

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, July 17, 2012, 9:00 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

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

Absent: Commissioner Leo Bowman (on assignment in Pittsburgh – NACO)

Benton County Employees Present During All or a Portion of the Meeting: Deputy Administrator Loretta Smith Kely; Adam Fyall, Sustainable Development Manager; Finance Manager Keith Mercer; Personnel Manager Melina Wenner; Public Works Manager Steve Becken; Planning Manager Mike Shuttleworth; Sue Schuetze, Public Works; Marianne Ophardt, WSU Extension; Clerk Josie Delvin; District Court Administrator Jacki Lahtinen; Auditor Brenda Chilton; Captain Clay Vannoy; Central Services Manager Randy Reid; Bob Woody, Central Services.

Approval of Minutes

The Minutes of July 10, 2012 were approved.

Consent Agenda

MOTION: Commissioner Small moved to approve the consent agenda items “a” through “g”. Chairman Beaver seconded and upon vote, the Board approved the following:

Auditor

- a. Line Item Transfer, Fund No. 0111101, Dept. 000

Coroner

- b. Contract Amendment w/Dr. Carl Wigren

Human Services

- c. Line Item Transfer, Fund No. 0154-101, Dept. 000
- d. Line Item Transfer, Fund No. 0108-101, Dept. 566

Personnel

- e. Contract w/PricewaterhouseCoopers for Actuarial Services

Public Works

- f. Denial of County Road District Improvement #22
- g. Award of Contract to L. & S. Fencing for Fencing Installation

Chairman Beaver requested the Board change the order of business to address the Grosscup Road issue first.

Grosscup Road - River Access Discussion

Steve Becken read the staff report update regarding ongoing problems on Grosscup Road and the public accessing the river in that area. He said the road was extremely narrow and they initially put up no parking signs and then decided to re-sign the area, which has now been done. He said they have reviewed the issues and believe there is nothing further they can do with Grosscup other than post on Yakima River Drive between Grosscup and Twin Bridges Road. He said that CID needs to be involved to keep them off their property but Public Works does not have a solution at this time.

Chairman Beaver said that the County would continue to work and find some solutions.

Commissioner Small said the County had received calls and letters from West Richland residents and he requested Captain Clay Vannoy to comment. Captain Vannoy said this was an ongoing problem in years past and they were making a concerted effort to control this issue; they towed a vehicle and cited 8 individuals for parking violations. He said they would continue to be proactive and a media press release would be sent out this week to let the public know what would happen if they go down there.

Commissioner Small said he would work with CID and also a towing company to help resolve the problem. Additionally, he and Mr. Sparks spent Friday afternoon in the area to see what could be done and they had also talked to the PA's office. He said he wanted the County to take a "no tolerance" policy.

Public Testimony

Troy Dornbush, W. Richland, said the problem had escalated and that he had to deal with public urination in front of his house, along with garbage and drug and alcohol use. He begged the Commissioners not to stop at the County line and to involve the cities as well and that West Richland was not helping so Benton County was the next in line.

Charles Simpson, W. Richland, said that water recreation was important to residents and that would not go away, but it was becoming more of a nuisance. He said that County Codes were being broken on a daily basis and believed they needed a long-term plan on how to deal with this. He said he appreciated the assistance but there was a bigger problem looming on the horizon.

Commissioner Small reiterated the County would be going out and ticketing and making some changes by putting emphasis on this issue and they were taking a very serious look at this.

Chairman Beaver said they would continue to try and address the problem out there the best they could with the resources available.

Sandra Stredwick said she lived on the river and saw it all the time and was amazed and completely overwhelmed at all the people that had gathered in that area; in 20+ years she had never seen that. She suggested a 4-strand wire fence along this area with no trespassing signs and she gave examples of how that approach worked on other areas of the river. She said they need to have floaters go where there was a designated area.

Sam Heck said they had been working with the County to put band-aides on the problem but the population in this area had exploded. He said he appreciated some of the plans in place to address this but maybe it was time to look at plan B as a long-range solution. He discussed instances dealing with these people on his driveway and that he and his wife had to use an easement instead of their driveway to get in and out of their property at times.

Nancy Metcalf said the solution was almost always in the process and she asked about soliciting the rafters for solutions and she liked the idea of the putting the issue in the media.

Lyle Hanson said his girlfriend's daughter was one of the rafters and that a communication effort to the rafters was a good idea and they could monitor garbage and/or challenge other rafters to assist if they were aware of losing access to the river.

Mark Norland asked who was patrolling the area because he felt like they were not getting enough response from West Richland. Captain Vannoy said they would not go into the city limits without a request from West Richland but it was not a problem for him to talk to the Chief to let him know what they were experiencing and the input from this meeting. He said he would let them know about the renewed efforts on this issue and he had no doubt they would help out.

The Board briefly recessed, reconvening at 10:01a.m.

Public Hearing – Application for Franchise - Clipper Windpower Development Company

Sue Schuetze reviewed the application for franchise received from Clipper Windpower. She said the only comments received were from Clipper Windpower requesting a term of longer than 10 years currently allowed by the franchise requirements.

Commissioner Small asked if there was a law regarding the term for franchises. Ms. Schuetze said it was set by resolution and in the past the Board had allowed more, however, since it was a brand new corporation, it was her recommendation to keep at 10 years.

Public Testimony

Krista Gordon, Clipper Windpower, said the project was to connect to the Columbia Wind project and locate in the Horse Heaven Hills south of Benton City. She presented some Powerpoint slides in support of the application and proposed routes indicating they would begin construction in 2015 or later, depending on how long it took to permit, etc. She said they were asking for longer than 10-years because the timeline for projects of these once constructed was 20-years, and that went along with the standard power purchase agreements.

Commissioner Small said he was in favor of staying with the 10-year commitment at this point, but maybe increasing it after a successful 10 years.

Ms. Gordon said that when a financing entity looked at commitments, a 10-yr length would raise a giant red flag and would make the project virtually unfinanceable because it would create uncertainty in the mind of the lender.

Commissioner Small asked about liabilities to the County and what financial gain it would get from this project. Ms. Gordon said there would be short term stimulus during construction because the workers would be staying in the area and they made it a practice to buy aggregate locally, if available. In the long term, they would expect to make tax payments to the County.

Steve Becken stated the Commissioners could increase to 20 years if it wanted and by law could do 50. He said if there was a problem with the company, they would have to get attorneys involved, although they had never had a problem with a franchise. If the Board increased the term, he recommended it also increase the franchise fee. Ms. Gordon said her company would be happy to pay the increased fee.

Mike Shuttleworth commented there were no permits filed or environmental review of the routes up to this point for Clipper Windpower Development Company, LLC.

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

The Board briefly recessed, reconvening at 10:18 a.m.

MOTION: Commissioner Small moved to approve application for franchise for Clipper Windpower Development Company, LLC, amending the term of franchise from 10 to 20 years with a cost of \$1,000 for the franchise fee, along with the other listed conditions. Chairman Beaver seconded and upon vote, the motion carried.

Public Hearing – Application for Franchise – Level 3 Communications LLC

Sue Schuetze presented the application for franchise filed by Level 3 Communications, LLC. She said it was an existing franchise, no comments were received, and based upon current franchise requirements, her office recommend approval.

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

MOTION: Commissioner Small moved to approve the franchise application for Level 3 Communications, LLC as presented with the listed conditions. Chairman Beaver seconded and upon vote, the motion carried unanimously.

Washington Counties Risk Pool Presentation

David Goldsmith and Vyrle Hill gave a Powerpoint presentation updating the Board on the Washington Counties Risk Pool and highlighted the following areas:

- Membership/Mission Statement
- Insuring Products
- Joint Self-Insurance Liability Policy
- Governing Structure/Organizational Chart/Administrative Services
- Finances as of March 31, 2012
- Claims Management
- Member Services
- Risk Management
 - Loss Control Resources and Training
- Liability Distribution by Type and Range of Severity
- Allegation Index/Loss Frequency by Allegation/Total Incurred Cost

Mr. Goldsmith said that Benton County has traditionally been a County with fewer claims and a good claim history reflected back into the charges.

Benton-Franklin 4H Program Update

Marianne Ophardt and Natalie Kinion updated the Board on the 4H program activities as follows:

- Year-round youth development program
- Training program – mandatory of all 4H programs
- Members and Clubs
- Overnight camp
- Animal Livestock information days
- Two All-Club Community Service Days

Commissioner Assignment Update

Chairman Beaver said he had asked the question if the County could make the Fairgrounds better and that it did not have a way to tie itself to the user groups. He said that RJ Lott, Planning had been working on a plan to create a Fairgrounds Improvement Board, modeled after the Park Board and that it would show up on the agenda next week for the Board's approval.

RJ Lott said he had been working on the issue for some time and had drafted a plan for the creation of a Fairgrounds Improvement Board comprised of a five member volunteer board that met six times per year. He said the Board would provide information and recommendations to the Board of Commissioners to help decide what was best for the Fairgrounds. He said some of the user groups would be represented but it would be one voice to make recommendation to the Board.

Commissioner Small reported on the following: meetings regarding the Grosscup Road issue; meeting with RJ Lott regarding the Fairgrounds Improvement Board; drug court graduation - he said to his surprise, the adult drug court program was comprised of individuals in the age bracket of 19-25 and that he assumed they would be older; continuing to work on PEDDA bylaws; MOU

regarding Benton/Franklin County Dispatch – they now were looking at having the State pay for a facilitator to study the program and bring more information together; lastly, he was asked to be a member of the Forensic Information Council that meets two to three times per year (all travel expenses were reimbursable) and that he would bring that up at the next Board meeting for approval.

Chairman Beaver reported on his attendance and the Mainstream Republican meeting and Dept. of Ecology meeting in Yakima.

Vouchers

Check Date: 07/06/2012
Warrant #: 60949-61538
Total all funds: \$452,747.98

Check Date: 7/13/2012
Warrant #: 64684-61872
PCards #: 0712
Total all funds: \$1,832,743.37

Check Date: 07/16/2012
Payroll Draw Deductions
Taxes #: 10112074
Total all funds: \$32,335.38

Check Date: 07/16/2012
Warrant #: 234375-234390
Direct Deposit #: 75922-76121
Total all funds: \$108,021.02

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

Resolutions

2012-396: Line Item Transfer, Fund No. 0111101, Dept. 000
2012-397: Contract Amendment w/Dr. Carl Wigren
2012-398: Line Item Transfer, Fund No. 0154-101, Dept. 000
2012-399: Line Item Transfer, Fund No. 0108-101, Dept. 566
2012-400: Contract w/PricewaterhouseCoopers for Actuarial Services
2012-401: Denial of County Road District Improvement #22
2012-402: Award of Contract to L. & S. Fencing for Fencing Installation

There being no further business before the Board, the meeting adjourned at approximately 11:04 a.m.

Clerk of the Board

Chairman