

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
May 24, 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
Alt. Clerk of the Board Lisa Small

Benton County Employees Present During All or a Portion of the Meeting: Deputy Administrator Loretta Smith Kelty; Adam Fyall, Community Development Coordinator; Finance Manager Keith Mercer; Personnel Manager Melina Wenner; Facilities Manager Roy Rogers; Human Services Interim Administrator Ed Thornbrugh; County Treasurer Duane Davidson; Planning Manager Mike Shuttleworth, Susan Walker, Valerie Smith, Brian Perry, Steve Becken, Ryan Brown, Malcolm Bowie

Workshop Agenda

Statement of Qualifications for moving the County Seat

Mr. David Sparks, Loretta Smith Kelty, Duane Davidson, & Brenda Chilton received a total of six Statement of Qualifications for the Removal of the County Seat and selected three out of the six firms to interview to determine the most qualified company to provide the necessary information. Mr. Sparks is hoping to meet with the interview committee this afternoon to bring a recommendation of the final award. They are still currently waiting for fee amounts to come in and once they receive this information, they will prepare an award resolution to bring before the Board of Commissioners for approval at a special board meeting to be scheduled this week.

Bi-County Meeting Summary

Mr. Sparks summarized the special bi-county board meeting that was held last Wednesday, May 19, 2010 and wanted to clarify that the Boards' of Benton & Franklin County Commissioners gave direction to move forward with a special needs services for the CCRC. Mr. Sparks indicated that the Boards asked him and Mr. Bowen to move forward and work with Ed Thornbrugh on putting a Request for Qualification together and get advertised. The RFQ will be a feasible study on moving Consolidated Crisis Response Center and Detox to the building on Canal Drive if possible and/or an analysis on a new facility.

Commissioner Bowman clarified that this analysis is not only on space needs, but also the cost of the space. Mr. Sparks confirmed that was correct.

Mr. Sparks indicated that Mr. Bowen was going to confirm with his Board that their actual direction was to move the Human Services Administration into the Health District Building. Once confirmation is received they will start working on moving forward with an action plan to bring back to the Boards.

Commissioner Beaver indicated that Benton County had received a letter from the Chairman of Franklin County Commissioners stating that was their desire.

Board Meeting Cancellation

The Board of Commissioner discussed and concurred to cancel the meeting on June 1, 2010.

Human Services Administration Position

Mr. Sparks said that they looked at the remaining applicants and they did not see a change, so they are going to move forward with the original four applicants that they had chosen and set up the interviews.

WSAC Final Report

Commissioner Bowman presented a brief report of the 2010 Legislative Session Report on the major policy achievements for Counties, the disappointments, and the bills that failed to make it through the legislative process last year and the 1,246 bills introduced in the House in 2010; 1,029 introduced in the Senate, with 351 passed in legislature in 2010.

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

Approval of Minutes

The Minutes of May 17, 2010 were approved.

Consent Agenda

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

Commissioners

- a. 2011/2012 Biennium Dates for Benton County Budget Hearings
- b. Line Item Transfer, Fund No. 0000-101, Dept. 115

District Court

- c. Line Item Transfer, Fund No. 0000-101, Dept. 111

Fairgrounds

- d. Lease Agreement Termination w/Events West, LLC; Rescinding Resolution 08-639

Human Services

- e. Professional Services Agreement, #PSA-2010-PPD-00, w/Pasco Police Department

f. Contract Amendment, #09/11-MH-NONPIHP-LCS-01, w/Lutheran Community Srvc NW
Juvenile

g. Bi-County Non-Bargaining Policies & Procedures; Rescinding Resolution 93-159
Office of Public Defense

h. Professional Services Agreement w/G/T Investigations LLC
Personnel

i. Contract Amendment w/Inter-City Legal Processing & Messenger Services

j. Bomb Threat Procedure Policy

Public Works

k. Final Assessment Roll Amendment of County Improvement Dist #15 Property Segregation

l. Establishment of Speed Limit on Hanks Road

m. Lease Agreement for the Coats Pit Site w/J & G Blair

n. Approval of Sheet One of Summit View Phase 7 – Summit View Drive & Calico Court

Sheriff

o. Contract w/US Army Corp of Engineers Law Enforcement

p. Interlocal Agreement for the 2010 Byrne Justice Assistance Grant

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

Public Hearing – Comprehensive Plan Amendment – 08-02 City of W. Richland

Mr. Mike Shuttleworth enter all exhibits under record that was presented to the Board, which consisted of PCR1; PCR2; PCM1 though PMC10; PCH1; PCH2; and CCM1.

Ms. Susan Walker provided information on a revisit of an amendment of the Comprehensive Plan 08-02 on a proposal from the City of West Richland to include an additional 747 acres of land into its Urban Growth Boundary (UGA). Eastern Washington Growth Management Hearings Board's (EWGMHB) ruling of non-compliance in the Final Decision and Order regarding actions taken by the County in Resolution 09-143, requires the County to bring the County's Comprehensive Plan into compliance with the Growth Management Act. The EWGMHB appeal schedule requires the County to bring the Comprehensive Plan into compliance by June 1, 2010.

The EWGMHB concluded that the sizing of the UGA amendment was not supported by substantial evidence in the record. On remand, the EWGMHB recommended the City and the County address the following three issues pertaining to the UGA expansion for non-residential, economic development purposes: 1) Develop the analysis showing the needed acreage for the UGA. In response the City of West Richland submitted a revised UGA proposal that included 545. 2) Identity the land market supply factor, if any, used to calculate total acreage needed. 3) Indicate the land use controls used to restrict residential uses within the UGA expansion area and also within the rural areas near the proposed freeway interchange to prevent induced urban growth once the freeway interchange is opened.

Ms. Walker indicated that the County Planning recommends that a City-County Red Mountain Interchange Development Plan that will utilize public participation, to assure that future development of the commercial and light industrial uses proposed for the interchange area are

not compromised by urban residential development, and be adopted by both entities prior to annexation of the UGA.

Ms. Walker also made mention of Chapter 9 of the Comprehensive Plan, which is the Capital Facilities Plan section. They feel it is important to add the necessary information regarding the UGA expansion and the Red Mountain into the plan, which had not been previously done.

The EWGMHB appeal schedule requires the County to bring the Comprehensive Plan into compliance by June 1, 2010. A compliance hearing with the EWGMHB will follow the County's compliance action by the Board of County Commissioners. The Hearing Board will determine whether satisfactory compliance has been achieved.

The planning staff believes that the UGA amendment proposal and the supplemental proposal provided the City of West Richland is satisfactory and Ms. Walker does not foresee any fiscal impact.

Chairman Beaver opened the public hearing for testimony.

Testimony

Bob Leedy, representing the City of West Richland spoke in favor of the UGA. Mr. Leedy reiterated some of the information that had been provided as part of the Comprehensive Plan Amendment packet and indicated that the city wishes to work with Benton County on this expansion. Mr. Leedy wanted to clarify for the record that the city has shown a lot of work and at great expense and is asking for a recommendation to work with an agreement on the fact that there be no residential growth.

Testimony

Mr. Troy Berglund, representing the City of West Richland Chamber of Commerce spoke in favor and supports the City of West Richland's updated application to expand its Urban Growth Area boundary. They feel it is essential that West Richland expand its commercial and industrial base to help ensure long-term health, and indicated the application would allow the City to take advantage of the natural growth of the City and capture future commercial and industrial development. Mr. Berglund urges the Benton County Commissioners to approve the application and allow the EWGMHB to make its final decision.

Testimony

Mr. Chuck Dawsey, representing Benton REA informed the Board that they would be the electrical company that would provide electrical service to the urban growth area if it is approved, and feels that West Richland has addressed previous concerns that were raised about the expansion. Mr. Dawsey is in support of the City of West Richland Urban Growth area and request that the Board unanimously adopt the County Resolution to resolve an appeal to the Eastern Washington Growth Management Hearings Board.

Chairman Beaver called for any one in the audience who was in opposition of the Comprehensive Plan Amendment. There was no one in opposition of the amendment. Chairman Beaver closed the public hearing.

Commissioner Bowman wanted to confirm that City of West Richland was on Board with the cooperative agreement concerning residential. Ms. Walker confirmed that they were.

MOTION:

Commissioner Bowman moved to approve the revised Comprehensive Plan Amendment 08-02, enlarging the West Richland Urban Growth Area by approximately 545 acres shown in Exhibit PCM 4 & 5 and make the necessary additions to text in the Capital Facilities Plan of the County's Comprehensive Plan and adopt a Resolution those actions and rescind Benton County Resolution 09-143. Commissioner Benitz second, and upon vote the motion carried.

Discussion

Commissioner Bowman elaborated on the continuing growth in this area and feels that it is appropriate that this action be taken.

Commissioner Benitz believes that there will be a monumental task that the City of West Richland will have to comply to and ensure the issues that are being presented are addressed in a manner that meets the criteria under the Growth Management Act. He feels the issue on the Red Mountain is going to grow whether the interchange is there or not. Commissioner Benitz is in support of the resolution.

Chairman Beaver feels this program is for the future of the community, and is important to West Richland and Benton County as well. Applauds those who brought this back to the table. Believe there needs to be an interchange due to how the wine industries are growing.

Public Hearing – Oasis Water Corporation Franchise

Ms. Sue Schuetze stated that the Oasis Water Corporation has filed a petition to continue a nonexclusive franchise for water lines system and facilities within all of unincorporated Benton County road right of way. Benton County Public Works has reviewed the request and based upon their current franchise requirements recommends the approval of the request subject to the conditions of the franchise continuing for a ten (10) year period with a cost of \$500; the Grantee is to carry the liability insurance; placement of the facility shall meet all requirements for the right of way; Grantor shall be responsible for any expense due to required utility relocation; the franchise is nonexclusive; and the Grantee sign the Order and Agreement for Nonexclusive Franchise.

Chairman Beaver opened public hearing and with no one to comment in support or opposition, the public hearing was closed.

MOTION:

Commissioner Bowman moved for the approval of the Oasis Water Corporation Franchise and Commissioner Benitz second, upon vote the motion carried.

Public Hearing - PUD No. 1 of Klickitat County Franchise

PUD No. 1 of Klickitat County has filed a petition to continue a nonexclusive franchise for an electrical system and facilities within all of unincorporated Benton County road right of way.

Benton County Public Works has reviewed the request and based upon their current franchise requirements recommends the approval of the request subject to the conditions of the franchise continuing for a ten (10) year period with a cost fo \$500; the Grantee is to carry the liability insurance; placement of the facility shall meet all requirements for the right of way; Grantor shall be responsible for any expense due to required utility relocation; the franchise is nonexclusive; and the Grantee sign the Order and Agreement for Nonexclusive Franchise.

Chairman Beaver opened public hearing and with no one to comment in support or opposition, the public hearing was closed.

MOTION:

Commissioner Bowman moved the approval of the application for the PUD No. 1 of Klickitat Franchise. Commissioner Benitz second, upon vote the motion carried.

Public Hearing – Ormiston Orchards Inc. Franchise

Ormiston Orchards Inc. filed a petition to continue a nonexclusive franchise for an irrigation water system and facilities within all of unincorporated Benton County road right of way.

Benton County Public Works has reviewed the request and based upon their current franchise requirements recommends the approval of the request subject to the conditions of the franchise continuing for a ten (10) year period with a cost of \$500; the Grantee is to carry the liability insurance; placement of the facility shall meet all requirements for the right of way; Grantor shall be responsible for any expense due to required utility relocation; the franchise is nonexclusive; and the Grantee sign the Order and Agreement for Nonexclusive Franchise.

Chairman Beaver opened public hearing and with no one to comment in support or opposition, the public hearing was closed.

MOTION:

Commissioner Benitz moved for approval of the application for the Ormiston Orchard Inc Franchise. Commissioner Bowman second, upon vote the motion carried.

Public Hearing – Beers Road Unimproved Right of Way Vacation

Sue Schuetze came before the Board for a proposed road right of way vacation of unimproved right of way for Beers Road. Ms. Schuetze reviewed the history of this area with the Board and indicated that it is not in the interest of the County to retain the right of way and that the public will be benefited by the vacation and abandonment of said right of way. It has been determined that all parcels affected by the vacation have a valid access easement if the vacation is approved.

Chairman Beaver opened public hearing for anyone in support of the right of way vacation.

Testimony

Mr. Ron Cole indicated that he was the one who initiated the vacation and is in favor of the right of way vacation.

There was no one present to speak in opposition of the right of way vacation; therefore, Chairman Beaver closed the public hearing.

MOTION:

Commissioner Benitz moved to approve the right of way vacation for section 21 and 22, T9 N, R 25 E, WM Commissioner Bowman second and upon vote, the motion carried unanimously.

WSU Workshop – 4-H Programs

MaryAnn Ophardt came before the Board to give an update on the 4H programs and how they are going through training to ensure that the livestock going through the fair is not drugged; which ensures quality commercial meat. Ms Ophardt also gave an update on the fact that the extension office is in training on food preservation.

Commissioner Bowman asked the question on whether there was something special that we needed to do to wash our food with all of the raw sewage that had been dumped in the Yakima River. Ms Ophardt indicated to be sure to wash all vegetables prior to eating them.

Ms Ophardt also touched on Grasshopper education and the fact that the population is not to the extent that they were thinking. They will do population inspection and will work on the population and indicated they do not bother fruit trees or grapes.

Executive Session – Pending Litigation

Board went into executive session with DPA Ryan Brown to discuss pending litigation for approximately 10 minutes. Also present was David Sparks, Loretta Smith Kelty, & Lisa Small. The Board came out of executive session at 10:19 and no action was taken.

Private Road Access Easements Follow-Up

Mr. Sparks provided a follow-up from the workshop the Board of Commissioner held on Wednesday, May 19, 2010 regarding the private road access easements. Ken Williams has some concerns with the fire districts and is looking for direction on how the County would like to work the private road easements.

Commissioner Benitz said that he wishes to remain with the current county code on this issue. He would like to work with fire department and law enforcement to see if there is some way to address the emergency vehicle needs and come back with some options.

Commissioner Bowman has some concerns with emergency access easements and leaving the property owners responsible to handle their own emergencies if needed. However, feels that public funds cannot be used to maintain private roads. He questioned if other counties may have any answers or solutions, and that it is the owner's decision if they choose to not to have fire services. Bowman is concerned where the money will come from or if there is a better solution of where the money will come from.

Chairman Beaver was under the impression that some recommendations would be coming back before the board, and he too believes that we do not have the funds to utilize law enforcement and fire department to provide services to the residents.

The Board indicated that they fully support emergency responders and asked planning staff to meet with the emergency responders come up with some solutions.

Animal Control Facility Bid Discussion

Roy Rogers presented to the Board the results of the bid opening that was held May 12, 2010 for the Animal Control Facility and made a recommendation to award the contract to G2 Construction, Inc. as the lowest responsive bidder for a base bid amount of \$815,640.00 and \$4,977.00 for alternate #1 for a total contract amount of \$815,640 excluding WSST.

Commissioner Benitz believes it is important to have an animal control facility and feels a county code should be put in place. Indicated that the County has looked at numerous options, and would like to encourage other cost and review options, however, at this time supports moving forward with awarding G2 Construction, Inc. with the contract for the Animal Control Facility.

Commissioner Bowman brought up the fact that in 2008 the Board gave direction to get a feasible study done with one line drawings for an animal shelter, with a large range coming back before the board; to include a study done on a location out at the Fairgrounds, and turns out that was not the ideal location and had several concerned with all of the requirements. Though Commissioner Bowman is amazed with the cost of this animal control facility and operational cost, he believes is it a necessary service and concurs with Commissioner Benitz with moving forward and awarding the contract to G2 Construction.

Chairman Beaver also indicated that he is in support of the award to G2 Construction.

MOTION:

Commissioner Bowman moved to award the contract to G2 Construction, Inc. for the construction of the Animal Control Facility for a contract amount of \$815,640. Commissioner Benitz seconded and upon vote, the motion carried unanimously.

Unscheduled Visitors

There were no unscheduled visitors

Vouchers

Check Date: 05/21/2010
Warrant #: 10239-10500
Total all funds: \$819,890.87

Check Date: 05/17/2010
Warrant #: 230474-230500
Taxes #:
Direct Deposit #54231-54435

Check Date: 05/17/2010
Payroll Draw Deductions
Taxes # 10110054

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

Resolutions

- 10-285: 2011/2012 Biennium Dates for Benton County Budget Hearings
- 10-286: Line Item Transfer, Fund No. 0000-101, Dept. 115
- 10-287: Line Item Transfer, Fund No. 0000-101, Dept. 111
- 10-288: Lease Agreement Termination w/Events West, LLC; Rescinding Resolution 08-639
- 10-289: Professional Services Agreement, #PSA-2010-PPD-00, w/Pasco Police Department
- 10-290: Contract Amendment, #09/11-MH-NONPIHP-LCS-01, w/Lutheran Community Srvcs NW
- 10-291: Bi-County Non-Bargaining Policies & Procedures; Rescinding Resolution 93-159
- 10-292: Professional Services Agreement w/G/T Investigations LLC
- 10-293: Contract Amendment w/Inter-City Legal Processing & Messenger Services
- 10-294: Bomb Threat Procedure Policy
- 10-295: Final Assessment Roll Amendment of County Improvement Dist #15 Property Segregation
- 10-296: Establishment of Speed Limit on Hanks Road
- 10-297: Lease Agreement for the Coats Pit Site w/J & G Blair
- 10-298: Approval of Sheet One of Summit View Phase 7 – Summit View Drive & Calico Court
- 10-299: Contract w/US Army Corp of Engineers Law Enforcement

- 10.300 Interlocal Agreement for the 2010 Byrne Justice Assistance Grant
- 10.301 Amendment of the Benton County Comprehensive Plan – CPA 08-02
- 10.302 Bid Award to G2 Construction for the Construction of the Animal Control Facility

There being no further business before the Board, the meeting adjourned at approximately 10:50 a.m.

Clerk of the Board

Chairman