

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, April 9, 2013, 9:00 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

Present: Chairman Shon Small
Commissioner James Beaver
Commissioner Jerome Delvin
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; Human Services Manager Ed Thornbrugh; Public Works Manager Steve Becken; County Engineer Daniel Ford; Planning Manager Mike Shuttleworth; DPA Ryan Brown; Treasurer Duane Davidson; Marianne Ophardt, WSU Extension; Clerk Josie Delvin; Jacki Lahtinen, District Court; DPA Steve Hallstrom; RJ Lott, Planning; Auditor Brenda Chilton; Sue Schuetze, Public Works; Erhiza Rivera, Treasurer's Office.

Approval of Minutes

The Minutes of April 2, 2013 were approved.
The Special Minutes of April 2, 2103 were approved.

Review Agenda

The Board agreed to add items "j" (Letter to WSAC) and "k" (Purchase from Zumar) and pulling "b" (Authorization for Architectural & Engineering Services for Courthouse Improvements). Additionally, it agreed to add an additional executive session to discuss union negotiations.

Consent Agenda

MOTION: Commissioner Delvin moved to approve the consent agenda items "a" through "i", adding "j" and "k" and pulling "b" for discussion. Commissioner Beaver seconded and upon vote, the Board approved the following:

Commissioners

- a. Memorandum of Agreement w/Tri-Cities Rivershore Enhancement Committee

Facilities

- c. Line Item Transfer, Fund No. 0000-101, Dept. 110

- d. Contract w/A-One Refrigeration & Heating, Inc. for Kitchen Equipment Repair

Juvenile

- e. Contract w/Debord Polygraph for Polygraph Examinations

Personnel

- f. Line Item Transfer, Fund No. 0503-101, Dept. 000

Public Works

- g. Equipment Maintenance Agreement w/Fire Protection District #6
- h. Rental Contract w/Owen Equipment for Street Sweeper

Sheriff

- i. Authorization to Purchase Patrol Car Tires From Commercial Tire

Commissioners

- j. Letter to WSAC – 2014 Annual Conference

Public Works

- k. Purchase from Zumar – Amending Res. 2013-283

Public Hearing – City of Prosser Utility Franchise

Sue Schuetze submitted the application by the City of Prosser to continue a nonexclusive franchise to place water lines and a sewer transmission and system within County road right of way. She said the application was reviewed and based upon current franchise requirements, her office recommended approval of the franchise.

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

MOTION: Commissioner Beaver moved to approve the petition by the City of Prosser as presented with conditions. Commissioner Delvin seconded and upon vote, the motion carried

Ms. Schuetze said a resolution would come before the Board after the agreement was sent to the City and approved by the Prosecuting Attorney.

Public Hearing – Short Plat Vacation - SPV 13-02

RJ Lott presented the application for short plat vacation by Ryan and Amy Morris. He said that property owners within 300 feet and other concerned agencies were notified and all comments received back were positive. Based upon the information received, the Planning Department recommended approval.

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

MOTION: Commissioner Beaver moved to approve the vacation of easement (SPV 13-02) based upon the listed conditions. Commissioner Delvin seconded and upon vote, the motion carried.

“item ‘b” Authorization for Architectural & Engineering Services for Courthouse

Mr. Sparks said that Duane Davidson had worked with the departments on a plan to alleviate some spaces concerns, ADA issues, and cramped quarters and they proposed the County complete one project to address all the issues instead of piecemeal all the projects. The proposed project involved moving some departments around and remodeling and affected the PA’s office, Sheriff, Auditor, Treasurer, minor change in Road, and GIS.

Mr. Davidson said the concepts were discussed thoroughly during elected officials last fall and would involve better utilizing the space in his office and moving departments around to address individual department concerns, including an audit concern.

Brenda Chilton said a review by the Secretary of State’s Office a few years ago identified a concern about security and this would allow minor changes to increase ballot security during election time and combine the accounting team into one area. She said this had been a cooperative effort by all departments involved.

Mr. Sparks said the current proposal before the Board took care of the cost for study on restrooms but they wanted to bring forth a more comprehensive package that included the entire package and make it one project.

The Board agreed Mr. Sparks could move forward.

WSU Program Update

Marianne Ophardt and Steve Norberg (Franklin County Extension) updated the Board on the WSU Regional Forage Specialist Extension Program. The discussion included the Alfalfa variety trials and impacts and experiments with intercropped soybean production. A Powerpoint handout was provided for the Board’s review.

Groundwater Management Discussion

Adam Fyall and Mike Shuttleworth presented a letter to Department of Ecology outlining Benton County’s formal request to withdraw from the Lower Yakima Valley Groundwater Management Area (GWMA). Commissioner Delvin said a team comprised of himself, Rick Dawson, Mark Nielsen and Heather Wendt, Adam Fyall, and Mike Shuttleworth had been working on this issue for the past six weeks and came up with the following conclusions:

1. The geographic scope of the GWMA may not be best for Benton County;
2. The advisory committee as currently constituted did not take Benton County’s interests into account;
3. The advisory committee was working inefficiently and struggling to get the project up and going and they wanted to consider other options.

Mark Nielsen, Benton Conservation District, said the area did not encompass a tremendous amount of Benton County. Additionally, the committee was made up of 25 members and only

three were Benton County residents. He said he was on the committee and Heather Wendt was the alternate and they have attended all the meetings. He said it had been a difficult process and they didn't see the current structure as the best for Benton County.

Rick Dawson, Benton-Franklin Health Department, said there were documented public water supplies in Benton County with nitrate levels above the standard and for public health sense this left a whole lot of folks out. He said they wanted them to consider the GWMA countywide and the Conservation District and Health District had been working on nitrate issues for some time.

Commissioner Delvin said it made sense for Benton County to form its own GWMA. He said he made calls to the legislature and received positive comments that Benton County could go after its own funding and he proposed the County go forward in this direction.

Mr. Neilsen commented that Ecology did not have to accept the request to withdraw and it might take some political push back on them to get out.

The Board agreed with moving forward on this issue.

MOTION: Commissioner Beaver moved to approve the letter to Washington Department of Ecology as presented. Commissioner Delvin seconded and upon vote, the motion carried.

Unscheduled Visitors

Steve Becken said a gentleman from Kittitas contacted him about offering water rights for sale that he had from Suncadia to Kennewick. He said the initial review by the PA did not indicate any problems. He said he had 457 connections and was selling them for \$6,500/connection.

Commissioner Delvin said that based upon his knowledge of the subject, the County should not even consider it. The Board agreed and Mr. Becken said he would notify the gentlemen that Benton County was not interested.

Commissioner Assignment Update

Commissioner Beaver said he had meetings with constituents.

Commissioner Delvin said he traveled to Olympia on Wednesday and Thursday to attend the Legislative Steering Committee meeting. He said the Senate budget was released and the Association of Counties was positive about the budget, although there was some concern regarding Public Works trust funds, liquor excise revenue, and the drug grid being shifted to local jails.

Additionally, he attended the groundwater meeting and said his gut feeling was the proposed MOU was not a good idea and it had legal issues that should be researched. He said he wanted to explore asking the Conservancy Board to give the County a proposal on how to address this well water issue for Benton County. If the Board agreed, he would talk to the Conservancy Board. The Board agreed.

Commissioner Delvin said he wanted to send a letter regarding the Yakima Basin Integrated Plan to the cities and agencies requesting to give a presentation to receive an official action of support on the issue. He said he wanted to prepare the letter for the next consent agenda for the Board's signature. The Board agreed.

Commissioner Delvin said that Benton County was currently exempt from the commute trip reduction requirement (at least for two more years) and he was working with Senator Brown to go after something more permanent.

Chairman Small also discussed a request by a constituent that Benton County assist with water and flooding issues in Benton City and said he was just confirming the County would not be involved. The Board agreed.

Chairman Small said he attended a banquet in Olympia on Monday with state legislators and others regarding Red Mountain. Additionally, he reminded the Board he would be gone next week (Tuesday through Thursday) in Georgia for meetings on the Juvenile detention initiative.

Mr. Sparks said they had a tentative agreement for Teamsters (Public Works) and they would be voting next week and hopefully have an agreement for the Board to sign. Additionally, he had been working with Keith Mercer on a year-end financial report and 1st quarter report to give the Board in the next few weeks.

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

Executive Session – 1st Quarter Litigation Update

The Board went into executive session at 10:10 a.m. with DPA Ryan Brown for approximately 15 minutes for a 1st quarter litigation update. Also present were David Sparks, Cami McKenzie, Loretta Smith Kelty, Melina Wenner, and DPA Steve Hallstrom. The Board came out at approximately 10:25 a.m. and Mr. Brown stated that no decisions were made.

Executive Session – Union Negotiations

The Board went into executive session at 10:27 a.m. for up to 15 minutes to discuss labor negotiations with DPA Steve Hallstrom. The same parties were present. The Board came out at 10:36 a.m. and Mr. Hallstrom said the Board discussed union negotiations and took no action.

City of Richland – Request to Sign Letter – National Guard

Mr. Sparks said he received an email from the City of Richland requesting the Board sign a letter to DOE regarding the National Guard training proposal stating the community did not believe the proposal was the right fit for the area and the Hanford site.

Commissioner Delvin said he would support signing the letter; he said part of their concern was that it tied up the land. Chairman Small requested some additional time to review the issue.

Commissioner Beaver said he agreed this program did match the current philosophy and direction of the citizens and he wanted to support the City of Richland in its efforts.

MOTION: Commissioner Beaver moved to approve the Chairman sign the letter to Matt McCormick, DOE regarding the National Guard proposal. Commissioner Delvin seconded and upon vote, the motion carried unanimously.

Vouchers

Check Date: 03/29/2013
Warrant #: 77273-77509
Warrant #: 77728-77952
Transfer #: 010103139
Total all funds: \$678,479.51

Check Date: 04/05/2013
Warrant #: 77986-78112
Warrant #: 78194-78334
Transfer #: 05030313, 05040313
Total all funds: \$1,747,512.33

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

Resolutions

- 2013-287: Memorandum of Agreement w/Tri-Cities Rivershore Enhancement Committee
- 2013-288: Line Item Transfer, Fund No. 0000-101, Dept. 110
- 2013-289: Contract w/A-One Refrigeration & Heating, Inc. for Kitchen Equipment Repair
- 2013-290: Contract w/Debord Polygraph for Polygraph Examinations
- 2013-291: Line Item Transfer, Fund No. 0503-101, Dept. 000
- 2013-292: Equipment Maintenance Agreement w/Fire Protection District #6
- 2013-293: Rental Contract w/Owen Equipment for Street Sweeper
- 2013-294: Authorization to Purchase Patrol Car Tires From Commercial Tire
- 2013-295: Purchase of Sign Materials from Zumar – Amending Res. 2013-283

There being no further business before the Board, the meeting adjourned at approximately 10:42 a.m.

Clerk of the Board

Chairman