

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, March 6, 2012, 9:00 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

Present: Chairman James Beaver
Commissioner Shon Small
Clerk of the Board Cami McKenzie

Absent: Commissioner Leo Bowman (NACO Conference)
County Administrator David Sparks (Vacation)

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; County Engineer Malcolm Bowie; Sue Schuetze and Larry Moser, Public Works; Jacki Lahtinen, District Court; Clerk Josie Delvin; Central Services Manager Randy Reid; Auditor Brenda Chilton; DPA Ryan Brown.

Approval of Minutes

The Minutes of February 22, 2012 were approved.
The Minutes of February 28, 2012 were approved.

Review Agenda

Commissioner Small presented a letter to the Governor regarding Substitute Senate Bill 5995 (Kennewick UGA Bill) that Commissioner Bowman asked the Board to endorse. He said he was in agreement with the letter and requested it be added to the consent agenda as item "n".

Consent Agenda

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

Commissioners

- a. Appointment to the Benton County Diking District #1

Human Services

- b. Support of Services to Meet Goals Through Benton County Affordable Housing Program

- c. Agreement w/Catholic Family & Child Service of the Tri-Cities to Fund Tenant Rental Assistance Program

Juvenile

- d. Contract w/Desertgreen Lawn and Tree Care, LLC
- e. Superior Court Agreement Termination w/L Magan

Personnel

- f. Payment Authorization to Western States Insurance Agency
- g. Line Item Transfer, Fund No. 0504101, Dept. 000

Prosecuting Attorney

- h. Collective Bargaining Agreement w/AFSCME Local 2658B, Representing Appraisers

Public Works

- i. Franchise Application Approval for Public Utility District No. 1
- j. WA St Dept of Transportation Inspection of Bridges; Rescinding Resolution 2011-484
- k. Authorization to Schedule Bid Date for the Purchase of Refined Petroleum Products

Sheriff

- l. Rescinding Resolution 2012-051 w/Regards to Purchases from Zep Sales & Service
- m. Technical Support Agreement w/Efficiency Inc. to Support Interrogation Equipment

Commissioners

- n. Letter to Governor regarding support of Substitute Senate Bill 5995

The Board briefly recessed, reconvening at 9:05 a.m.

Public Hearing – Zayo Group LLC Franchise

Sue Schuetze presented the petition filed by Zayo Group LLC for a nonexclusive franchise for a telecommunication system within all unincorporated Benton County road right of way. Ms. Schuetze said that based upon current franchise requirements, her office recommended approval of the franchise, subject to the listed conditions.

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

MOTION: Commissioner Small moved to approve the franchise application submitted by Zayo Group, LLC with the listed conditions. Chairman Beaver seconded and upon vote, the motion carried unanimously.

Final Plat Approval - Cottonwood Commercial Plaza SUB 11-02

Mike Shuttleworth said that on January 12, 2012 the Board of County Commissioners approved the preliminary plat of Cottonwood Commercial Plaza to create 13 commercial lots, subject to 11 conditions. He said that all conditions have been met and his office recommended the Board approve the final plat as presented.

MOTION: Commissioner Small moved to approve the Final Plat of Cottonwood Commercial Plaza SUB 11-02 authorizing the Chairman to sign the final plat. Chairman Beaver seconded and upon vote, the motion carried unanimously.

Consolidated Homeless Grant

Ed Thornbrugh said the Franklin County PA reviewed the grant and identified many areas of concern and was not willing to approve as to form. However, Benton County was willing to approve the agreement as to form. He said that Franklin County had asked if Benton County wanted to take the lead and approve, as in another case. However, Ryan Brown said the other instance was requested by the State because it wanted one county to work with and this case was due to Franklin County's concerns about the contract. Mr. Thornbrugh said the Department of Commerce had indicated a willingness to work with one County, if the counties agreed.

Mr. Thornbrugh said one option would be to allow the money to pass to Benton-Franklin CAC, however, that would amount to a loss of revenue in the amount of \$157,000. He said the clock was ticking and the Board needed to decide how to proceed on this bi-county grant and consider how to conduct legal review.

Chairman Beaver recommended a Bi-County meeting to address the issue and also did not believe that passing the money to CAC was an option. Commissioner Small agreed and Mr. Thornbrugh said he would set up the Bi-County meeting.

Commissioner Assignment Update

Code Enforcement

Commissioner Small said he wanted to emphasize the Benton County code enforcement officer to be proactive. For instance, if he were to drive by a residence and take note of violations, to deal with it instead of waiting for someone to call and complain.

Chairman Beaver said he agreed the County needed to be proactive. He said they currently do what they can because it is complaint driven, however there was nothing wrong with observing properties to try to enhance the program. He said it was a sensitive issue and that County residents could be sensitive about their property.

ER&R Funds

MOTION: Commissioner Small moved to amend the 1961 resolution and all subsequent amendments relating to the 5% administrative fee to remove the fee charged to all interfund departments of Benton County. However, he did not have a problem continuing to charge the 5% administrative fee to outside entities. Chairman Beaver seconded.

Discussion

Chairman Beaver said he just wanted to clarify that Public Works would no longer charge the 5% administrative fee to Benton County departments, however could continue to charge outside entities. Mr. Moser and Mr. Becken said that was their understanding as well.

Upon vote, the motion carried unanimously.

PEDA

Commissioner Small said that PEDA would be having its annual meeting on April 16 and wanted the Commissioners to calendar that event if possible.

Chairman Beaver said he was interested in moving to providing a “written report” to the Board.

Red Mountain – Water Issue

Chairman Beaver said he met with Adam Fyall, KID, and Darryl Olsen regarding the water issue on the north side of Red Mountain. He said there would be a scope of work presented to the County to identify and evaluate this non-attainment water issue on the north side of Red Mountain and they were making steps to move forward to try and answer some of those questions.

Claim for Damages

CC 2012-05: Received on February 28, 2012 from Badger Mountain Irrigation District

CC 2012-06: Received on February 28, 2012 from Zachary Yates

Vouchers

Check Date: 03/02/2012

Warrant #: 52773-53252

Total all funds: \$4,848,580.98

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

Resolutions

- 2012-132 Appointment to the Benton County Diking District #1
- 2012-133 Support of Services to Meet Goals Through Benton County Affordable Housing Program
- 2012-134 Agreement w/Catholic Family & Child Service of the Tri-Cities to Fund Tenant Rental Assistance Program
- 2012-135 Contract w/Desertgreen Lawn and Tree Care, LLC
- 2012-136 OPD - Superior Court Agreement Termination w/L Magan
- 2012-137 Payment Authorization to Western States Insurance Agency
- 2012-138 Line Item Transfer, Fund No. 0504101, Dept. 000
- 2012-139 Collective Bargaining Agreement w/AFSCME Local 2658B, Representing Appraisers
- 2012-140 Setting Public Hearing - Franchise Application Approval for Public Utility District No. 1
- 2012-141 WA St Dept of Transportation Inspection of Bridges; Rescinding Resolution 2011-484

- 2012-142 Authorization to Schedule Bid Date for the Purchase of Refined Petroleum Products
- 2012-143 Rescinding Resolution 2012-051 - Purchases from Zep Sales & Service
- 2012-144 Technical Support Agreement w/Efficiency Inc. to Support Interrogation Equipment
- 2012-145 Final Plat Approval of Cottonwood Commercial Plaza – SUB 11-02

There being no further business before the Board, the meeting adjourned at approximately 9:25 a.m.

Clerk of the Board

Chairman