

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
July 11, 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, Sustainable Development Manager; Finance Manager Keith Mercer; Personnel Manager Melina Wenner; Human Services Manager Ed Thornbrugh; Public Works Manager Steve Becken; Planning Manager Mike Shuttleworth; County Engineer Malcolm Bowie; DPA Ryan Brown; DPA Ryan Lukson; Sue Schuetze, Public Works; Central Services Manager Randy Reid; Auditor Brenda Chilton; Treasurer Duane Davidson; Valerie Smith and Susan Walker, Planning.

#### Workshop Agenda

Commissioner Small briefly discussed the following items:

- Prosser Courthouse jury room - requested the Board review some modifications to the jury room to allow wheelchair access and other changes;
- Received a phone call from a citizen complimenting the Road Department on a job well done;
- Employee of the Month program – requested the presentation of the award be a joint effort by the Board.

#### Tuesday Board Meetings

Additionally, Commissioner Small asked the Board if it had considered changing the regular board meetings to Tuesdays. Commissioner Beaver said he didn't care but was still waiting to hear what the employees or elected officials thought.

Commissioner Small said he talked to elected officials and departments and all elected officials, including District Court judges, were in favor of a Tuesday board meeting.

Chairman Bowman said he had thought about it and didn't like it. He said his weekly schedule was set around regular Monday board meetings and suggested the Board maybe change its Monday meeting to 10:00 a.m. instead of 8:30 a.m.

Commissioner Small said he had researched the issue, even prior to taking office, and other counties had their regular meetings on Tuesday or Wednesday. Additionally, it would allow time to catch up on Mondays after the weekend and would allow employees to take a long weekend.

Commissioner Beaver said he was not opposed if it benefited the employees. He suggested someone draft a resolution to present to the Board for approval.

### Funding Requests

Commissioner Beaver said he was often approached at functions about Benton County providing money to other entities. He said he wanted to send out the message that all requests for funding should be sent through the County Administrator.

### JAG Grant

Chairman Bowman said the Sheriff contacted him about adding the JAG grant to the consent agenda because it was not presented in time to be included. He said with the Board's permission he would add it to the consent agenda and the Board agreed.

### Commissioner Appointments

Chairman Bowman said he would be gone later in the week and early next week to Portland for the NACO annual conference.

Additionally, the Governor had asked him to serve on a task force to participate in road issues and it was an opportunity for a medium size county to participate. He said with the Board's concurrence he would move forward with this appointment. He said the first meeting was the 19<sup>th</sup> and there would be a few other dates set. Commissioner Small agreed. Commissioner Beaver also agreed and said he wanted to support Commissioner Bowman with his efforts, however, the Board should review its travel budget and prioritize so it could afford special appointments like this. Chairman Bowman stated he anticipated the State would pick up any travel costs (other than gas) but he had not yet confirmed that.

Commissioner Beaver also commented about a request for the Board members to pay for a luncheon and said the County did not need to pay for his meals and he would pay for his own lunch. Commissioner Small agreed he would pay for his own as well.

### Meeting Cancellation

Mr. Sparks said that both Commissioner Bowman and Commissioner Small would be absent on July 18.

The Board cancelled the meeting on July 18 due to lack of quorum.

### West Richland Funding Request

The Board agreed to add the request to the list of funding requests that would be presented at Wednesday's special meeting. It was noted that just because it was on a list, did not mean it was approved.

### Historical Preservation Committee

Duane Davidson reviewed the approval of disbursements from the Historical Preservation Fund and said this was the third year to review grants. He said the fund was averaging income of \$3,000 per month, there was presently \$76,000 in the fund, and the grant approvals for this year totaled \$26,000. Additionally, they had gone to a paperless version of the application and the entire application process was completed on-line.

### Human Services – 2060 Funds

Ed Thornbrugh said they had four grant awards for 2060 funds and that two had proposed change in their work scope. He asked the Board if it wanted to see that summary in a letter or did it want the entities to come in person to the Board. The Board agreed to a letter.

The Board briefly recessed, reconvening at 9:03 a.m. for the regular session.

### **Approval of Minutes**

The Minutes of June 27, 2011 were approved.

### **Consent Agenda**

**MOTION:** Commissioner Small moved to approve the consent agenda items “a” through “w”, adding “x” (JAG grant). Commissioner Beaver seconded and requested the Human Services discussion be added for action under Unscheduled Visitors. Commissioner Small agreed to the friendly amendment and upon vote, the Board approved the following:

#### **Auditor**

- a. Letter to Washington State Auditor's Office

#### **Commissioners**

- b. Rural County Capital Funds Letter
- c. Canvassing Board Appointment
- d. Lease Amendment w/Benton-Franklin Human Services

#### **Facilities**

- e. Authorization to Purchase - WA State Contract from Total Filtration Services

#### **Fairgrounds**

- f. Temporary Pedestrian Bridge Agreement w/Benton Franklin Fair Association

#### **Human Services**

- g. Contract Amendment w/Ambitions Community Support Services, Inc. for Developmental Disabilities Services

- h. Contract Amendment w/Arc of Tri Cities for Developmental Disabilities Services
- i. Contract Amendment w/Educational Service District 123 for Substance Abuse Services
- j. Contract Amendment w/Goodwill Industries of the Columbia, Inc. for Developmental Disabilities Services
- k. Copier Lease Agreement w/Pacific Office Automation
- l. Contract Agreement w/Recovery Pointe for Substance Abuse Services
- m. Contract Amendment w/Columbia Industries for Developmental Disabilities Services
- n. Contract Amendment w/Dept of Social & Health Services, Rescinding Resolution 10-787
- o. Contract Amendment w/Lourdes Counseling Center for Substance Abuse Treatment
- p. Contract Amendment w/Nueva Esperanza Counseling Center
- q. Janitorial Services Agreement w/Three Brothers Cleaning Services

**Juvenile**

Interagency Agreement w/St of WA, Administrative Office of the Courts

**Parks**

- r. Authorization to Pay Allen Buck Commercial Diving LLC for Removal of Debris

**Personnel**

- s. Subscription Agreement w/Teamsters Local Union for Sheriff's Corrections

**Sustainable**

- t. Contract Amendment w/Department of Ecology
- u. Nomination of Assistant Secretary for Fish, Wildlife & Parks

**Treasurer**

- v. Approval of Disbursements From the Historical Preservation Fund

**Sheriff**

- w. JAG Grant Approval

**Public Hearing - Southgate Water Company Franchise**

Sue Schuetze said the Southgate Water Company filed a petition to continue a nonexclusive franchise for a domestic water system within Benton County road right of way. She said that based upon current franchise requirements, her office recommended approval subject to the listed conditions.

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

**MOTION**: Commissioner Beaver moved to approve the franchise of Southgate Water Company subject to the listed conditions. Commissioner Small seconded and upon vote, the motion carried.

The Board agreed to discuss the Human Services 2060 funds issue.

**Human Services – 2060 Funds**

**MOTION**: Commissioner Beaver moved to approve Ed Thornbrugh to draft a letter outlining the changes in scope of work and make those changes as long as it met the intent and criteria. Commissioner Small seconded and upon vote, the motion carried.

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

#### **4-H Update**

Natalie Kinion, WSU updated the Board on the following 4-H activities:

- All-Club Community Service
- Demographics
- Gear Up for Fair Day
- First Robotics Competition
- 4-H Camp 2011
- Upcoming: Pasco Kiwanis' Public Presentation Day; Community Service Work Day; Benton-Franklin Fair & Rodeo; Junior Livestock Days

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

#### **Public Hearing - Olsen Brothers Ranches, Inc. Franchise**

Sue Schuetze summarized the application for franchise filed by Olsen Brothers Ranches, Inc. and said her office recommended approval, subject to the listed conditions.

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

**MOTION:** Commissioner Beaver moved to approve the franchise filed by Olsen Brothers Ranches, Inc. with the six conditions. Commissioner Small seconded and upon vote, the motion carried unanimously.

#### **Public Hearing – Zoning Ordinance Amendments**

Susan Walker, Mike Shuttleworth, and Valerie Smith reviewed the following zoning ordinance amendments:

##### **Light Industrial District**

Provides designated areas for industrial activities that require large parcel sizes and buffering from residential areas in the county. Uses found in Light Industrial include manufacturing facilities, research and development, lumberyards, and other uses that generally involve insignificant impacts to adjacent properties.

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

**MOTION:** Commissioner Beaver moved to approve the Light Industrial District Ordinance as shown as Exhibit CCM 1.1 and the Light Industrial District Official Zoning Map (Exhibit CCM 1.2) to be effective September 1, 2011 and adopt the Planning Commission's findings of fact as their own and sign the resolution. Commissioner Small seconded.

## Discussion

Chairman Bowman said he was bothered that no one was concerned about the medical marijuana issue and that it would come back to haunt the county.

Upon vote, the motion carried unanimously.

## Heavy Industrial District

Provides designated areas for industrial activities that are considered more intensive uses of land that may produce potentially offensive characteristics. Uses include manufacturing and processing plants, ironwork and metal fabrication, warehouses, auto wrecking yard, etc.

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

**MOTION:** Commissioner Small moved to approve the Heavy Industrial District Ordinance as shown as Exhibit CCM 2.1 and the Heavy Industrial Official Zoning Map (Exhibit CCM 2.2) to be effective September 1, 2011 and adopt the Planning Commission's findings of fact as their own and sign the resolution. Commissioner Beaver seconded and upon vote, the motion carried unanimously.

## Park District

Lands designated as having natural, historic, or scenic qualities and include riverside or regional parks, trails, water activities, golf courses, reception facilities, museums, and utility pumping stations that can be accomplished through conditional use permits.

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

**MOTION:** Commissioner Beaver moved to approve the Park District Ordinance shown as Exhibit CCM 4.1 and the Park District Official Zoning Map (Exhibit CCM 4.2) to be effective September 1, 2011, adopt the Planning Commission's findings of fact as their own and sign the resolution. Commissioner Small seconded and upon vote, the motion carried.

## Unclassified District

An existing district that is being amended to designate the area known as the Hanford Site with its primary purpose to allow uses that reflect the current clean up and energy related activities.

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

**MOTION:** Commissioner Small moved to approve the Unclassified District Ordinance as shown on Exhibit CCM 3.1 and the Unclassified District Official Zoning Map (Exhibit CCM 3.2) to be effective September 1, 2011, adopt the Planning Commission's findings of fact as their own and sign the resolution. Commissioner Beaver seconded and upon vote, the motion carried.

The Board briefly recessed, reconvening at 9:56 a.m.

**Executive Session – Potential Litigation**

The Board went into executive session with special counsel Sarah Perry at 9:56 a.m. for approximately 20 minutes to discuss potential litigation. Also present were David Sparks, Ryan Brown, Ryan Lukson, Melina Wenner, and Loretta Smith Kelty.

The Board came out at 10:08 a.m. Ms. Perry said the Board discussed potential litigation and took no action.

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

**Executive Session – Litigation Update**

The Board went into executive session with DPA Ryan Brown at 10:15 a.m. for approximately 30 minutes for a litigation update. Also present were David Sparks, Cami McKenzie, Ryan Lukson, Melina Wenner, and Loretta Smith Kelty. The Board came out at 9:40 a.m. Mr. Brown announced that no action was taken.

The Board briefly recessed, reconvening at 10:45 a.m.

**Executive Session – Personnel & Potential Litigation**

The Board went into executive session with DPA Steve Hallstrom at 10:45 a.m. for approximately 15 minutes to discuss a personnel issue and potential litigation. Also present were David Sparks, Cami McKenzie, Ryan Brown, Ryan Lukson, Loretta Smith Kelty, Melina Wenner, Judge Bob Ingvalson, and Jacki Lahtinen. The Board came out 11:00 a.m. Mr. Hallstrom stated that no decisions were made.

**Claim for Damages**

CC 2011-20: Received on June 30, 2011 from Shane Fast; Jamie Fast; Robert Dalton Fast

**Vouchers**

Check Date: 06/17/2011  
Warrant #: 36171-36406  
Total all funds: \$1,030,862.68

Check Date: 07/01/2011  
Warrant #: 37181-37432  
Total all funds: \$5,554.21

Check Date: 07/01/2011  
Warrant #: 37020-37172  
Taxes #01160711  
Total all funds: \$1,255,316.61

Check Date: 07/05/2011  
Taxes #: 10111071-1011073  
Warrant #: 37433-37456  
Total all funds: \$1,802,037.79

Check Date: 07/05/2011  
Warrant # 232550-232670  
Direct Deposit #: 65216-65811  
Total all funds: \$2,071,459.95

Check Date: 07/08/2011  
Warrant #: 37489-37607  
Total all funds: \$1,452,039.69

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

### **Resolutions**

- 11.438 Lease Amendment w/Benton-Franklin Human Services
- 11.439 Authorization to Purchase - WA State Contract from Total Filtration Services
- 11.440 Temporary Pedestrian Bridge Agreement w/Benton Franklin Fair Association
- 11.441 Contract Amendment w/Ambitions Community Support Services, Inc. for Developmental Disabilities Services
- 11.442 Contract Amendment w/Arc of Tri Cities for Developmental Disabilities Services
- 11.443 Contract Amendment w/Educational Service District 123 for Substance Abuse Services
- 11.444 Contract Amendment w/Goodwill Industries of the Columbia, Inc. for Developmental Disabilities Services
- 11.445 Copier Lease Agreement w/Pacific Office Automation
- 11.446 Contract Agreement w/Recovery Pointe for Substance Abuse Services
- 11.447 Contract Amendment w/Columbia Industries for Developmental Disabilities Services
- 11.448 Contract Amendment w/Dept of Social & Health Services, Rescinding Resolution 10-787
- 11.449 Contract Amendment w/Lourdes Counseling Center for Substance Abuse Treatment
- 11.450 Contract Amendment w/Nueva Esperanza Counseling Center
- 11.451 Janitorial Services Agreement w/Three Brothers Cleaning Services
- 11.452 Interagency Agreement w/St of WA, Administrative Office of the Courts
- 11.453 Authorization to Pay Allen Buck Commercial Diving LLC for Removal of Debris
- 11.454 Subscription Agreement w/Teamsters Local Union for Sheriff's Corrections

- 11.455 Contract Amendment w/Department of Ecology
- 11.456 Approval of Disbursements From the Historical Preservation Fund
- 11.457 JAG Grant Approval
- 11.458 Approval of Zoning Ordinance – Light Industrial
- 11.459 Approval of Zoning Ordinance – Heavy Industrial
- 11.460 Approval of Zoning Ordinance – Parks
- 11.461 Approval of Zoning Ordinance - Unclassified

There being no further business before the Board, the meeting adjourned at approximately 11:00 a.m.

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Clerk of the Board

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Chairman