

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
January 24, 2011, 8:30 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

Present: Chairman Leo Bowman
Commissioner James Beaver
Commissioner Shon Small
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, Economic Development Manager; Finance Manager Keith Mercer; Personnel Manager Melina Wenner; Public Works Manager Steve Becken; Planning Manager Mike Shuttleworth; Malcolm Bowie, County Engineer; Erhiza Rivera and Nick Kooiker, Treasurer's Office; Ed Thornbrugh, Human Services; Bryan Perry, Safety Coordinator; DPA Ryan Brown; DPA Steve Hallstrom; Susan Walker and Valerie Smith, Planning; Assessor Barb Wagner; Sue Schuetze, Public Works; and DPA Jonathan Young.

Workshop Agenda

Commissioner Small said that he and Commissioner Beaver visited the BCES dispatch center and signed an emergency declaration for flooding on the Yakima River. He said that he was the only commissioner initially notified so it was changed to make sure all three commissioners would be notified in emergencies. Additionally, he said he had a meeting with Code Enforcement to discuss some pending issues.

Commissioner Beaver discussed the meeting at BCES dispatch and said some water meters weren't working properly and he suggested they send someone to actually look at the river and measure the water. Additionally, he said he attended the Health District meeting and was now the Chairman of that Board.

Indoor Air Quality

The Board discussed some issues regarding indoor air quality at Benton County. Commissioner Beaver asked how many studies had been completed on air quality and Bryan Perry said there were nine different studies completed since 1994. He said the consistent conclusion was low relative humidity and some airflow issues. Mr. Perry was asked if recommendations were made and being followed by the departments and Mr. Perry said it did not seem that way. Commissioner Small asked for a summary and copies of relevant documents so he could become familiar with the issue.

Chairman Bowman reported on his attendance in Olympia and meetings with legislators on issues including highway users, reimbursements to Benton County for excessive trial costs and urban growth expansion. Additionally, he reported the PTBA (Public Transit Benefit Area) in Benton County had seen an increase of 4.9% sales tax and there were other counties with actual decreases in sales tax.

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

Approval of Minutes

The Minutes of January 10, 2011 were approved

Consent Agenda

MOTION: Commissioner Beaver moved to approve the consent agenda items “a” through “aa”. Commissioner Small seconded and asked that item “b” (Travel Policy)– be discussed. Upon vote, the Board approved the following:

Commissioners

- a. Benton County Tax Levy for 2011
- b. Benton County Business Travel and Expense Policy; Rescinding Resolution 10-123
- c. Lease Agreement w/Benton-Franklin Fair Association
- d. Contract w/Siefken and Sons Construction, Inc. for Health Building TI Project
- e. Contract w/Washington State Military Dept., Emergency Management Division for E911

GIS

- f. Interlocal Agreement w/City of West Richland for GIS Services

Human Services

- g. Appreciation Certificate for Kennewick Police Captain Sharp
- h. Appreciation Certificate for Kennewick Police Officer Kist
- i. Contract Amendment #09/11-MH-NONPIHP-CFCS-01, w/Catholic Family & Child Service
- j. Contract Amendment #09/11-MHPIHP-CFCS-01, w/Catholic Family & Child Service
- k. Appointment of C O’Bannon to the Developmental Disabilities Advisory Board

Juvenile

- l. Personal Services Contract w/J & J Security & Transport, Inc.
- m. Termination of Personal Services Contract w/R Cornish
- n. Contract w/City of Benton City for Graffiti Abatement Program
- o. Payment Approval to D Burnett for Snow Removal
- p. Payment Approval to Intelligent Lighting Controls, Inc. for Electrical Panels and Software

Office of Public Defense

- q. Amendment to Professional Services Agreement w/C Harkins
- r. Amendment to Professional Services Agreement w/R Swinburnson

Personnel

- s. County Claim CC10-13

Prosecuting Attorney

- t. Amendment to Appraisers Collective Bargaining Agreement

Public Works

- u. Interlocal Agreement w/City of Benton City for Use of Solid Waste Brush Bandit
- v. Authorization to Schedule and Advertise Bid Date for Bituminous Surface Treatment 2011
- w. Contract w/DeAtley Crushing Company for 2011 Crushing and Stockpiling
- x. Authorization to Proceed with Crushing and Stockpiling 2011 Contract
- y. Authorization for Public Hearing for Proposed Vacation of Nine Canyon Road

Treasurer

- z. Canceling Uncollectible Taxes Assessed Upon Personal Property

Workforce Development Council

- aa. Memorandum of Understanding w/One-Stop Partners

Item “b” – Travel Policy

Commissioner Small asked about the two exception clauses in the travel policy and said he didn't see the need for them. Chairman Bowman said he didn't know how they came about and recommended the Board work with Mr. Sparks regarding these exceptions. Commissioner Beaver asked why they were added. Mr. Sparks said he was not sure, but they were added at the time the County changed to a “per diem” reimbursement for meals.

The Board agreed Mr. Sparks should review the issue and bring back appropriate recommendations.

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

Public Hearing – CPA 08-02 – Repeal

Mike Shuttleworth and Susan Walker presented a resolution that rescinded Resolution 10-301. Ms. Walker said that 10-301 approved a revised UGA expansion for West Richland that was ultimately appealed and the County was remanded by the Growth Management Hearings Board to bring its comprehensive plan into compliance with the Growth Management Act.

Ms. Walker said the Planning Commission held its public hearing and recommended the Board rescind Resolution 10-301 and the Benton County staff also recommended the Board rescind that resolution to achieve compliance with the Growth Management Hearings Board.

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

MOTION: Commissioner Beaver moved to approve the resolution amending the Benton County Comprehensive Plan to resolve an appeal to the Eastern Washington Growth Management Hearings Board reflecting the expansion of the West Richland Urban Growth

Boundary and rescinding Resolution 10-301. Commissioner Small seconded and upon vote, the motion carried unanimously.

Chairman Bowman requested an executive session be added to the agenda to discuss potential litigation on a real estate issue.

Executive Session – Potential Litigation

The Board went into executive session at 9:15 a.m. for approximately 15 minutes with DPA Steve Hallstrom to discuss potential litigation. Also present were Ryan Brown, Barb Wagner, Melina Wenner, Loretta Smith Kelty, David Sparks, and Cami McKenzie. The Board came out of executive session at 9:28 a.m. Mr. Hallstrom said the Board discussed potential litigation but no action was taken.

The Board briefly recessed, reconvening at 9:30 a.m.

Continued Public Hearing – Vacation of Webber Canyon Road

Sue Schuetze said she contacted Benton PUD and requested they send a written statement why they wanted to keep the entire vacated area as a utility easement. She said that Benton PUD submitted a new map that included a substantial reduction of their initial request. Ms. Schuetze said that Public Works continued to recommend the right of way be vacated and changed the easement to match the map.

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

MOTION: Commissioner Beaver moved to accept the recommendations from staff and adopt the revised vacation of Webber Canyon Road. Commissioner Small seconded and upon vote, the motion carried unanimously.

Executive Session – Potential Litigation

The Board went into executive session at 9:36 a.m. for approximately five minutes with DPA Jonathan Young to discuss potential litigation. Also present were Bryan Perry, Melina Wenner, Loretta Smith Kelty, Steve Hallstrom, Ryan Brown, David Sparks, and Cami McKenzie. The Board came out at 9:40 a.m. and Mr. Young stated the Board took no action.

Executive Session – Potential Litigation

The Board went into executive session with DPA Ryan Brown at 9:40 a.m. for approximately 10 to discuss potential litigation regarding a piece of real estate owned by Benton County. Also present were Steve Hallstrom, Melina Wenner, Loretta Smith Kelty, David Sparks, and Cami McKenzie. The Board came out of executive session at 9:52 a.m. Mr. Brown stated the Board needed more time and would go back into executive session for another 10 minutes. The Board came out of executive session at 10:00 a.m. Mr. Brown said the Board discussed potential litigation and took no action.

Vouchers

Check Date: 1/14/2011
Warrant #: 26180-26249
Total all funds: \$708,538.08

Check Date: 1/18/2011
Warrant #: 231820-231841
Direct Deposit #: 60820-61017
Total all funds: \$110,892.81

Check Date: 1/18/2011
Taxes #: 10111014
Total all funds: \$31,137.58

Check Date: 1/21/2011
Warrants #: 26407-26718
Taxes #: 01160111
Taxes #: 01010111
Total all funds: \$793,735.80

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

Resolutions

- 11-062: Benton County Tax Levy for 2011
- 11-063: Benton County Business Travel and Expense Policy; Rescinding Resolution 10-123
- 11-064: Lease Agreement w/Benton-Franklin Fair Association
- 11-065: Contract w/Siefken and Sons Construction, Inc. for Health Building TI Project
- 11-066: Contract w/Washington State Military Dept., Emergency Management Division for E911
- 11-067: Interlocal Agreement w/City of West Richland for GIS Services
- 11-068: Appreciation Certificate for Kennewick Police Captain Sharp
- 11-069: Appreciation Certificate for Kennewick Police Officer Kist
- 11-070: Contract Amendment #09/11-MH-NONPIHP-CFCS-01, w/Catholic Family & Child Service
- 11-071: Contract Amendment #09/11-MHPIHP-CFCS-01, w/Catholic Family & Child Service
- 11-072: Appointment of C O'Bannon to the Developmental Disabilities Advisory Board
- 11-073: Personal Services Contract w/J & J Security & Transport, Inc.
- 11-074: Termination of Personal Services Contract w/R Cornish
- 11-075: Contract w/City of Benton City for Graffiti Abatement Program
- 11-076: Payment Approval to D Burnett for Snow Removal
- 11-077: Payment Approval to Intelligent Lighting Controls, Inc. for Electrical Panels and Software

- 11-078: Amendment to Professional Services Agreement w/C Harkins
- 11-079: Amendment to Professional Services Agreement w/R Swinburnson
- 11-080: Denial of County Claim CC10-13
- 11-081: Amendment to Appraisers Collective Bargaining Agreement
- 11-082: Interlocal Agreement w/City of Benton City for Use of Solid Waste Brush Bandit
- 11-083: Authorization to Schedule and Advertise Bid Date for Bituminous Surface Treatment 2011
- 11-084: Contract w/DeAtley Crushing Company for 2011 Crushing and Stockpiling
- 11-085: Authorization to Proceed with Crushing and Stockpiling 2011 Contract
- 11-086: Authorization for Public Hearing for Proposed Vacation of Nine Canyon Road
- 11-087: Canceling Uncollectible Taxes Assessed Upon Personal Property
- 11-088: Memorandum of Understanding w/One-Stop Partners
- 11-089: Amending Comprehensive Plan – Rescinding Resolution 10-031

There being no further business before the Board, the meeting adjourned at approximately 10:00 a.m.

Clerk of the Board

Chairman