

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Tuesday, March 25, 2014, 9:00 a.m.  
Commissioners' Conference Room  
Benton County Courthouse, Prosser, WA

**Present:** Chairman James Beaver  
Commissioner Jerome Delvin  
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 Kelty; Adam Fyall, Sustainable Development Manager; Finance Manager Keith Mercer; Personnel Manager Melina Wenner; Public Works Manager Steve Becken; Ed Thornbrugh, Human Services; Planning Manager Mike Shuttleworth; DPA Ryan Brown; Jacki Lahtinen, District Court; Clerk Josie Delvin; Auditor Brenda Chilton; Bob Woody, IT; County Engineer Daniel Ford; Treasurer Duane Davidson; DPA Steve Hallstrom; GIS Manager Mary Phillips.

#### Approval of Minutes

The Minutes of March 18, 2014 were approved.

#### Consent Agenda

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

#### Animal

- a. Authorizing Payment to Pilgram Chad W & Denise L dba Pet Orthopedics

#### Auditor

- b. Surplus of Personal Property ~ 1993 Chevrolet Caprice
- c. Surplus of Personal Property ~ IT Equipment

#### Commissioners

- d. Quit Claim Deed & Real Estate Excise Tax Affidavit for Parcel #1-0584-100-0007-000
- e. Port of Pasco Letter of Support
- f. Proposition for Increase In Sales & Use Tax; Rescinding Resolution 2014-206

#### District Court

- g. Purchase Authorization From Benton County Trial Court Improvement Fund

#### GIS

- h. Intergovernmental Agreement w/City of West Richland for Digital Orthophotography

### **Human Services**

- i. Agreement (#2014-HHAA-CFCS-ERP) w/Catholic Charities for Elderly Renters Program
- j. Agreement (#2014-HHAA-CFCS-YARP) w/Catholic Charities for Young Adult Renters Program
- k. Line Item Transfer, Fund 0108-101, Dept. Nos. 504, 506, 560
- l. Amended Agreement (#2013/2014-CDBG-CAC) w/Benton Franklin Community Action Committee
- m. Agreement (#2014-HHAA-CAC-ERP) w/Benton Franklin Community Action Committee
- n. Termination of Contract w/Epic Lawn Care, LLC

### **Information Technology**

- o. Purchase From One World Telecommunications for Fiber-Based Services
- p. Purchase From Insight Public Sector for APC Smart-UPS X3000 & APC Smart-UPS
- q. Purchase From Cerium Networks Inc for Equipment & Services
- r. Agreement w/XO Communications Services, LLC for Primary Rate Interface

### **Juvenile**

- s. Line Item Transfer, Fund No. 0115101, Dept. 171 & 173
- t. Contract w/Apollo Sheet Metal Inc. for HVAC System Maintenance
- u. Amended Contract w/J Blanco to Provide Family Therapy

### **Office of Public Defense**

- v. Line Item Transfer, Fund No. 0000101, Dept. 136

### **Public Works**

- w. Certification of Expenditures for Traffic Law Enforcement, Fish Passage Barrier Removal & Annual Certification
- x. Rental from Arrow Construction Supply Inc for Sealing Machine & Hot Air Lance Attachment

### **Sustainable Development**

- y. Agreement w/Tri-City Development Council for Economic Development Services

### **Public Hearing - Community Development Block Grant**

Ed Thornbrugh said that Benton County was applying to the State Department of Commerce for a Community Development Block Grant. He stated that \$1.5 million was available to different counties and organizations for public service with Benton County's portion being \$65,662 (\$3,000 for County administrative costs). He said the State selected the contractor as Benton Franklin Community Action Committee and the County would give administration and oversight.

He said this public hearing would give the public opportunity for input into the application process. The application was due April 7 and proposed \$12,000 for staffing costs and \$47,000 for goods and services and other outreach and grants.

As there was no one present to give public testimony, the public hearing was closed.

**MOTION:** Commissioner Small moved to approve the resolution authorizing the application for Community Development Block Grant Public Service Funds. Commissioner Delvin seconded and upon vote, the motion carried.

### **GIS Department Update**

Mary Phillips gave a Powerpoint presentation on the GIS Department and briefly discussed the following:

- Breakdown of Services
  - Maps
  - Data
  - Training and Analysis
- Orthophotography and Property Information
- GIS Online Mapping

### **Sustainable Development Department Update**

Adam Fyall gave a Powerpoint presentation and discussed the major areas of the department:

- Hanford
  - WIPP, Environmental Management Leadership, Procurement, Land Transfer Proposal, Manhattan Project
- Natural Resources
  - Energy, Water, Salmon Recovery
- Community Development
  - Economic Development Partnerships, Cycling Tri-Cities Map & Guide, Clore Wine & Culinary Center, Housing
- Emerging Issues
  - Twin Bridges River Access, Tri-City Rivershore Enhancement Committee, New Sheriff's Training Facility

### **Unscheduled Visitors**

#### **Badger Mountain Discussion**

Stan Arlt, Russ Treat, David Bartrand, and Larry Towner gave a Powerpoint presentation and discussed the following concerns on Badger Mountain trails:

Stan Arlt said they had met with Commissioner Delvin in the field, however, Commissioners Beaver and Small indicated they would prefer a board meeting setting to discuss the concerns.

Mr. Arlt said they appreciated the huge efforts by Friends of Badger Mountain (FOB) to obtain land and develop and preserve trails, however, they believed changes needed to be made in the trail design, construction, signage and maintenance. He said there were recognized standards for trail building design and they had been in discussions about this for years with Friends of

Badger, however, the reason they were here today was because they had not received positive responses from FOB. He indicated they saw these as safety issues and didn't feel they had been heard and wanted the Board to know of the safety issues.

Russ Treat talked about liability issues and stated it was not appropriate to put sharp objects (boulder curbing) on the trail when there are alternatives; he reiterated the responses from FOB had not been positive and he didn't think it was appropriate for a government agency to put out that kind of message.

Chairman Beaver stated that FOB was not a government agency and did not represent the Board; they were a voluntary agency.

Melina Wenner (from the audience) said that her office had not received on behalf of Benton County any claims or notices of injuries received on Badger Mountain.

Mr. Treat talked about incidents that had happened and indicated there was serious risk on the mountain.

Commissioner Small said the Board did everything possible to serve the County and the safety of the citizens was very important. He said the FOB did a great job and were trying to expand resources in the County but he felt like they were trying to blame the County Commissioners.

Mr. Treat said he tried to get the Commissioners to meet up on the trail but it was decided to have the presentation in the board meeting on the public record. He said he wanted to talk about the liabilities and felt there were safer alternatives.

Chairman Beaver commented that recommendations came to the Board from the Park Board and Adam Fyall. Further, that Mr. Treat had talked to Mr. Fyall and he reported to the Board.

David Bartrand, retired government contractor, said he built trails under contract for the Forest Service and that boulder curbing seemed to be an abomination and didn't know why it was used; he would hate for someone to hit those from a horse or bicycle instead of hiking. He commented that he had hiked numerous trails and had never seen sharp rocks used. He said it seemed the user group had changed and he felt they needed a set of specifications that could be used by different groups; also he would contend the FOB did not know how to apply these set of specs. He said he personally witnessed a person getting injured on Badger Mountain and heard about a bad horse accident.

Larry Towner said he starting walking Badger seven years ago and he didn't walk the Shockley side because he considered it too dangerous and had fallen so he walked the Dallas side. He said he has also submitted recommendations to Adam Fyall. He said he loved walking Badger and noticed a huge number of people with a lack of understanding where they were walking. He said the attitude from FOB was they were more concerned with the ambience of the area and not safety. He also talked about his concern that mile markers were not seen. He said he believed it was an attitude problem that needed modification; if there was an accident, many didn't know what to do to get help. He said he had a strong concern about the mix of bikers, hikers and

horses and he didn't want to see people get hurt; he was hurt twice by falling. He stated the bottom line was he felt they needed to do better, perhaps a standard of development, and if they could do that, they could enhance a fabulous County resource.

Mr. Alrt said in summary, it was not their intent to criticize the County or Friends of Badger Mountain, but there were things that could be changed to make it safer and reduce maintenance; it was not "my way or your way", but basic standards. He said they recommended removing the sharp boulder curbing that would improve safety and correct storm drainage and tripping on the trail. He said some signage had improved with the help of Adam but they needed appropriate trail standards and specifications and work to continue to enhance the oversight of the County on what the volunteer group was doing.

Chairman Beaver said they would look at their recommendations. He stated that Mr. Fyall had been working with a group and it was his understanding some of the recommendations had already been implemented. He said it was indicated he did not care about public safety which was simply not true; he took public safety very seriously. He said he appreciated the comments but he didn't know if they would get 100% of their recommendations, but they would look at them.

Commissioner Delvin said he would admit the County had turned over management of that mountain to FOB since they didn't have the resources but maybe the County needed to look at that. He said when they got the report hopefully those trail specifications would be there. He said he wanted to address the safety and maintenance issues and he understood their frustration and Mr. Fyall was trying to work both sides. He said maybe as a County they needed to have more oversight and have those specifications endorsed and monitored more closely and go back and fix the trails that needed to be fixed; he said they needed to do a better job on oversight but he didn't know how to divide Adam's time. He said he would work to make sure they got the trail specs and they took place and it might be to have a difficult conversation with FOB. He said he appreciated they took the time to come and felt they had been heard and he would move forward.

The question was also asked by the group why the trail was being constructed before the report was complete.

The Board recessed, reconvening at approximately 10:45 a.m.

### **Other Business**

Commissioner Delvin said he attended the Long Term Care meeting and there was an advisor from Benton County present and he explained why Benton County hadn't agreed to the COG. It was his understanding none of the services would be affected; the money they used was based on population and services would continue to the residents. Additionally, the advisory board was fully staffed and they advised for Benton County residents.

Commissioner Delvin said they received the application for the Benton-Franklin Fair parade and asked the Board if it wanted to walk together again and they agreed.

Additionally, Commissioner Delvin said he wanted to attend the Western Interstate Region conference in Alaska.

**MOTION:** Chairman Beaver moved to authorize Commissioner Delvin to attend the Western Interstate Region conference. Commissioner Small seconded and asked Commissioner Delvin to check on the balance of the travel money. Upon vote, the motion carried.

Commissioner Delvin also asked the Board if it wanted to look at participating in the WA Wildlife and Recreation Coalition; he said they could talk about it at the next Board meeting.

Commissioner Small asked about the progress of the Solid Waste Interlocal agreement. Mr. Becken said so far only one City had responded and they all had to take to their city councils. He mentioned the SWAC would be meeting tomorrow night and it would be brought up the County was not the one dragging its feet.

Chairman Beaver said he attended the COG meeting and they were not sure what the expectation was with regard to the Solid Waste issue. He said he thought this was being driven by a certain group that wanted a new building.

Ed Thornbrugh said he wanted to ask the Commissioners again about the recommendation for interim positions for Human Services Manager until it could be filled. He recommended Tracy Diaz take over the housing, development, and substance abuse, Gordon Bopp work with Commissioners and the RSN and Dina Horton work on the software conversion.

Commissioner Small said he didn't have a problem with the first two recommendations but wanted to wait on Dina Horton.

Commissioner Delvin said he agreed and would also agree to talk to Franklin County.

David Sparks said he talked with Fred Bowen and they would both appreciate somebody being in charge instead of nobody until the position was filled.

Chairman Beaver said he was ok with the recommendation. Mr. Sparks said he would move forward with that and it would be a 5% temporary raise for both positions per the Non-Barg policy.

### **Executive Session – Performance of Public Employee**

The Board went into executive session at 10:55 a.m. with DPA Steve Hallstrom for approximately 20 minutes to discuss the performance of a public employee. Also present were Ryan Brown, Melina Wenner, Loretta Smith Kelty, Daniel Ford, Steve Becken, David Sparks, and Cami McKenzie. The Board came out at 11:13 a.m. Mr. Hallstrom stated the Board took no action.

## **Vouchers**

Check Date: 03/21/2014  
Warrant #: 98419-98745  
Total all funds: \$689,917.31

Check Date: 03/21/2014  
Transfers #: 032101-032110  
Total all funds: \$74,611.27

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

## **Resolutions**

- 2014-255: Authorizing Payment to Pilgeram Chad W & Denise L dba Pet Orthopedics
- 2014-256: Surplus of Personal Property ~ 1993 Chevrolet Caprice
- 2014-257: Surplus of Personal Property ~ IT Equipment
- 2014-258: Quit Claim Deed & Real Estate Excise Tax Affidavit for Parcel #1-0584-100-0007-000
- 2014-259: Proposition for Increase In Sales & Use Tax; Rescinding Resolution 2014-206
- 2014-260: Purchase Authorization From Benton County Trial Court Improvement Fund
- 2014-261: Intergovernmental Agreement w/City of West Richland for Digital Orthophotography
- 2014-262: Agreement (#2014-HHAA-CFCS-ERP) w/Catholic Charities for Elderly Renters Program
- 2014-263: Agreement (#2014-HHAA-CFCS-YARP) w/Catholic Charities for Young Adult Renters Program
- 2014-264: Line Item Transfer, Fund 0108-101, Dept. Nos. 504, 506, 560
- 2014-265: Amended Agreement (#2013/2014-CDBG-CAC) w/Benton Franklin Community Action Committee
- 2014-266: Agreement (#2014-HHAA-CAC-ERP) w/Benton Franklin Community Action Committee
- 2014-267: Termination of Contract w/Epic Lawn Care, LLC
- 2014-268: Purchase From One World Telecommunications for Fiber-Based Services
- 2014-269: Purchase From Insight Public Sector for APC Smart-UPS X3000 & APC Smart-UPS
- 2014-270: Purchase From Cerium Networks Inc for Equipment & Services
- 2014-271: Agreement w/XO Communications Services, LLC for Primary Rate Interface
- 2014-272: Line Item Transfer, Fund No. 0115101, Dept. 171 & 173
- 2014-273: Contract w/Apollo Sheet Metal Inc. for HVAC System Maintenance
- 2014-274: Amended Contract w/J Blanco to Provide Family Therapy
- 2014-275: Line Item Transfer, Fund No. 0000101, Dept. 136
- 2014-276: Certification of Expenditures for Traffic Law Enforcement, Fish Passage Barrier Removal & Annual Certification

- 2014-277: Rental from Arrow Construction Supply Inc for Sealing Machine & Hot Air Lance Attachment
- 2014-278: Agreement w/Tri-City Development Council for Economic Development Services
- 2014-279: Application for Community Development Block Grant – Public Service Funds

There being no further business before the Board, the meeting adjourned at approximately 11:13 a.m.

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Clerk of the Board

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Chairman