

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
January 10, 2011, 8:30 a.m.  
Commissioners' Conference Room  
Benton County Courthouse, Prosser, WA

**Present:** Chairman Leo Bowman  
Commissioner Shon Small  
County Administrator David Sparks  
Clerk of the Board Cami McKenzie

**Absent:** Commissioner James Beaver (excused)

**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; Public Works Manager Steve Becken; Planning Manager Mike Shuttleworth; Ed Thornbrugh, Human Services; Planning Manager Mike Shuttleworth; Larry Taylor, Animal Control; Nick Kooiker, Treasurer's Office; DPA Reid Hay; R.J. Lott, Planning; County Engineer Malcolm Bowie; Lisa Small, Commissioners' Office.

#### Workshop Agenda

##### Greater Columbia Behavioral Health Board

Commissioner Small said that he was appointed to be Treasurer of this Board. Additionally, he said he had a good first week as Commissioner.

##### Cancellation of Meeting of January 18, 2011

The Board agreed to cancel the meeting of January 18, 2011.

##### Building Permits

Chairman Bowman discussed the October building permits report issued by the State of Washington. He said that Benton County was still holding its end of the deal with 582 permits issued in two years and there were other counties much less fortunate with no buildings permits.

##### Community Roundtable – Council of Governments

Commissioner Bowman said he attended the roundtable and provided a copy of the agenda and a report for review of transportation issues.

The Board briefly recessed, reconvening at 9:00 a.m.

### **Approval of Minutes**

The Minutes of January 3, 2011 were approved.

Chairman Bowman stated the public hearing scheduled for 9:05 a.m. (Finley Road vacation) had been pulled from the agenda.

### **Consent Agenda**

**MOTION:** Commissioner Small moved to approve the consent agenda items “a” through “q”. Chairman Bowman seconded.

### **Discussion**

Chairman Bowman said there was a question whether item “f” (Ben Franklin Transit letter) should be addressed to the congressional delegation or sent to Ben Franklin Transit. The Board agreed to approve the letter, pending a decision by Ben Franklin Transit. Upon vote, the Board approved the following:

### **Clerk**

- a. Interagency Data Sharing Agreement w/State of WA Employment Security Department
- b. Personal Service Agreement w/M Dolven for Family Law Facilitator Services

### **Commissioners**

- c. Line Item Transfer, Fund No. 0000-101, Dept. 115 to Dept. 131
- d. Line Item Transfer, Fund No. 0000-101, Dept. 115 to Dept. 120
- e. Line Item Transfer, Fund No. 0000-101, Dept. 137 to Dept. 120
- f. Ben Franklin Transit Support Letter
- g. Canvassing Board Appointment

### **District Court**

- h. Interpreter Services Contract w/R Arteaga

### **Human Services**

- i. Agreement #10/11-PREV-ESD-123-00w/Educational Service Dist 123; Rescind Res 10-784

### **Office of Public Defense**

- j. Superior Court Indigent Defense Professional Services Agreement w/M McMillen
- k. District Court Indigent Defense Professional Services Agreement w/J Celski

### **Park**

- l. Reappointments to the Benton County Park Board

### **Planning**

- m. Reappointment of S LePage to the Benton County Boundary Review Board

Public Works

- n. Authorized to Purchase Two Diesel Truck Cab and Chassis Units
- o. Proposed Vacation of Right of Way of Old Inland Empire Highway
- p. Detour Road Agreement at Bofer Canyon Road w/Department of Transportation

Treasurer

- q. Print and Mail Contract w/The Master's Touch, LLC

The Board briefly recessed, reconvening at 9:15 a.m.

**Animal Control Ordinance Discussion**

Adam Fyall and Larry Taylor presented the proposed animal control ordinance for discussion. Mr. Fyall said that DPA Ryan Brown had stated it would be best to wait until the building and operation was up and running because the County would have an ordinance it was required to enforce, without the property facility.

Mr. Taylor said they didn't know when they would receive a full occupancy permit but if the ordinance were adopted before completion of the facility, they would be mandated to enforce it. He said they were watching the process very carefully and would try to pin the time down exactly.

Chairman Bowman suggested the Board hold the public hearing and then continue it as needed for final adoption. Mr. Sparks agreed that was a good idea to get the public hearing advertised and then continue it, if needed.

Chairman Bowman also asked about whether the ordinance should identify other animals in the ordinance that were not covered. Mr. Taylor said the ordinance itself was very specific for the time being and if the Board wanted to address other animals at another time, it could be done later. Mr. Sparks said he had conversations with Mr. Brown about that issue, and the ordinance needs to specify what is covered and should not specify what is not covered.

Commissioner Small said he agreed that most people understood this ordinance was for dogs and Mr. Taylor could address those concerns as they came up.

The Board agreed to move ahead with the proposed schedule.

The Board briefly recessed, reconvening at 9:35 a.m.

**Private Road Name Change – PR 10-02**

R.J. Lott presented an application for a private road name change. He said the road served seven parcels, all owners signed the application, and all agencies contacted have commented in favor or have not returned comments. He said the Planning Department recommended the road change name from 825 PR SE to Hartley PR SE.

**MOTION:** Commissioner Small moved to approve the private road name change from 825 PR SE to Hartley PR SE, conditioned on the applicant paying the required sign fee within 30 days. Chairman Bowman seconded and upon vote, the motion carried.

The Board briefly recessed, reconvening at 9:40 a.m.

### **Hanks Road Discussion**

Malcolm Bowie presented a map of Hanks Road and said the CRAB project had been around since 1993. He said the amount allocated in RATA was short in 1993 and recent numbers put the project at \$3 million short to complete. He said this project pre-dated the rule that if the project was not completed within a specified time period, it would be pulled and the County would pay back all funds spent. Mr. Bowie said they were proposing to withdraw the project with the condition that CRAB agreed to support the County with "zero payback".

**MOTION:** Commissioner Small moved to approve the resolution for the petition of the County Road Administration Board (CRAB) for the withdrawal and payback waiver for Hanks Road, Crosby Road to Aller Road – C.E. 1494 CRP. Chairman Bowman seconded and upon vote, the motion carried unanimously.

### **Change Order – G2 Construction**

Roy Rogers presented Changer Order #2 for construction of the Animal Control Facility. Mr. Rogers said there was a credit for some deleted items and additions for an accelerated schedule, change to the parking lot, and security window screens in the total amount of \$4,127.12 plus sales tax.

**MOTION:** Commissioner Small moved to approve the resolution for change order #2 for the construction of the Benton County Animal Control Facility. Chairman Bowman seconded and upon vote, the motion carried.

The Board briefly recessed, reconvening at 9:55 a.m.

### **Continued Public Hearing – Vacation for Webber Canyon Road**

Mr. Becken said that when Public Works reconstructed this road, it shifted alignment and the request was from the County Engineer to get it back to the people and on the tax rolls. He said that PUD was asking that all right of ways become easements for anything vacated.

Chairman Bowman asked why PUD was requesting this and Mr. Becken said he didn't know, but would try to find out this week.

The public hearing was continued to Monday, January 24, 2011 at 9:30 a.m.

The Board briefly recessed, reconvening at 10:00 a.m.

### **Health Building Tenant Improvement – Award for Construction**

Ms. Smith Kelty said the team met to review the proposals for construction of the Health Building tenant improvement and chose Siefken & Sons Construction.

**MOTION:** Commissioner Small moved to approve the resolution awarding the construction of the Health Building Tenant Improvement to Siefken & Sons Construction in the amount of \$228,000 plus sales tax. Chairman Bowman seconded and upon vote, the motion carried.

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

### **Final Plat of Hidden Hills Subdivision – SUB 09-02**

Mike Shuttleworth said the applicant had met all conditions of approval and they were submitting the final plat to the Chairman for final signature.

**MOTION:** Commissioner Small moved to approve the Final Plat of Hidden Hills Phase 1, SUB 09-02 and authorized the Chairman sign the final plat. Chairman Bowman seconded and upon vote, the motion carried.

The Board briefly recessed, reconvening at 10:15 a.m.

### **Executive Session – Potential Litigation**

The Board went into executive session at 10:15 a.m. with DPA Reid Hay for approximately 10 minutes to discuss potential litigation. Also present were David Sparks, Cami McKenzie, Loretta Smith Kelty, and Melina Wenner. The Board came out at 10:23 a.m. Mr. Hay stated the Board took no action in executive session.

The Board briefly recessed, reconvening at 10:25 a.m.

### **Unscheduled Visitors**

#### **Veteran's Petition for Income Waiver**

Pat Powell presented a waiver of the income limit threshold for Martin Manning and requested the Chairman sign the waiver.

**MOTION:** Commissioner Small moved to approve the income limit threshold for Martin Manning and requested the Chairman sign the waiver. Chairman Bowman seconded and upon vote, the motion carried.

## **Vouchers**

Check Date: 1/5/2011  
Warrant #: 25808-25834  
Taxes #: 10111011-10111013  
Total all funds: \$1,900,870.04

Check Date: 1/5/2011  
Warrant #: 231695-231819  
Direct Deposit #: 60232-60815  
Total all funds: \$2,219,790.12

Check Date: 1/7/2011  
Warrant #: 25640-25807  
Total all funds: \$3,960.26

Check Date: 1/7/2011  
Warrant #: 25835-26029  
Total all funds: \$1,574,232.69

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

## **Resolutions**

- 11-042 Interagency Data Sharing Agreement w/State of WA Employment Security Department
- 11-043 Personal Service Agreement w/M Dolven for Family Law Facilitator Services
- 11-044 Line Item Transfer, Fund No. 0000-101, Dept. 115 to Dept. 131
- 11-045 Line Item Transfer, Fund No. 0000-101, Dept. 115 to Dept. 120
- 11-046 Line Item Transfer, Fund No. 0000-101, Dept. 137 to Dept. 120
- 11-047 Interpreter Services Contract w/R Arteaga
- 11-048 Agreement #10/11-PREV-ESD-123-00w/Educational Service Dist 123; Rescind Res 10-784
- 11-049 Superior Court Indigent Defense Professional Services Agreement w/M McMillen
- 11-050 District Court Indigent Defense Professional Services Agreement w/J Celski
- 11-051 Reappointments to the Benton County Park Board
- 11-052 Reappointment of S LePage to the Benton County Boundary Review Board
- 11-053 Authorized to Purchase Two Diesel Truck Cab and Chassis Units
- 11-054 Proposed Vacation of Right of Way of Old Inland Empire Highway
- 11-055 Detour Road Agreement at Bofer Canyon Road w/Department of Transportation
- 11-056 Print and Mail Contract w/The Master's Touch, LLC
- 11-057 Naming of Private Road; 825 PR SE to Hartley PR SE
- 11-058 Sign CRAB Project Waiver and Termination Form – Hanks Road, Crosby Road to Aller Road
- 11-059 Approving Change Order Number 2 for the Animal Control Facility
- 11-060 Awarding Construction of Health District TI to Siefken & Sons
- 11-061 Final Plat of Hidden Hills Phase 1 – SUB 09-02

There being no further business before the Board, the meeting adjourned at approximately 10:27 a.m.

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Clerk of the Board

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Chairman