

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
May 17, 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.
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 Keltz; Adam Fyall, Community Development Coordinator; Finance Manager Keith Mercer; Personnel Manager Melina Wenner; Facilities Manager Roy Rogers; Auditor Brenda Chilton; Treasurer Duane Davidson; Deputy Treasurer Erhiza Rivera; Planning Manager Mike Shuttleworth; DPA Ryan Brown; Steve Becken, Malcolm Bowie, and Sue Schuetze, Public Works; Susan Walker and Valerie Smith, Planning; Pat Powell, Auditor's Office.

Workshop Agenda

RFQ – County Seat

Mr. Sparks stated that acceptance of the proposals closed on Friday and he was looking for direction on the next step. Also, he indicated the Tri-City Herald was not interested in sitting on the Advisory Committee. Mr. Sparks suggested the Finance Committee review and select a consulting firm and the Board agreed.

The Board discussed the selection of an advisory committee to assist the consultant with the financial impact statement. Commissioner Benitz suggested the consultant could decide if a committee was necessary. Commissioner Bowman believed it would be necessary to make sure the process was done fairly and suggested a representative from each of the cities. Chairman Beaver said he agreed the process should be open and allow citizen input and the Board members had each suggested possible committee members. Mr. Sparks also suggested a series of public meetings the consultant could steer to allow citizen input.

Mr. Sparks reminded the Board it would need to decide what moving the county seat would mean to its departments. The Board briefly discussed looking at the open space on the 2nd floor of the Justice Center and since the Board would be required to hold meetings in Kennewick, it would make sense to have staff in Kennewick.

Fairgrounds -Workshop

Chairman Beaver said he wanted to have a joint meeting with the Fair Association and other user groups about the vision and future of the facilities and asked for concurrence from the Board to have that meeting.

Commissioner Bowman said that a vision meeting would be fine, but he had not seen anything to indicate that it would be productive to turn over the responsibility of the Fairgrounds.

Commissioner Benitz said the Board should listen to all user groups to hear their vision and how the County could provide the best use of the facility. He said if they wanted to meet, that was fine.

Editorial Board

Chairman Beaver asked the Board if it was agreeable for him to schedule a monthly meeting with the Tri-City Editorial Board to summarize the Board's vision and elevate the level of communication. Commissioner Bowman said it was the Chairman's prerogative to meet with the Editorial Board. Commissioner Benitz agreed.

Miscellaneous

Commissioner Bowman noted an article he read in the Spokesman Review about a new county jail and comments made by the public that it was interested in more prevention and alternatives to jail. Additionally, Commissioner Bowman provided an article on beaver dams.

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

Approval of Minutes

The Minutes of May 10, 2010 were approved as corrected.

Consent Agenda

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

Facilities

- a. Invitation to Bid for Janitorial Services

Juvenile

- b. Contract Amendment w/The Office of Juvenile Justice

Parks

- c. Personal Services Contract w/Apollo Inc. for the Installation of Flagpoles

Public Works

- d. Granting a Franchise to Badger Mountain Irrigation District
- e. Examination of Financial Activities for Drainage Improvement District No. 10

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

Continued Public Hearing – Right of Way Vacation - Hunts Plat

Sue Schuetze said the public hearing was continued to allow the petitioner time to work out some issues. She said the petitioner provided Public Works with the documentation required to complete granting an easement as required by the Fire Marshal. Additionally, the Petitioner continued to work with the City of West Richland to provide the required easement.

Testimony

Thomas and Terry Heath said they were working on getting the requested agreement with the neighbors and that during his first conversation with Mr. Shealey he was requesting, in exchange for his signature, that they deed him the north 20 feet of their property so he could be put in a road there instead. Mr. Heath said that would invalidate his mortgage so he was not willing to do that. During his second discussion with Mr. Shealey had had requested to put a lien on the property, and he was not willing to do that either. Also, they were told to find out what was required of the Fire Marshal for the turnaround, which they had complied with, and to speak to the neighbor on the south about granting an easement, of which was signed and complete. Additionally, the City of West Richland was requesting a survey of the sewer line and they wanted to know if the vacation was viable before moving forward since the survey would cost some money.

Chuck Shealey, neighbor, said he did not ask for a lien, but that at whatever point and time the mortgage was clear, to pay for that deed to be recorded and the 20-foot easement deeded to him. He said if that easement were recorded, there was not a need for a turnaround.

Thomas Heath said there appeared to be a difference in opinion on the conversations. He said if he agreed to deed the north side of the property, then there would be a road owned by Mr. Shealey going all the way around the property for him to use equipment, which was not feasible to him. He said if Mr. Shealey agreed to the easement, once it was there, it would remain and Mr. Shealey would not lose access.

Chuck Shealey discussed the Heaths' previous complaints about noise and dust and that it would be cumbersome for the horse trailers to access the property and it would be nice for them to come in and circle out the other side. Additionally, he said the other easement would be used by the person that leased the property to grow a garden.

MOTION: Commissioner Bowman moved to continue the public hearing out approximately 45 days to June 28, 2010 at 9:05 a.m. Commissioner Benitz seconded and upon vote, the motion carried.

Public Hearing – Comprehensive Plan Amendment – 07-02 – Eastern Washington Growth Management Hearings Board Remand

Susan Walker stated that several parties had appealed the action taken by Resolution 09-162 and the Growth Management Hearings Board had ruled the actions out of compliance and remanded back to the County for modification. The Planning Commission held a public hearing to rescind Resolution 09-162, however, could not reach a majority vote and was forwarded to the Board of Commissioners without a recommendation.

Ms. Walker said that Planning Staff recommended approval of the proposed resolution rescinding Resolution 09-162.

Testimony

Vince Panesko, encouraged the Board to rescind resolution 09-162 based on the remand by the Growth Management Hearings Board. He said it was important to bring the area back to five-acre plats, as approved in the Comprehensive Plan, and was decided by a citizens group that the area would be a rural lifestyle.

Curtis Wisner said they were waiting for a settlement with Futurewise, Panesko, and the State and if they could reach a settlement, would not go forward with their appeal. He said the County had the final say, and if it agreed to one-acre plats, then why wasn't the Comprehensive Plan amended to fit this when it was approved. He said the local circumstance was a demand for one-acre plats and the County should be allowed to develop at a higher density when there was a school and lots were sold out.

Marilyn Taylor said she wrote a letter and wanted to state she was in favor of rescinding the resolution.

The public hearing was closed for further comment.

Mike Shuttleworth entered the Exhibit list into the record. Additionally, he said the deadline to respond to the Growth Hearings Board was May 24, 2010.

Ryan Brown said their argument was that density was not consistent with the Comprehensive Plan, and even if it was consistent, it was not consistent with the Growth Hearings Board.

Commissioner Bowman asked about the status of the settlements. Mr. Brown said their initial response was to wait to see if they settled, but he had not heard about any further settlements.

Commissioner Bowman said the County's hands were tied by the State, even though he still thought it was the right thing to do. He said it was wrong for the County to rescind this because it was the vision of the community, however, he took an oath to uphold the laws and statutes and even though it pained him, he would comply.

MOTION: Commissioner Bowman moved to approve the resolution rescinding Resolution 09-162, better known as Sullins/Wiser. Chairman Beaver seconded.

Discussion

Commissioner Benitz said he didn't approve the original motion and agreed that land use decisions should be made locally, however, they needed to get in compliance with the State.

Chairman Beaver said the idea was to support economic development but they couldn't because they were being told what to do. He said the Growth Management Act might be great in other areas, but it didn't work over here.

Upon vote, the motion carried unanimously.

2010 Justice Assistance Grant

Lt. Vanoy said the Sheriff's office wanted to pursue the replacement of weapons on the SWAT team that were past life expectancy through the 2010 JAG Grant.

The Board concurred. Lt. Vanoy said a resolution would be on the next agenda authorizing the Chairman to sign an interlocal agreement.

Unscheduled Visitors

Veterans' Assistance Fund

Pat Powell requested the Board authorize a petition for waiver of income threshold.

MOTION: Commissioner Benitz moved to approve the petition for waiver of income threshold for Michael Yarpe. Commissioner Bowman seconded and upon vote, the motion carried.

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

Health District/Human Services Workshop

The Board discussed the following issues regarding the bi-county Health District and Human Services Department.

Moving Human Services Administration to Health District Building

Commissioner Benitz said he was in favor of moving the Human Services Administration into the new Health District building because it would save money and he wanted to keep the current interim Human Services Director on board so the employees had someone to report to. Additionally, he wanted Prevention and Benton County Housing to be included in the classification description for the Human Services Director.

Canal Building/CCRC

The Board discussed whether it should sell the building on Canal since it was owed money by the Health District, or whether it should remodel the building to serve Crisis Response and Detox.

Chairman Beaver asked Ed Thornbrugh whether the Canal Building would serve the needs of Crisis Response and Detox. Mr. Thornbrugh said the building was 10,000 square feet and they currently used a combined 9,000 square feet in two buildings. He said the building could fit the needs and the next step would be to meet with the Department of Health regarding a technical assistance application to see if it was a feasible plan. Additionally, he said it would allow evaluations to be done more efficiently and would provide a more secure facility. When asked if consolidation would save money and offer more protection from state funding cuts, Mr. Thornburgh said it would allow an additional four beds and would provide further funding for the additional beds.

Roy Rogers said the building could be remodeled to fit the needs of the departments. Mr. Thornbrugh also stated that Crisis and Detox beds and delivery of these outpatient services were funded in an approved budget for 2010 and money saved in administration could be used for Crisis.

The Board unanimously agreed it was in favor of moving Human Services Administration into the new Health District building.

The Board agreed the issue of combining the positions of Human Services Administrator and Health District Administrator should be discussed further.

On the issue of ownership of the Canal Building, Commissioner Benitz and Chairman Beaver agreed that Benton County should own the building. Commissioner Bowman said he had no reason to oppose it at this time.

Vouchers

Check Date: 04/30/2010
Warrant #: 9153-9402
Taxes #: 01010410
Total all funds: \$1,891,414.66

Check Date: 5/14/2010
Warrant #: 9844-10121
Taxes #: 01160510
Total all funds: \$394,508.97

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

Resolutions

- 10-279: Soliciting Bids for the Provision of Janitorial Services
- 10-280: Juvenile Detention Alternatives Initiative (JDAI) Contract Amendment Between Office of Juvenile Justice and Benton-Franklin Juvenile Justice
- 10-281: Contract with Apollo, Inc. for Installation of Flagpoles at the Rattlesnake Mountain Shooting Facility
- 10-282: Granting a Franchise to Badger Mountain Irrigation District
- 10-283: Examination of Financial Activities by the State Auditor’s Office – Drainage Improvement District No. 10
- 10-284: Amending the Benton County Comprehensive Plan to Resolve an Appeal to the Eastern Washington Growth Management Hearings Board – Rescinding Resolution 09-162

There being no further business before the Board, the meeting adjourned at approximately 10:48 a.m.

Clerk of the Board

Chairman