

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Tuesday, January 12, 2016, 9:00 a.m.  
Commissioners' Conference Room  
Benton County Courthouse, Prosser, WA

**Present:** Chairman Shon Small  
Commissioner Jerome Delvin  
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; Assistant County Engineer Robert Blain; DPA Ryan Brown; District Court Administrator Jacki Lahtinen; Assessor Bill Spencer; RJ Lott, Clark Posey, and Michelle Cooke, Planning; Ken Williams, Fire Marshal; Steve Brown, Building Department; Kyle Sullivan, Human Services; Mary Phillips, GIS; Mary Heather Ames, Road Department; Taylor Ranger, Auditor's Office; Treasurer Duane Davidson; Superior Court Administrator Pat Austin.

#### Approval of Minutes

The Minutes of January 5, 2015 were approved.

#### Review Agenda

Consent agenda item "e" was pulled to be discussed under "Other Business".

#### Consent Agenda

**MOTION:** Commissioner Beaver moved to approve the consent agenda items "a" through "h", pulling "e" (Speed Limit – Hanford Site). Commissioner Delvin seconded and upon vote, the Board approved the following:

#### Commissioners

- a. Thank You Letters to Senators & Representative

#### Juvenile

- b. Amended Contract w/Western States CAT for Engine & Generator Maintenance

#### Planning

- c. Agreement w/WA State Conservation Commission for Voluntary Stewardship Program Workplan Development

#### Public Works

- d. Award of Nine Canyon Road Project to Scarsella Bros, Inc.

**Sheriff**

f. Contract w/Starline Construction Inc. dba S.C.I. Door for Replacement of Rolling Curtains

**Superior Court**

g. Line Item Transfer, Fund No. 0000-101, Dept. 123

**WSU**

h. Line Item Transfer, Fund No. 0000-101, Dept. 108

**Public Hearing - Short Plat Vacation – SPV 2015-003**

RJ Lott presented the vacation request submitted by applicant Rob Flodin to remove a dashed line and associated note stating “any property north of this line is unsuitable for building and/or drainfield sites due to excessive slopes of 15% or greater”. Neighbors and concerned agencies were notified and KID replied with a request for a note for indemnification, however the Planning Department did not write notes on existing short plat mylars. Additionally, they received a letter from neighbor Grant Quesnell stating his opposition to the vacation and potential for collapsible soil and evidence of prior slides.

Mr. Lott said the applicant provided a geotechnical report for construction that met the requirements of BCC 15.35 regarding development on geologically hazardous areas and the Health Department issued a permit for septic. Additionally, there was no evidence of slides in that area. He said that based upon the information received, the Planning Department recommended approval of the vacation.

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

**MOTION:** Commissioner Delvin moved to approve the vacation of the dashed line with the following note, “Any property north of this line is unsuitable for building and or drainfield sites due to excessive slopes of 15% or greater” on Lot 3 and 4 of Short Plat 2578, records of Benton County.” Commissioner Beaver seconded and upon vote, the motion carried.

**Purchase Reimbursement Agreements w/AOC – District Court**

Jacki Lahtinen presented two contracts with the Administrative Office of the Courts for purchase reimbursement of five laptops. She said the PA did not sign the contracts as to form because there were concerns regarding some language in the contract, however, she was requesting the Board approve the contracts so they could receive the money. Mr. Brown (from the audience) indicated he only had a problem with approval as to form as these contracts did not match with the main contract.

Pat Austin presented a reimbursement agreement for seven computers for Superior Court. She said she did not run it by Mr. Brown but it was the same agreement and AOC was asking the presiding judge to sign instead of the chairman.

**MOTION:** Commissioner Beaver moved to approve PRA 16002 for District Court for purchase and reimbursement of one laptop computer. Commissioner Delvin seconded and upon vote, the motion carried.

**MOTION:** Commissioner Beaver moved to approve PRA 16001 for District Court for purchase and reimbursement of four laptop computers. Commissioner Delvin seconded and upon vote, the motion carried.

**MOTION:** Commissioner Beaver moved to approve PRA 16003 for Superior Court for purchase and reimbursement of seven laptop computers. Commissioner Delvin seconded.

### Discussion

Chairman Small asked if these computers were going to be used on both Benton & Franklin County cases. Ms. Austin said yes but this agreement was strictly between Benton County and AOC and the laptops could be used for whatever purpose the judges deemed, mostly used at home, but could be either Benton or Franklin County cases. She said that Franklin County received desktops this year and Benton County received laptops.

Upon vote, the motion carried.

### **Fairgrounds Improvement Board**

RJ Lott presented an updated Fairgrounds Improvement Board Guidelines and Expectations for Board approval. He said it updated the term limits for board members from two terms to a maximum of five terms so as not to leave the Board vacant at the end of 2016 when all current members' terms would expire.

**MOTION:** Commissioner Beaver moved to approve the Fairgrounds Improvement Board Guidelines and Expectations as presented rescinding Resolution 2012-420. Commissioner Delvin seconded and upon vote, the motion carried.

### **State Building Code – Hop Processing & Storage Discussion**

Steve Brown, Building Department and Ken Williams, Fire Marshal said they were approached by three hop growers in Benton County to see if they would consider amending the code to eliminate the fire sprinkler requirement for hop processing and storage facilities. He said they met with them, along with Fire Chief Doug Merritt and discussed the issue and that RCW authorized local governing bodies to amend these codes if the amendment did not weaken the code.

Mr. Williams said that Yakima County passed an amendment in 2008 which suspended the sprinkler requirement for hop processing and storage buildings. Additionally, it was his belief that since the Benton County hop industry only actively stored and processed hops for a limited period, exempting hops from the sprinkler requirement did not weaken the Fire and Building Codes. He presented a petition that was submitted by the hop growers.

Commissioner Delvin asked if Yakima County had any problems since it changed its code and Mr. Williams said none that he knew of.

**MOTION:** Commissioner Beaver moved to authorize the Fire Marshal to develop and present an ordinance exempting the processing and storage of hops from the sprinkler requirements of IFC/IBC sections 903.2.4 and 903.2.9. Commissioner Delvin seconded and upon vote, the motion carried.

**Item “e” – Speed Limit Change on Route 10 and Route 11A in the Hanford Site**

Mary Heather Ames and Robert Blain presented the request for a change in speed limit in the Hanford Site on two portions of road from 55 MPH to 60 MPH. Ms. Ames said they had concurrent jurisdiction over roads in the Hanford area and a contractor in that area had requested an increase in speed and supported it with collected data and a traffic safety assessment.

Commissioner Delvin said it seemed reasonable based on the information provided. Chairman Small agreed.

**MOTION:** Commissioner Delvin moved to approve the resolution changing the speed limit to 60 MPH on Route 10 and Route 11A in the Hanford site. Commissioner Beaver seconded and upon vote, the motion carried.

**Unscheduled Visitors**

Kyle Sullivan, Human Services, said he was present at the request of Commissioner Small to give an update on the committee review team regarding Human Services. He said they had four meetings and have discussed policies, had presentations from area providers, and discussed crisis services. He said it was going well and they had a good group of people with the same goal to provide services and maximize funding. He said they hoped to have something to present in mid-February.

Commissioner Delvin asked about the Detox services. Mr. Sullivan said that Lourdes was moving forward to provide services in the existing building. However, there was a problem with the building since the services lapsed so it now had to be updated to current standards and they were working through that issue.

**Other Business**

Commissioner Delvin said there would be an opening at the Washington State Department of Ecology at the Hanford site. He said he was working on sending a letter to the Governor about the cities and counties having input into the replacement for that position. The Board agreed that was a good idea.

Chairman Small said he attended the Aging & Long Term Care meeting at the request of the Board. He said they now had a \$20 million insurance policy on claims and about \$4 million in reserves. He asked about the non-profit status and Ms. Brown told him the State Secretary of DSHS said no. He was told there had not been any lawsuits for at least 15 years and all in all it looked smooth and he would send along the information for Mr. Brown’s legal review.

The Board briefly recessed, reconvening at 9:51 a.m.

**Executive Session – 4<sup>th</sup> Quarter Litigation Update**

The Board went into executive session at 9:51 a.m. for approximately 15 minutes to discuss pending litigation with DPA Ryan Brown. Also present were David Sparks, Loretta Smith Kelty and Cami McKenzie. The Board came out at 10:06 a.m. and went back into executive session for another 10 minutes. The Board came out at 10:15 a.m. Mr. Brown said the Board discussed pending litigation and no decisions were made.

**Claim for Damages**

CC 2016-01: Received on January 7, 2016 from Mario Soto-Corrales

**Vouchers**

Check Date: 01/05/2016

Payroll Checks

Warrant #: 239263-239334

Direct Deposit #: 110310-110912

Total all funds: \$2,181,346.04

Payroll Deductions Transfers

Taxes #: 10116011-101160114

Total all funds: \$1,854,348.51

Payroll Deductions Warrants

Warrant #: 133016-133027

Total all funds: \$380,538.55

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

**Resolutions**

- 2016-037: Amended Contract w/Western States CAT for Engine & Generator Maintenance
- 2016-038: Agreement w/WA State Conservation Commission for Voluntary Stewardship Program Workplan Development
- 2016-039: Award of Nine Canyon Road Project to Scarsella Bros, Inc.
- 2016-040: Contract w/Starline Construction Inc. dba S.C.I. Door for Replacement of Rolling Curtains
- 2016-041: Line Item Transfer, Fund No. 0000-101, Dept. 123
- 2016-042: Line Item Transfer, Fund No. 0000-101, Dept. 108
- 2016-043: Vacation of Dashed Line and Notation – SPV 2015-003

- 2016-044: Approving Purchase Reimbursement Agreement With The Washington State Administrative Office Of The Courts For The Purchase And Reimbursement Of One Laptop Computer For District Court
- 2016-045: Approving The Purchase Reimbursement Agreement With The Washington State Administrative Office Of The Courts For The Purchase And Reimbursement Of Four Laptop Computers For District Court
- 2016-046: Approving The Purchase Reimbursement Agreement With The Washington State Administrative Office Of The Courts For The Purchase And Reimbursement Of Seven Laptop Computers For Superior Court
- 2016-047: Fairgrounds Improvement Board Guidelines And Expectations - Rescinding Resolution 2012-420 And Adopting A New Document
- 2016-048: Changing Speed Limit On Route 10 And Route 11a In The Hanford Site To 60 Mph

There being no further business before the board, the meeting adjourned at approximately 10:15 a.m.

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Clerk of the Board

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Chairman