

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
February 8, 2010, 9:00 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

Present: Chairman James Beaver
Commissioner Leo Bowman
Commissioner Max E. Benitz, Jr.
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 Keltz; Adam Fyall, Community Development Coordinator; Finance Manager Keith Mercer; Personnel Manager Melina Wenner; Facilities Manager Roy Rogers; Steve Becken and Malcolm Bowie, Public Works; Erhiza Rivera and Nick Kooiker, Treasurer's Office; Planning Manager Mike Shuttleworth; DPA Ryan Brown.

Approval of Minutes

The Minutes of February 1, 2010 were approved.

Review Agenda

Commissioner Bowman pulled consent agenda item "i" (Supplement No. 2 – Red Mountain Interchange/SR 224 Connection).

Consent Agenda

MOTION: Commissioner Benitz moved to approve the consent agenda items "a" through "l", pulling "i". Commissioner Bowman seconded and upon vote, the Board approved the following:

Commissioners

- a. Letters of Support for Southridge Medical & Professional Park

District Court

- b. Interagency Agreement w/St of WA Administrative Office of the Courts

Facilities

- c. Authorization for Emergency Services on HVAC System

Office of Public Defense

- d. Professional Services Agreement w/R Johnston for Superior Court Indigent Defense
- e. Professional Services Agreement w/J Bell for Superior Court Indigent Defense
- f. Contract Termination w/R Thompson

Personnel

- g. Claim CC 09-21

Public Works

- h. Authorization to Schedule Request for Bids for E.R. & R. Purchase Metal Traffic Signs

Sheriff

- j. Contract with Columbia Irrigation District for Work Crew Service

Sustainable Development

- k. Letter to DOE – Integrated Water Resource Management Plan

Treasurer

- l. Petty Cash Funds

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

Projects Update

Adam Fyall reported on the following projects:

Animal Control Update

- * Focusing now more on the Quinault property and not the Fairgrounds;
- * Architect was working with the City of Kennewick and a bid packet should be ready in 6-8 weeks

Commissioner Bowman asked about the ordinance and the Board instructed Mr. Fyall to bring the ordinance back again before construction of the facility.

Economic Development

- * The contracts with Visitor & Convention Bureau and PEDDA were in place and a draft prepared for TRIDEC. Benton City had opted not to pursue a contract.
- * Hanford - previous update at the Hanford workshop – will have another workshop this summer
- * ECA Conference – high-level waste production and Yucca Mountain

Water Topics

- * WRIA 31: implementation plan was 2/3 complete (funding was in jeopardy at the state level)
- * Horse Heaven Hills Study: ½ way through – working to get to a single preferred alternative for scope; good participation at the meetings
- * YRBWEB – following the process with Commissioner Benitz and they would continue to advocate for a meaningful storage alternative in whatever package came forward

Red Mountain

- * Master site plan complete; working with the Planning Department to integrate that material into the comprehensive plan
- * Interchange – continue to work on project where needed

Progress Edition

- * Currently drafting a column for the Tri-City Herald progress edition

Wiser Parkway Railroad Crossing – Kennewick School District Update

Steve Becken updated the Board on the Wiser Parkway Railroad Crossing. He discussed the letter from the Kennewick School District and its commitment to contribute up to \$100,000 with the County matching funds for any costs above and beyond the \$500,000. Additionally, its offer to provide an additional \$100,000, to be repaid through late-comers fees, land, or cash.

Mr. Becken also discussed the Railroad’s appraisal and that he disagreed with their number and approach. He said the County hired its own appraiser who provided a value of \$75,000 and the Railroad had now countered in the amount of \$112,500.

Mr. Becken said the project would be in excess of \$700,000 based upon the estimates provided.

MOTION: Commissioner Benitz moved to approve going forward with construction of the Wiser Parkway and to participate financially in the project; continue to work with the Wisers regarding their contribution; accept the School District’s offer to participate in funding for the Wiser Parkway; and continue to work with Burlington Northern Santa Fe. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

Wiser Parkway @ BNSF Railroad - Contract Award

Steve Becken said they received a bid in the amount of \$197,828.50 from Big D’s Construction.

MOTION: Commissioner Bowman moved to approve the resolution in the matter of awarding a contract to Big D’s Construction in the amount of \$197,828.50 for the Wiser Parkway at BNSF Railroad – CE 1918 CRP. Commissioner Benitz seconded and upon vote, the motion carried unanimously.

Other Business

“i” - Local Agency Agreement Supplement No. 2 - Red Mt. Interchange & SR 224 Connection

Commissioner Bowman said he believed this resolution would be in violation of Resolution 09-757 by taking funds for the railroad crossing at Kiona and put to use on the Interchange and he was not aware of any engineering that was being done.

Steve Becken said they had spent considerable time on this project and that senior staff had completed preliminary engineering. Chairman Beaver asked if this was inconsistent with past practice and Mr. Becken said it was not inconsistent and that it would have all been charged to preliminary engineering.

Mr. Sparks said the question was whether it should be paid from county funds or federal funds.

Additionally, Commissioner Bowman wanted to know how their time would be paid for if they didn't have this project. Mr. Becken said it would be paid for with county funds and they would be working on something else.

MOTION: Commissioner Benitz moved to approve the resolution authorizing the Chairman to execute the Local Agency Agreement Supplement No. 2 for the Surface Transportation Project SAFETEA-LU High Priority Project Program Funds for the Red Mountain Interchange and SR 224 Connection Phase 1. Commissioner Bowman seconded.

Discussion

Commissioner Bowman said he seconded the motion with trepidation because he believed it violated resolution 09-757 and that it was important that staff be allowed to work on these projects.

Upon vote, the motion carried unanimously.

February 16 Meeting – Cancellation

The Board agreed to cancel the meeting of February 16, 2010.

Unscheduled Visitors

Charles Burton, commissioner for Plymouth Water District proposed the following issues to the Board:

1. The District wrote a letter complaining about a surfacing project that blocked off shut off valves and that it should be the responsibility of Granite Construction to take the blacktop off to expose the shut off valves.
2. Why the District, a public entity under the scrutiny of the County, can't use the County PA's office to assist with legal questions.

Commissioner Benitz stated the Board would respond back to him about his questions in writing.

The Board briefly recessed, reconvening at 9:50 a.m.

Other Business

Resolution 10-078 – Red Mountain

Commissioner Benitz said they had received new information and he wanted to readdress the resolution for the application to Senator Murray. He presented a new resolution rescinding the previous resolution, adding some language that changed the lead agency role to be assumed by the State, and changed the amount for Phase II to \$5 million.

MOTION: Commissioner Benitz moved to approve the resolution for the application to U.S. Senator Patty Murray for the FY2011 Transportation Request Form, which is the application for Red Mountain Interchange, which includes the interchange at MP 100 on I-82 and the roadwork associated with the interchange to connect it to SR-224 and that Benton County be a secondary or assisting agency and no longer be the lead agency on this project, and that resolution number 10-078 be rescinded. Chairman Beaver seconded.

Discussion

Chairman Beaver said he had a discussion with Benton REA and the original resolution didn't match their discussions with Senator Murray and it should be rescinded because it didn't fit. He said they hoped to initially get \$5 million and to go after the balance in coming appropriations. Additionally, they would not be requesting any funds from Benton County but that it might be able to do some engineering work as its piece of the puzzle. Chairman Beaver stated if he had known this information prior, his vote on the issue would have been different.

Commissioner Bowman said this was first he had seen this and was concerned the phase I numbers were getting involved and wondered about Benton County being a secondary agency. Additionally, since Mr. Becken had talked about not having time to get the other agencies involved with a deadline of February 12, he was concerned about putting the State as the lead agency.

Commissioner Benitz said the County could go ahead and send the application in and that it applied to Phase 2. Again, he suggested the State should be the lead but the County continue to support the project.

Commissioner Bowman suggested the language be changed about the State taking the lead agency status since the County did not have their concurrence without talking to them.

Chairman Beaver asked Mr. Becken if he saw a problem with the resolution language. Mr. Becken said it only recommended the lead agency role by assumed by the State and the County needed to rescind the previous resolution.

Upon vote, the motion carried unanimously.

Letter from Tri-Tech

Commissioner Bowman asked about responding to Tri-Tech about its request to purchase vehicles from the County. He said he would research the issue and then put a response in writing for the Board to send.

Gas Tax

Commissioner Bowman stressed the importance of the County being aggressive in its requests to the State and Federal government for special transportation projects.

Vouchers

Check Date: 02/05/2010
Warrant #: 943442-943628
Total all funds: \$5,800,349.18

Check Date: 02/05/2010
Warrant #: 943353-943425
Total all funds: \$1,924.24

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

Resolutions

- 10-081: Interagency Agreement w/St of WA Administrative Office of the Courts
- 10-082: Authorization for Emergency Services on HVAC System
- 10-083: Professional Services Agreement w/R Johnston for Superior Court Indigent Defense
- 10-084: Professional Services Agreement w/J Bell for Superior Court Indigent Defense
- 10-085: Contract Termination w/R Thompson
- 10-086: Settlement of Claim CC 09-21
- 10-087: Authorization to Schedule Request for Bids for E.R. & R. Purchase Metal Traffic Signs
- 10-088: Contract with Columbia Irrigation District for Work Crew Service
- 10-089: Establishing Petty Cash Funds – Treasurer's Office
- 10-090: Contract with Big D's Construction – Wiser Parkway
- 10-091: Local Agency Agreement Supplement No. 2 - Red Mt. Interchange & SR 224 Connection
- 10-092: Application – Transportation Request Form – Red Mountain; Rescinding Resolution 10-078

There being no further business before the Board, the meeting adjourned at approximately 10:09 a.m.

Clerk of the Board

Chairman