

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
March 22, 2010, 8:30 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

Present: Chairman James Beaver
Commissioner Leo Bowman
Commissioner Max E. Benitz, Jr.
Clerk of the Board Cami McKenzie

Absent: County Administrator David Sparks (attending mediation)

Benton County Employees Present During All or a Portion of the Meeting: Adam Fyall, Community Development Coordinator; Finance Manager Keith Mercer; Ed Thornbrugh, Human Services; Planning Manager Mike Shuttleworth; Treasurer Duane Davidson; DPA Ryan Brown; Steve Becken and Malcolm Bowie, Public Works; Nick Kooiker, Treasurer; Sue Schuetze, Public Works; Ken Williams, Building Department.

Workshop Agenda

County Seat Issue

Commissioner Bowman said he had been speaking to different groups, including the editorial board, asking them to provide their vision of what it meant to move the county seat. The Board discussed the report deadline, and whether it should be modified and the history of moving county seats. Commissioner Benitz said the issue had been brought up to the elected officials and Mr. Sparks was working with them and would bring back a recommendation regarding the report the first part of April.

Coroner/Medical Examiner

Commissioner Bowman posed the question of whether the County should look into hiring a medical examiner and/or requiring the Coroner to be a medical examiner. Mr. Davidson stated that population dictated the Coroner position in the statutes. The Board agreed that Commissioner Bowman could review the issue and report back to the Board.

Human Services Administrator Position

Commissioner Benitz stated that both counties had agreed to the process for hiring a new administrator and the bi-county boards would interview the top three candidates as recommended by the Committee.

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

Approval of Minutes

The Minutes of March 15, 2010 were approved.

Consent Agenda

MOTION: Commissioner Bowman moved to approve the consent agenda items “a” through “w”. Commissioner Benitz seconded and upon vote, the Board approved the following:

Commissioners

- a. Letters of Support for Kadlec Health System’s Appropriations Request

Facilities

- b. Blanket Service Agreement w/Doyle Electric, Inc.
- c. Blanket Service Agreement w/Apollo Sheet Metal, Inc.

Fairgrounds

- d. Lease Agreement w/Rada Rabbits & Cavies 4-H Club
- e. Lease Agreement w/12-Bar Productions, LLC
- f. Lease Agreement w/Atomic City Rollergirls
- g. Contract w/Mid-Columbia Construction, Inc.

Juvenile

- h. Agreement w/The John D. and Catherine T. Mac Arthur Foundation

Office of Public Defense

- i. Amended Service Agreement w/T Orosco for District Court Indigent Defense
- j. Amended Service Agreement w/D Kathren for District Court Supervisory Services
- k. Termination of Drug Court Contract w/N Rodriguez
- l. Compensation for R Swinburnson to Mentor Staff Attorneys on District Court Appeals

Personnel

- m. Contract w/Zee Medical for First Aid Supplies and Cabinets

Prosecuting Attorney

- n. Collective Bargaining Agreement w/Crisis Response Unit

Public Works

- o. Refined Petroleum Products – Bulk Diesel Fuel Contract w/Bleyhl Farm Service, Inc.
- p. Application Franchise Public Hearing Authorization for Badger Mountain Irrigation District
- q. Application Franchise Public Hearing Authorization for Agreserves Inc.
- r. Order and Agreement for Nonexclusive Franchise for the City of Richland
- s. Order and Agreement for Nonexclusive Franchise for the City of West Richland

Sheriff

- t. Line Item Transfer, Fund No. 0000-101, Dept. 120
- u. Line Item Transfer, Fund No. 0000-101, Dept. 120
- v. Authorizing Ammunition Purchases w/Dooley Enterprises & San Diego Police Equip. Co.

Treasurer

- w. Memorandum of Understanding w/Dept of Revenue – Real Estate Excise Tax Grant Program

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

Public Hearing – Proposed Vacation for Unimproved Right of Way – Hunts Plat

Sue Schuetze said they received an application to vacate the right of way, sent out notifications and received two comments as follows:

1. City of W. Richland did not want to vacate due to a sewer main located within the right of way;
2. Fire Marshal stated that several parcels would be landlocked by the vacation.

Ms. Schuetze said her office recommended the right of way be vacated with the following conditions:

1. Subject to an easement being preserved for the City of W. Richland's sewer main and the applicant working with City of W. Richland to get this done.
2. An easement, including a turnaround, be granted from North 46th to two parcels that would be landlocked by the vacation and the easements be recorded by Public Works immediately following the recording of the vacation.
3. Applicant should prepare the legal descriptions, obtain the required signatures, and pay for the recording costs.
4. The Board should require the applicant to submit the easements by a set date and if the deadline was not met, the proposed vacation should be denied.

Terry and Thomas Heath, applicants, spoke in favor of the vacation and said it was proposed due to impacts on their property. Ms. Heath provided pictures and said they wanted to plant trees as a dust barrier and privacy screen because the traffic was creating a lot of dust.

Chuck Sheely, adjacent property owner said he was concerned about access to the parcels if the right of way was vacated. He said he leased one of the parcels and the reason he bought the property was for pasture and horse riding.

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

The Board indicated it was in favor of the vacation if the issues could get worked out.

The Board continued the meeting to 9:15 a.m. on April 19, 2010 in the Commissioners' Conference Room, Benton County Courthouse and agreed to accept further public testimony, if needed.

Public Hearing – Short Plat Vacation – 10-01

Mr. Shuttleworth stated the applicant had withdrawn his application.

MOTION: Commissioner Bowman moved to accept the applicant’s withdrawal of application. Commissioner Benitz seconded and upon vote, the motion carried unanimously.

Final Plat – Phase 1 Badger Mountain Golf & Country Club

Mr. Shuttleworth said that all conditions of approval had been satisfied and requested the Board authorize the Chairman to sign the final plat and approve the change of zoning from Agricultural to Planned Development.

MOTION: Commissioner Bowman moved to approve the Final Plat of Reata Ridge Phase 1A of the Badger Mountain Golf and Country Club Planned Development – PD 94-01/1A and the Board sign the attached resolutions authorizing the Chairman to sign the final plat and approve the change of zoning for the Reata Ridge Phase 1A of the Badger Mountain Golf & Country Club Planned Development from “Agricultural” to “Planned Development”. Commissioner Benitz seconded and upon vote, the motion carried.

Executive Session – Pending Litigation

The Board went into executive session at 9:37 a.m. with DPA Ryan Brown to discuss pending litigation for approximately 20 minutes. Also present were David Sparks (via/videoconference), Mike Shuttleworth, Susan Walker, and Cami McKenzie. The Board came out of executive session at 9:46 a.m. Mr. Brown stated he discussed pending litigation and settlement proposals with the Board.

The Board briefly recessed, reconvening at 9:58 a.m.

Vouchers

Check Date: 03/15/2010
Taxes #: 10110035-10110036
Total all funds: \$35,191.98

Check Date: 3/15/2010
Warrant #: 230137-230168
Direct Deposit #: 52593-52794
Total all funds: \$114,546.16

Check Date: 3/19/2010
Warrant #: 6042-6220
Total all funds: \$3,796.66

Check Date: 3/19/2010
Warrant #: 5816-6041
Direct Deposit #: 01160310
Total all funds: \$562,594.73

Check Date: 3/19/2010
Warrant #: 6221-6320
Total all funds: \$2,094.70

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

Resolutions

- 10.160 Blanket Service Agreement w/Doyle Electric, Inc.
- 10.161 Blanket Service Agreement w/Apollo Sheet Metal, Inc.
- 10.162 Lease Agreement w/Rada Rabbits & Cavies 4-H Club
- 10.163 Lease Agreement w/12-Bar Productions, LLC
- 10.164 Lease Agreement w/Atomic City Rollergirls
- 10.165 Contract w/Mid-Columbia Construction, Inc.
- 10.166 Agreement w/The John D. and Catherine T. Mac Arthur Foundation
- 10.167 Amended Service Agreement w/T Orosco for District Court Indigent Defense
- 10.168 Amended Service Agreement w/D Kathren for District Court Supervisory Services
- 10.169 Termination of Drug Court Contract w/N Rodriguez
- 10.170 Compensation for R Swinburnson to Mentor Staff Attorneys on District Court Appeals
- 10.171 Contract w/Zee Medical for First Aid Supplies and Cabinets
- 10.172 Collective Bargaining Agreement w/Crisis Response Unit
- 10.173 Refined Petroleum Products – Bulk Diesel Fuel Contract w/Bleyhl Farm Service, Inc.
- 10.174 Application Franchise Public Hearing Authorization for Badger Mountain Irrigation District
- 10.175 Application Franchise Public Hearing Authorization for Agreserves Inc.
- 10.176 Order and Agreement for Nonexclusive Franchise for the City of Richland
- 10.177 Order and Agreement for Nonexclusive Franchise for the City of West Richland
- 10.178 Line Item Transfer, Fund No. 0000-101, Dept. 120
- 10.179 Line Item Transfer, Fund No. 0000-101, Dept. 120
- 10.180 Authorizing Ammunition Purchases w/Dooley Enterprises & San Diego Police Equip. Co.
- 10.181 Memorandum of Understanding w/Dept of Revenue – Real Estate Excise Tax Grant Program
- 10.182 Final Plat of Reata Ridge Phase 1A of Badger Mountain Golf and Country Club Planned Unit Development – PD94-1
- 10.183 Change of Zoning for the Final Plat of Reata Ridge Phase 1A of Badger Mountain Golf and Country Club Planned Unit Development – PD 94-1

There being no further business before the Board, the meeting adjourned at approximately 9:58 a.m.

Clerk of the Board

Chairman