

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
November 29, 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; Steve Becken, Public Works; Mike Shuttleworth, Planning; Erhiza Rivera, Treasurer's Office; DPA Ryan Brown; Sue Schuetze, Public Works; Pat Powell Auditor's Office; Sharon Paradis, Juvenile; Jacki Lahtinen, Dixie Jameson, Reva Kirby, Judge Terry Tanner and Judge Bob Ingvalson, District Court; Ed Thornbrugh, Human Services; Clerk Josie Delvin; RJ Lott, Planning; Central Services Manager Randy Reid; Auditor Brenda Chilton; Nick Kooiker, Treasurer's Office.

Workshop Agenda

Letter from Prosser Mayor Warden

Chairman Beaver asked if the Board was going to respond to the letter from the Prosser Mayor regarding District Court operations. The Board agreed to have Mr. Fyall write a letter in response stating it would be a decision made by a body separate from the Board.

Contract Amendment – Animal Control

Commissioner Bowman wanted to know if the County could be reimbursed for the costs associated with the incorrect survey drawings. Lisa Small said she would research the issue.

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

Approval of Minutes

The Minutes of November 22, 2010 were approved.

Consent Agenda

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

Animal Control

- a. First Contract Amendment w/Bernardo Wills Architects PC

Commissioners

- b. Reappointment of L Carnahan to the Kiona Irrigation District
- c. Reappointment of R Fox to the Mid Columbia Library Board
- d. Reappointment of N Aldrich to the Benton Clean Air Authority Board

Human Services

- e. Appointment of L Church to the Developmental Disabilities Advisory Board
- f. Reappointment of A Ray to the Substance Abuse Advisory Board
- g. Reappointment of E Frost to the Development Disabilities Advisory Board
- h. Professional Services Agreement w/Oxarc Fire Division
- i. Compensation Authorization to S Adolphsen - Parent Coalition Group Facilitation
- j. Compensation Authorization to Entrust Community Services - Comprehensive Program
- k. Compensation Authorization to Children’s Developmental Center – Program Services
- l. Compensation Authorization to Goodwill Industries – Comprehensive Program
- m. Compensation Authorization to Arc of Tri-Cities – Comprehensive Program
- n. Compensation Authorization to Peopleworks Tri Cities, LLC – Comprehensive Program
- o. Compensation Authorization to Columbia Industries – Program Services
- p. Compensation Authorization to Ambitions Community Support Services – Program Srvcs

Juvenile

- q. Criminal Defense Professional Service Agreement w/J Brown
- r. Personal Service Contract w/Sierra Electric, Inc.
- s. Personal Service Contract w/Lutheran Community Services Northwest

Parks

- t. Contract w/Masterpiece Coating LLC for Exterior Painting at Horn Rapids Park

Personnel

- u. Establishing 2011 Holidays and Hours for the Transaction of Business
- v. Security Services Contract @ Courthouse w/J & J Security and Transport, Inc.
- w. Personal Services Contract w/Western States Insurance Agency Inc.

Planning

- x. Short Plat Vacation – SPV 10-11

Sustainable Development

- y. Line Item Transfer, Fund No. 0135-101, Dept. 000

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

Public Hearing – Unimproved Right of Way Vacation – Bofer Canyon Road

Sue Schuetze presented the petition for the proposed right of way vacation on Bofer Canyon Road. She said they received comments from Benton PUD and Frontier and they both requested

utility easements. Ms. Schuetze said the Public Works Department recommended that a portion of the right of way be vacated and a portion be retained with the recommendation to grant a 15-foot utility easement adjacent to the 40-foot right of way the County would retain.

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

MOTION: Commissioner Benitz moved to approve the vacation as recommended subject to the listed condition. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

Public Hearing – Short Plat Vacation – SPV 10-10

RJ Lott said the Planning Department received an application to vacate a large-scale drainage easement and the Public Works Department requested a WA State Licensed Engineer design the new drainage easements. He said the Planning Department recommend approval with the condition of the drainage study being completed and signed by the Engineer.

Commissioner Bowman asked about the requirement of a timeline for completion. Mr. Shuttleworth said a condition would be that it be complete in one year from approval.

Public Testimony

Don Reddout, applicant, asked about the purpose of new study and who it would benefit. Mr. Lott said it would make sure the easements were adequate width and in the right location. Chairman Beaver added that not having that done could create a problem later on.

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

MOTION: Commissioner Benitz moved to approve the vacation of the large-scale drainage easement with the condition the applicant provide a drainage study completed and signed by a licensed engineer within one year of approval. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

Continued Public Hearing – Adoption of Biennium Budget

Keith Mercer said the proposed budget was advertised for two weeks and posted on the website and he was ready to proceed.

Public Testimony

District Court Judge Terry Tanner again stated the needs of District Court: Prosser part-time position be reinstated (if not approved he said they would have to make changes in the way the Prosser office was run); Judge pro tem money; office supplies be restored; and professional services (interpreter costs).

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

Commissioner Bowman asked about the current expense levy being certified for 2011 only. Mr. Mercer said they were certifying for 2011 levy and next year would certify for 2012 levy.

MOTION: Commissioner Bowman moved to approve the resolution certifying the current expense levy for 2011 collection. Chairman Beaver seconded.

Discussion

David Sparks stated it would be with a zero percent increase.

Commissioner Benitz said he didn't believe the budget would be sustainable for two years under difficult times and the County would be about \$5.8 million out of round in two years. He said there were issues that still needed to be addressed and he was opposed to the budget at this time.

Chairman Beaver thanked the elected officials for the work they put into the budget process. He said he knew where the budget was going and there was going to be a big problem and believed there was reality to what Commissioner Benitz was talking about.

Upon vote, the motion carried with Commissioner Benitz opposing.

MOTION: Commissioner Bowman moved to approve the resolution certifying the county road levy with 0% increase for 2011 collection. Chairman Beaver seconded and upon vote, the motion carried with Commissioner Benitz opposing.

MOTION: Commissioner Bowman moved to approve the resolution certifying budgeted taxes for collection in the year 2011. Chairman Beaver seconded and upon vote, the motion carried with Commissioner Benitz opposing.

MOTION: Commissioner Bowman moved to approve the adoption of the final 2011-2012 Benton County Budgets. Chairman Beaver seconded and upon vote, the motion carried with Commissioner Benitz opposing.

The Board briefly recessed, reconvening at 9:45 a.m.

Short Plat Ordinance Workshop

Mike Shuttleworth and Ryan Brown presented the draft short plat ordinance for review by the Board.

Commissioner Benitz said he would support the ordinance, as proposed, keeping the private access easements at four lots or fewer.

Commissioner Bowman asked about enforcement and what would prevent the next guy that wanted to build behind those four lots from using that private access easement.

Mr. Brown said the property owner would have to acquire further property so he had enough to build a wider public road.

The Board agreed to go to public hearing on the proposed short plat ordinance.

The Board briefly recessed, reconvening at 10:05 a.m.

Fair Association Lease

Loretta Smith Kelty proposed two options for the Board to consider in negotiating a new lease with the Fair Association.

Chairman Beaver said the Fair Association expressed concern the lease agreement with the Horse Racing Association was put together so quickly and they had been trying for some time to put together an amended lease for the Fair Association. He said he did not know where the common ground was to address their concerns.

Commissioner Benitz said he wanted it to continue to be County property and that Benton County had invested over \$2 million into the Fairgrounds since 2001. He recommended the Board extend the current lease for three years and start negotiation for future years.

Commissioner Bowman said he thought three years was too short and that it should be negotiated for five years. He said the agreement currently in place has worked well for both Benton County and the Fair Association and he was not convinced it was in the best interest of the citizens and other users of Benton County to turn it over to the Fair Association.

Chairman Beaver said that Ms. Smith Kelty should continue to work on some of form of lease, either three or five years in the direction they had been going.

Ms. Smith Kelty asked the Board if it would agree to her working with Mr. Sparks independently on the lease so the Commissioners were not put in an awkward position with the Fair Association. The Board agreed.

Claim for Damages

CC 2018-18: Received on November 29, 2010 from Marcie Berg.

Resolutions

- 10.726 First Contract Amendment w/Bernardo Wills Architects PC
- 10.727 Reappointment of L Carnahan to the Kiona Irrigation District
- 10.728 Reappointment of R Fox to the Mid Columbia Library Board
- 10.729 Reappointment of N Aldrich to the Benton Clean Air Authority Board
- 10.730 Appointment of L Church to the Developmental Disabilities Advisory Board
- 10.731 Reappointment of A Ray to the Substance Abuse Advisory Board
- 10.732 Reappointment of E Frost to the Development Disabilities Advisory Board

- 10.733 Professional Services Agreement w/Oxarc Fire Division
- 10.734 Compensation Authorization to S Adolphsen - Parent Coalition Group Facilitation
- 10.735 Compensation Authorization to Entrust Community Services - Comprehensive Program
- 10.736 Compensation Authorization to Children’s Developmental Center – Program Services
- 10.737 Compensation Authorization to Goodwill Industries – Comprehensive Program
- 10.738 Compensation Authorization to Arc of Tri-Cities – Comprehensive Program
- 10.739 Compensation Authorization to Peopleworks Tri Cities, LLC – Comprehensive Program
- 10.740 Compensation Authorization to Columbia Industries – Program Services
- 10.741 Compensation Authorization to Ambitions Community Support Services – Program Srvc
- 10.742 Criminal Defense Professional Service Agreement w/J Brown
- 10.743 Personal Service Contract w/Sierra Electric, Inc.
- 10.744 Personal Service Contract w/Lutheran Community Services Northwest
- 10.745 Contract w/Masterpiece Coating LLC for Exterior Painting at Horn Rapids Park
- 10.746 Establishing 2011 Holidays and Hours for the Transaction of Business
- 10.747 Security Services Contract @ Courthouse w/J & J Security and Transport, Inc.
- 10.748 Personal Services Contract w/Western States Insurance Agency Inc.
- 10.749 Short Plat Vacation – SPV 10-11
- 10.750 Line Item Transfer, Fund No. 0135-101, Dept. 000
- 10.751 Certifying the Current Expense Levy for 2011 Collection
- 10.752 Certifying the County Road Levy for 2011 Collection
- 10.753 Certifying Budgeted Taxes for Collection in the Year 2011
- 10.754 Adoption of the Final 2011-2012 Benton County Budgets

There being no further business before the Board, the meeting adjourned at approximately 10:19 a.m.

Clerk of the Board

Chairman