

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Tuesday, November 3, 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 Kelty; Adam Fyall, Sustainable Development Manager; County Engineer Matt Rasmussen; Planning Manager Mike Shuttleworth; DPA Ryan Brown; District Court Administrator Jacki Lahtinen; Bob Woody, IT Department; GIS Manager Mary Phillips; Treasurer Duane Davidson; Erhiza Rivera and Yuliana Perez Castillo, Treasurer's Office; Taylor Ranger, Auditor's Office; Risk Manager Sandi Maine-Delepierre; Kyle Sullivan, Interim Human Services Manager; Paul Schut, Commissioners' Office; DPA Reid Hay; Anthony Von Moos, GIS; Michelle Cooke, Planning; Mary Heather Ames, Road Dept.; Robert Heard, IT; DPA Steve Hallstrom.

#### Approval of Minutes

The Minutes of October 27, 2015 were approved.

#### Review Agenda

Pull consent agenda items "h", "i" and "j" as they were already approved.

#### Consent Agenda

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

#### Auditor

- a. Lease w/Pitney Bowes for Mail Processing Equipment
- b. Reappointment of D Wadsworth to Mid-Columbia Library Board of Trustees
- c. Line Item Transfer, Fund No. 0305-101, Dept. 000

#### Coroner

- d. Line Item Transfer, Fund No. 0000-101, Dept. 109

**District Court**

- e. Line Item Transfer, Fund No. 0148-101, Dept. 112

**Facilities**

- f. Payment to ABM for Carpet Cleaning in Sheriff's Office & Superior Court
- g. Contract w/DEI Electrical Consultants, Inc. for Peer Review for Security Retrofit Project

**Parks**

- k. Contract w/Environmental Compliance Associates for Assessment of Candy Mountain

**Prosecuting Attorney**

- l. Lease Agreement w/Francotyp-Postalia, Inc for Postage & Mail Equipment

**Public Works**

- m. Contract w/B.C.V. for Crack Seal 2015
- n. Contract Amendment w/Stantec Architecture, Inc. for Kennewick Maintenance Facility

**Public Hearing - Ordinance Amendment to Official Zoning Map; ZC 2015-001**

Mike Shuttleworth said this was a closed record hearing and the Board could only hear comments relating to the testimony already received. The Benton County Planning Commission completed the open record hearing for the zone change application ZC 2015-001 to change the zoning classification in Section 26 of Township 8 North, Range 30 East, from Rural Lands 5 to Heavy Industrial. The Planning Commission and Planning staff recommended approval as presented.

**MOTION:** Commissioner Beaver moved to adopt the Planning Commission's recommendations, Findings and Conclusions and approve the Zone Change Application ZC 2015-001 as presented. Commissioner Small seconded and upon vote, the motion carried.

**Public Hearing - Ordinance Amendment to Official Zoning Map; ZC 2015-002**

Mr. Shuttleworth stated this was another closed record hearing. The Benton County Planning Commission completed the Open Record Hearing for the Zone Change application ZC 2015-001 to change the zoning classification in Section 11 of Township 8 North, Range 28 East, from Interchange Commercial to Rural Lands 5. The Planning Commission and Planning staff recommended approval as presented.

**MOTION:** Commissioner Small moved to adopt the Planning Commission's recommendations, Findings and Conclusions and approve the Zone Change Application ZC 2015-002 as presented. Commissioner Beaver seconded and upon vote, the motion carried.

**Public Hearing - Ordinance Amendment to Official Zoning Map; ZC 2015-003**

Mr. Shuttleworth said the Benton County Planning Commission completed the open record hearing for the Zone Change application ZC 2015-003 to change the zoning classification of 240 acres from Urban Growth Area Residential to Rural Lands 5 and 7 acres from Rural Lands 5 to Urban Growth Area Residential. The Planning Commission and Planning staff recommended approval as presented.

**MOTION:** Commissioner Small moved to adopt the Planning Commission’s Recommendation, Findings and Conclusions and approve the Zone Change Application ZC 2015-003. Commissioner Beaver seconded and upon vote, the motion carried.

**Public Hearing - Official Zoning Map; Amending Ordinance 524**

Mr. Shuttleworth said since they changed several zones, they needed to change the zoning maps to include the zone changes approved today as well as the annexations completed by the Cities of Richland, Prosser and Kennewick.

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

**MOTION:** Commissioner Beaver moved to approve the ordinance adopting the Benton County Official Zoning Map (A-2) and authorizing the Chairman of the Board sign the Map (A-2) certifying that it constituted the Official Zoning Map A-2 as approved. Commissioner Small seconded and upon vote, the motion carried.

**Public Hearing - Unimproved Right of Way Quarry Vacation**

Mr. Rasmussen said his office received a petition for vacation for an unused county right of way. He said the right of way had been in the county for about 100 years and they had not done anything with it. He recommended the vacation be approved conditioned upon the abutting landowners granting a utility easement to the owners of existing utilities prior to the vacation being finalized.

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

The Board agreed to move forward.

**PEDA Quarterly Update**

Deb Heintz gave an update on PEDA activities as follows:

- ConAgra continues to have interest in a building – working through that
- Project Love – proposed to purchase property at Exit 80
- Shopko Store – opened in October
- Cities numbers – new construction at historical high – mostly commercial industrial
- USDA – holding a webinar new program called Group Gap to assist small and medium farmers to become certified
- Leadership Prosser
- Grant Program
- Historic Downtown Prosser – hired an intern from Eastern WA University
- Transportation Commission – asked Prosser to participate – Signage Committee
- Future date - Sept. 22-24, 2017 – WSU IRAC Centennial Celebration
- Membership Drive

### **Change Order – C & E Trenching for Kennewick Road Maintenance Facility**

Mary Heather Ames and Matt Rasmussen presented a change order for the contract with C & E Trenching as follows:

1. Provide and set irrigation hand lines as needed for dust control during the duration of the project in the amount of \$2,599.13 plus WSST.
2. Reduce amount of soil hauled to Fairgrounds to 5025 cubic yards. Provide price for remaining 1554 cubic yards hauled to closer location. Overall reduction of \$1,849.26 plus WSST.

These items together resulted in a total change of contract increase of \$749.87 plus WSST.

**MOTION:** Commissioner Small moved to approve the change order as presented. Commissioner Beaver seconded and upon vote, the motion carried.

### **Chang Order 11 - Fowler General Construction – Kennewick Maintenance Facility**

Mr. Rasmussen presented Change Order 11 and said hopefully it was the last change order. He said it involved changing the swales from dryland grass with no irrigation system to rock-lined swales with street trees and a drip system and cost \$3,791.25 plus WSST.

He said the second part was adding asphalt on the north end of the parking area to line up with the end of the truck barn. This was not included by the architect but they felt it provided a better product in the end. He said the cost for this change was \$10,445.75 plus WSST and they would be talking to the architect about whether they should paying for that.

**MOTION:** Commissioner Small moved to approve Change Order No. 11 with Fowler General Construction as presented. Commissioner Beaver seconded and upon vote, the motion carried.

### **Quarterly Finance Update**

Paul Schut provided a financial update through September, 2015 outlining the revenues and expenditures. Time elapsed through September 2015 was (37.5%) with revenues totaling 35.4% and expenditures totaling 33.79%.

He discussed a few highlights as follows:

- Property tax at 28.9%; due dates were April and October so they should see it jump up next quarter
- Billings to cities - happy to report all were current and receiving payment (one month in arrear)
- Starting to receive excise tax on marijuana – only \$14,000 from State (on retail sales)
- Retail Sales & Use Tax – comparison from 2013-14 to 2015-16 (average 18% increase over 2013-14) with the biggest contribution being retail trade; he said going into the Christmas season they expected to see numbers they had not seen before

- Construction numbers - revenues were 50% higher (building permits) – mainly from single family dwellings and an increase in large commercial from a storage facility (that permit alone was \$40,000); he said it was in line with what happened at Energy Northwest – refueling coincides with construction. Mr. Sparks added there was a \$50,000,000 building by Kennewick School District and they received \$100,000 on that building permit
- Expenditures were pretty much on track
- Benefits – DRS rates increased for both the County and employee, however during budget prep they estimated an increase of 11% so were able to capture most of that increase. Mr. Sparks also added they received the numbers for medical insurance and there was only a 1% increase
- Public Safety Tax – monthly revenue

### **GIS Department Update**

Mary Phillips and Anthony Von Moos updated the Board with a Powerpoint and discussed the following:

- Services: Maps for Public and County; CD's/DVD's; Files emailed; Files to Remote Device; Services to County/Agencies; Estimated Online downloads; Image registered; Online Mapping
- GIS Web Pageviews
- New GIS Platform
- Metadata for GIS Data Layers
- Live Demonstration of online mapping

### **Human Services Discussion**

Commissioner Small said he felt the special meeting last week was very informative and showed privatizing would increase services and leverage funds for additional programs. He said he was ready for the next step and wanted to attempt to have a bi-county meeting to discuss it further.

Chairman Delvin said it made a lot of sense to get Benton County's program designed the way they wanted before it went to the State and that it would be best for the consumers and public but he wanted to have a meeting with Franklin County to see where they were at. If they didn't want to do it then they needed to figure that out.

Commissioner Beaver said he believed the next step was getting a plan in place, whether it was privatized or not so the State didn't dictate what Benton County's plan was. He said they needed to figure out how it would play out with Franklin County so he agreed they needed to have a conversation with Franklin County.

Commissioner Small said he had previously looked at having Comprehensive assist in formulating a plan but would recommend utilizing the four local providers to include Nueva, Tri-City Community Health, Lourdes and Catholic Family and Comprehensive to serve on a short-term committee to formulate a program plan to present to Commissioners. He said he wanted to see Kyle Sullivan there as well to oversee and make sure all elements of Crisis and Human Services

were covered during this plan. Additionally, to utilize a member from GCBH and have the county administrators be involved. He said he had talked to all except Tri-City Community Health.

Chairman Delvin said that having Mr. Sullivan there gave him a comfort level and it would be good to have providers and the RSN be a part of it too.

Commissioner Beaver agreed to keep the group involved and have a plan. He said he felt like Human Services was evolving and they needed to look at a different model, as the other counties had already been doing.

Commissioner Small said he would contact Franklin County and try to set up a bi-county meeting.

### **Unscheduled Visitors**

Barbara Mead, Vice President for Behavioral Health, Lourdes said they were highly interested in the application process for social detox. She said they had toured the building, applied for construction review to begin licensing, and developed policies and procedures and were ready to go. Ms. Mead said that Lourdes had provided outpatient chemical dependency and accountability and had met or exceeded the standards set by the state and they were very interested in applying for those services.

There was a discussion regarding ownership of the building and land and that it was not yet determined.

Mr. Sullivan commented that another individual was interested in the detox program as well and that with multiple interested entities an RFP might be in order; the Board agreed.

### **Other Business**

Chairman Delvin reminded everyone to vote today.

Additionally, he requested permission to attend NACo in DC at the start of the year and wanted to start looking for air fare to get a better deal. The Board agreed.

Chairman Delvin said he was interested in setting the limit at five (5) retail marijuana stores in the county (including those within the city). Mr. Shuttleworth said the state did not currently have a number and there were currently two (2) licensed in Benton County.

Commissioner Small said he believed they had enough and had done their due diligence.

There was a discussion regarding the amount that should be allowed; Mr. Sparks said the law said three (3) in the cities and two (2) at large.

Chairman Delvin said there had not been any issues with the two (2) currently licensed (one in Prosser and one on Griffin Road) and he was not willing to shut it off completely.

Mr. Shuttleworth said he would have to look at the zoning and the current WAC after new legislation changed said it was to be determined since they had to figure out the demand for medical marijuana facilities.

Ryan Brown said the Board had police power over unincorporated areas so it should look at putting in restrictions there.

The discussion was continued to the following Tuesday.

David Sparks discussed the resignation for the District Court Judge position. He said the Board previously adopted a resolution outlining the process for a vacancy; Personnel would advertise the vacant position, this office would form a committee to nominate three candidates and the Board would then fill the vacant position. He said during his review of the subject, if there was a need to reduce the judges, it would have to be when the positions were open and not during the term.

The Board agreed to have Mr. Sparks proceed with advertisement and putting together a committee.

The Board briefly recessed, recessing at 10:48 a.m.

#### **Executive Session – County Claim and Pending Litigation/Grievance**

The Board went into executive session at 10:48 a.m. for up 20 minutes to discuss a pending claim, pending litigation and a union grievance with DPA Reid Hay, DPA Steve Hallstrom and DPA Ryan Brown. Also present were Sandi Maine-Delepierre, David Sparks, Cami McKenzie, Loretta Smith Kelty, and Matt Rasmussen. The Board came out at 11:02 a.m. Mr. Brown said the Board took no action.

The Board recessed until 11:08 a.m.

**MOTION**: Commissioner Small moved to approve the letter in response to a Step 3 grievance. Chairman Delvin seconded and upon vote, the motion carried.

#### **Vouchers**

##### **Check Date: 10/31/2015**

Transfers #: 10301501-10301506

Total all funds: \$43,014.56

Warrant #: 129929-130092

Total all funds: \$755,953.95

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

**Resolutions**

- 2015-775: Lease w/Pitney Bowes for Mail Processing Equipment
- 2015-776: Reappointment of D Wadsworth to Mid-Columbia Library Board of Trustees
- 2015-777: Line Item Transfer, Fund No. 0305-101, Dept. 000
- 2015-778: Line Item Transfer, Fund No. 0000-101, Dept. 109
- 2015-779: Line Item Transfer, Fund No. 0148-101, Dept. 112
- 2015-780: Payment to ABM for Carpet Cleaning in Sheriff's Office & Superior Court
- 2015-781: Contract w/DEI Electrical Consultants, Inc. for Peer Review for Security Retrofit Project
- 2015-782: Contract w/Environmental Compliance Associates for Assessment of Candy Mountain
- 2015-783: Lease Agreement w/Francotyp-Postalia, Inc for Postage & Mail Equipment
- 2015-784: Contract w/B.C.V. for Crack Seal 2015
- 2015-785: Contract Amendment w/Stantec Architecture, Inc. for Kennewick Maintenance Facility
- 2015-786: Approval of ZC 2015-001
- 2015-787: Approval of ZC 2015-002
- 2015-788: Approval of ZC 2015-003
- 2015-789: Amending the Official Zoning District Map Boundaries – Ordinance 567
- 2015-790: Approving a Contract Change Order with C & E Trenching LLC
- 2015-791: Approving a Contract Change Order No. 11 with Fowler General Construction

There being no further business before the Board, the meeting adjourned at approximately 11:09 a.m.

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Clerk of the Board

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Chairman