

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
March 21, 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  
Alt. Clerk of the Board Marilu Flores

**Benton County Employees Present During All or a Portion of the Meeting:** Deputy Administrator Loretta Smith Kelty; Adam Fyall, Community Development Coordinator; County Engineer Malcolm Bowie; Planning Manager Mike Shuttleworth; Human Services Administrator Ed Thornbrugh; Judge Cameron Mitchell; Public Works Manager Steve Becken; Deputy Treasurer Erhiza Rivera; Central Services Manager Randy Reid; Susan Walker and Valerie Smith, Planning; DPA Ryan Brown; Stuart Holmes, Auditor's Office; Auditor Brenda Chilton.

#### Workshop Agenda

Commissioner Small said he did a ride along with County Engineer Malcolm Bowie and looked at county roads and issues that should be addressed. He also said he had a meeting with Juvenile staff.

Commissioner Beaver reported on his meetings with TRIDEC, Workforce Development Council and Clean Air Authority and said the Board of Health meeting was cancelled due to lack of a quorum. He discussed the Fair Association workshop and Law & Justice workshop and said he wanted to give direction to Mr. Sparks to move forward with an evaluation and recommendation. Commissioner Beaver asked about a letter that was received regarding leftover money from the SEECOMM agreement. Mr. Sparks said there was money leftover from the purchase of the 800Mhz system and that per the interlocal agreement it should be returned with interest. Commissioner Small said he was working on the issue with Mr. Sparks.

Commissioner Small also commented that he had made a few calls to Franklin County, Kennewick and Richland regarding the proposed increase in Juvenile Detention and has asked them to assist financially.

Chairman Bowman said that other counties have been doing this (more with less money) due to budget cuts and maybe Benton County could get a few ideas from those counties, as part of the review process.

Chairman Bowman asked about the letter received from Council of Government regarding the bridges analysis and Commissioner Beaver said the report was in and there were three alternative locations. He said they would be working on the next step and he would continue with this project.

Chairman Bowman also discussed the invite from Energy NW (PNNL) to be held on April 19 and thought it would be good to have representation at that meeting and the Board agreed. Chairman Bowman reported on his meeting with the Secretary of Transportation regarding Commute Trip Reduction and said the Secretary was amenable to giving Benton County an exemption again. He said they would be reviewing the criteria again and he planned to attend the meeting on Friday. Additionally, he discussed Benton County's legislative priorities (Gang bill, DWS, and mental health reimbursement) and how they were moving along in the legislature.

The Board briefly recessed, reconvening at 9:05 a.m. for the regular session.

### **Approval of Minutes**

The Minutes of March 14, 2011 were approved.

### **Review Agenda**

Commissioner Small requested item "j" (Authorization for County Engineer to Approve Change Orders) be pulled for discussion.

### **Consent Agenda**

**MOTION:** Commissioner Beaver moved to approve the consent agenda items "a" through "l", pulling "j". Commissioner Small seconded and upon vote, the Board approved the following:

### **Central Services**

- a. Pitney Bowes Equipment Lease for the Mail Room at the Courthouse

### **Commissioners**

- b. Canvassing Board Appointment
- c. Rescinding Resolution 98 102, Interview Expense Policy Pilot Program

### **Facilities**

- d. Personal Services Contract w/Total Energy Management, Inc. for Heat Pumps @ Courthouse

### **Fairgrounds**

- e. Public Works Contract w/Commercial Tire, Inc.
- f. Contract w/Desert Green Lawn & Tree Care, LLC

### **Juvenile**

- g. Interagency Agreement, #IAA10160, w/St of WA, Administrative Office of the Courts

### **Prosecuting Attorney**

- h. Amendment to the Collective Bargaining Agreement – Juvenile Clerical

**Public Works**

- i. Salary Request Statement
- k. Authorization of Payment to DeAtley Crushing Company, Inc. for Crushing and Stockpiling
- l. Authorization to Purchase Refined Petroleum Products from Bleyhl Farm Service, Inc.

**Item “j” (Authorization for County Engineer to Approve Change Orders)**

Commissioner Small said he discussed the issue with David Sparks and they would be working on some word changes to the resolution.

**Public Hearing – Ordinance Amendments**

Mike Shuttleworth, Susan Walker, and Valerie Smith presented the proposed ordinance amendments for public hearing and said the plan was to have the ordinances go into effect on September 1.

**Child Day Care Facility Registration Ordinance**

Susan Walker said the ordinance amendment was to revise the related definitions to streamline the current registration process and to be consistent with Washington State licensing requirements.

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

**MOTION:** Commissioner Small moved to approve the amendments to the Child Day Care Facility Registration Ordinance, to be effective September 1, 2011 and adopt the Planning Commission’s findings of fact and direct staff to prepare a resolution for signature. Commissioner Beaver seconded and upon vote, the motion carried unanimously.

**Community Center Residential District Ordinance**

Susan Walker said that as part of the implementation of new zoning ordinances that are consistent with adopted Comprehensive Plans, the County was classifying land into districts according to the land use designations. She said the Community Center Ordinance provided for the development of homes within established rural communities characterized by mixed use and residential development.

Ms. Walker said the Planning Commission made recommendations to approve and adopt and Planning staff also recommended a few changes. Valerie Smith discussed the changes as recommended by Planning staff (outlined on Attachment A) in the staff report.

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

**MOTION:** Commissioner Beaver moved to approve the Community Center Residential District Ordinance with the additional changes as proposed by staff in Attachment A and the Community

Center Residential Official Zoning Map, and direct staff to prepare a Resolution, Ordinance, Map and Findings of Fact. Commissioner Small seconded and upon vote, the motion carried unanimously.

#### Rural Lands 1 Acre (RL-1) Ordinance

Susan Walker said the ordinance amendment was to update the Comprehensive Plan to meet the requirements of the Washington State GMA. The amendment included classifying land into “Districts”, including the RL-1. She said the RL-1 zones were located outside the Urban Growth Area and considered to be limited areas of more intensive rural development (LAMIRD). Valerie Smith reviewed changes as suggested on Attachment A.

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

**MOTION:** Commissioner Small moved to approve the Rural Lands One Acre District Ordinance with the additional changes as proposed in Attachment A and the Official Zoning Map, and direct staff to prepare a Resolution, Ordinance, Map and Findings of Fact. Commissioner Beaver seconded and upon vote, the motion carried unanimously.

#### Rural Lands 5 Acre (RL-5) Ordinance

Susan Walker summarized the ordinance amendment changes to the Rural Lands Five Acre District and Official Zoning Map stating that RL-5 provided for the development of homesteads where a range of agricultural activities may be conducted. Valerie Smith reviewed the changes as recommended on Attachment A.

Ryan Brown said he wanted to remind the Board this zoning ordinance would apply to those areas that were previously designated as RL 2.5 (and the appeals that were filed). The resolution was to change to RL-5 and this ordinance implemented that change.

#### Testimony

Scott Revell, KID, Kennewick, referred to the letter dated February 8, 2011 from the KID Board. He said they were asking the County to keep the clustering tool (it was important to the District and they did think there should be a density bonus). To clarify, he said they were suggesting the clustering mechanism that is present in the code today remain in effect.

Mr. Shuttleworth said the County had not ever adopted a clustering provision ordinance and Ms. Walker said there was clustering in the GMA Ag District. Mr. Shuttleworth said they had talked with the Planning Commission about the clustering provision and reviewed the process because it had been a problem in the past. He said the planned unit development allowed clustering provisions but they didn’t think it was a good idea in the 5-acre designation.

Ryan Brown said the proposed ordinance implemented a 5-acre minimum lot size.

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

Chairman Bowman asked the Board for comments based upon the public testimony. Commissioner Small said these amendments were not being implemented on personal interest, but based upon citizens and their needs in Benton County, within the state law. He said the Planning Department had worked hard on these issue and he was in favor of supporting the staff recommendations.

Commissioner Beaver said he thought there was some validity to KID's approach and wanted to talk about it further.

Mr. Shuttleworth said that even if the ordinance amendment was approved, they could come back and review the clustering process as a separate issue. Ms. Walker said they would like to have more time to review the issue, not when they were working on the zoning ordinances. Ms. Walker said she agreed there are some benefits to clustering but they didn't have all the answers right now.

**MOTION:** Commissioner Small moved to approve the Rural Lands Five-Acre District Ordinance with the additional changes proposed by staff in Attachment A, and the Rural Lands Five Acre Official Zoning Map. Additionally, to direct staff to prepare a Resolution, Ordinance, Map and Findings for the Board to sign. Commissioner Beaver seconded and upon vote, the motion carried unanimously.

### **Rural Lands 20 Acre (RL-20) Ordinance**

Susan Walker said the Rural Lands 20 Acre district is designed to enhance and preserve Benton County's rural character, including open space, low densities, wildlife habitat, public open space, and large tract rural homesites with agricultural activities. Valerie Smith reviewed the changes as recommended on Attachment A.

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

**MOTION:** Commissioner Beaver moved to approve the Rural Lands Twenty Acre District Ordinance with the additional changes proposed by staff on Attachment A and the Official Zoning Map. Additionally, to direct staff to prepare a Resolution, Ordinance, Map and Findings for the Board to sign. Commissioner Small seconded and upon vote, the motion carried unanimously.

Commissioner Beaver asked someone to prepare a letter to the Planning Commission thanking the department for its efforts.

The Board briefly recessed, reconvening at 10:07 a.m.

### **Emergency Management Compensation Board**

Melina Wenner via/video conference said that BCES was requesting the County hold a compensation board for reimbursement to a volunteer worker and she requested the Board select

one Commissioner to sit on the compensation board. She said the tentative time for the board meeting was set for Monday at 1:30 p.m.

Commissioner Beaver volunteered and the Board concurred.

### **Redistricting Plan**

Chairman Bowman recommended the committee be comprised of the following members: Republican Party (one); Democratic Party (one); one from each Commissioner District (three total, as appointed by each Commissioner); League of Women Voters (one) and the County Administrator act as the liaison to the Committee. The Board agreed.

Mr. Sparks said that last time the County wrote a letter to the League to facilitate the process and each commissioner gave him their appointed person. He said the League took over the meetings and it went really smooth.

### **Transportation Commission**

Commissioner Bowman said the Transportation Commission was made up of volunteers and there was only person interested in the open position from Tri-Cities area. He recommended the Board endorse Mr. Lemley for that position since there did not seem to be any other interested persons.

Commissioner Beaver asked if there had been advertisement or outreach to get that position filled and Chairman Bowman said he did not know. Commissioner Beaver said the issue came up before the Council of Governments committee and they thought it should be advertised. Commissioner Beaver said he would follow up on that, and the Board agreed.

### **Unscheduled Visitors/Other Business**

#### **Juvenile Detention Discussion**

Chairman Bowman said the issue came down to priorities and the County didn't have enough money to fund all issues brought to the Board. Commissioner Beaver said his approach was to have David Sparks meet with Sharon Paradis to discuss solutions and bring something back to the Board. He said this was a priority and he wanted to find a way to fix it.

Commissioner Small commented that the Board was making a lot of contacts regarding this issue and he felt like they were getting closer to a solution.

Judge Mitchell said he was at the meeting to see if this was a priority with the Board so he knew if they wanted to invest the time and energy to try and come up with ideas and solutions they could bring to the Board.

The Board agreed it was a priority to be addressed.

Port of Kennewick Letter

Chairman Bowman referred to a letter sent by the Port of Kennewick asking if the County wanted to be involved in their economic development process. Mr. Fyall said he would be available for the meeting next Wednesday.

Legislative Steering Committee Meeting – Update

Chairman Bowman discussed medical marijuana legislation and requirements for the County to regulate. The Board said it was unanimously opposed to this legislation.

Olympia Trip Report

Adam Fyall reported on his trip with Chairman Bowman to Olympia and briefly discussed the following meetings: Secretary Of Transportation regarding Commute Trip Reduction; impromptu meeting with Jeff Thayer (Natural Resources Agency); WSAC meeting w/staff; and various other groups.

**Vouchers**

Check Date: 3/15/2011  
Payroll Draw Deductions  
Taxes #: 10111034  
Total all funds: \$30,760.79

Check Date: 3/15/2011  
Warrant #: 232101-232122  
Direct Deposit #: 62464-62661  
Total all funds: \$111,433.26

Check Date: 3/18/2011  
Warrant #: 30457-30653  
Taxes #: 01160311  
Total all funds: \$994,578.93

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

**Resolutions**

- 11.195 Pitney Bowes Equipment Lease for the Mail Room at the Courthouse
- 11.196 Rescinding Resolution 98 102, Interview Expense Policy Pilot Program
- 11.197 Personal Services Contract w/Total Energy Management, Inc. for Heat Pumps @ Courthouse
- 11.198 Public Works Contract w/Commercial Tire, Inc.
- 11.199 Contract w/Desert Green Lawn & Tree Care, LLC

- 11.200 Interagency Agreement, #IAA10160, w/St of WA, Administrative Office of the Courts
- 11.201 Amendment to the Collective Bargaining Agreement – Juvenile Clerical
- 11.202 Authorization of Payment to DeAtley Crushing Company, Inc. for Crushing and Stockpiling
- 11.203 Authorization to Purchase Refined Petroleum Products from Bleyhl Farm Service, Inc.

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

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Clerk of the Board

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Chairman