin via/videoconference said the judges would be happy to come back to the Board. The only reason the judges came the week following the decision of the Board was to let them know their concerns. She said it was never the intent of the Court to impose costs on Benton County but they did need the help of IT to figure out the costs.

Mr. Sparks said it was a bi-county function and the judges wanted to be able to see cases in both counties and the only way to do that was to have one network so it did affect Benton County.

The Board briefly recessed, reconvening at 10:31 a.m.

## **Executive Session – Discuss Qualifications of Applicant for Public Employment**

The Board went into executive session at 10:31 a.m. with David Sparks for approximately five minutes to discuss the qualifications of an applicant for employment. Also present were Matt Rasmussen, Loretta Smith Kelty, and Cami McKenzie. The Board came out at 10:33 a.m. No decisions were made in executive session.

**MOTION:** Commissioner Small moved to authorize the Chairman to sign the offer letter for the position of Assistant County Engineer with the conditions as outlined in the letter. Commissioner Beaver seconded and upon vote, the motion carried.

## **Vouchers**

Check Date: 10/15/2015

Warrant #: 239044-239049  
Direct Deposit #: 108456-108636  
Total all funds: \$98,786.78

Payroll Draw Deductions/Transfers  
Taxes #: 101151015  
Total all funds: \$32,105.42

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

## **Resolutions**

- 2015-740: Surplus of Personal Property
- 2015-741: Establishing A Salary Grade for County Engineer; Amending Resolution 09-269
- 2015-742: Payment Authorization to Design West for Prosser Courthouse Renovation
- 2015-743: Line Item Transfer, Fund No. 0000-101, Dept. 107
- 2015-744: Contract w/ABC Fire Control, Inc. to Provide Testing & Service of Fire Extinguishers
- 2015-745: Purchase Authorization for Computers, Printers, Network Devices, Software and Support
- 2015-746: Line Item Transfer, Fund No. 0115-101, Dept. 171, 173 & 174
- 2015-747: Amended District Court Public Defense Contract w/M Mendoza
- 2015-748: Agreement w/M Trombley for Supervision/Mentoring Services
- 2015-749: Line Item Transfer, Fund No. 0000-101, Dept. 117
- 2015-750: Line Item Transfer, Fund No. 0101-101, Dept. 500
- 2015-751: Award of Contract w/BCV, Inc. for Crack Seal Fall
- 2015-752: Award of Contract to Apollo, Inc. for Sellards Road
- 2015-753: Agreement w/LexisNexis for External Hard Drive for Case Law & Revised Codes
- 2015-754: Amended Contract w/D Anderson dba/Sew Me Pretty for Uniform Shoulder Patches
- 2015-755: Approval of Short Plat Vacation SPV 2015-005
- 2015-756: Approval of Change Order No. Nine (9) – Fowler General Construction
- 2015-757: Approval of Change Order No. Ten (10) – Fowler General Construction
- 2015-758: Approval of 2015 WA State Patrol Marijuana Eradication Program Grant Funding

There being no further business before the Board, the meeting adjourned at approximately 10:34 a.m.

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Clerk of the Board

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Chairman