

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
September 14, 2009, 9:00 a.m.  
Commissioners' Conference Room  
Benton County Courthouse, Prosser, WA

**Present:** Chairman Max E. Benitz, Jr. Chairman  
Commissioner Leo Bowman  
Commissioner James Beaver  
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 Kely; Adam Fyall, Community Development Coordinator; Finance Manager Linda Ivey; Personnel Manager Melina Wenner; Facilities Manager Roy Rogers; DPA Ryan Brown; Mike Shuttleworth, Susan Walker, and Valerie Baker, Planning; Erhiza Rivera, Treasurer's Office; Safety/Training Coordinator Bryan Perry; DPA Kathleen Galioto; Superior Court Judge Carrie Runge; Clerk Josie Delvin.

#### Approval of Minutes

The Minutes of September 8, 2009 were approved.

#### Consent Agenda

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

##### Central Services

- a. Upgrading and Renewing Borderware Email Firewall

##### Commissioners

- b. Submission of the WA State Historic County Courthouse Rehabilitation Grant Application

##### Juvenile

- c. Contract Amendment w/Aramark Correctional Services
- d. Contract w/Finley School District for Truancy Program and Services

##### Public Works

- e. Surplus of Personal Property
- f. Authorization for Purchase of Snowplow Carbide Cutting Edges
- g. Public Assistance Grant Agreement - Emergency Disaster Assistance Funds

##### Sheriff

- h. Memorandum of Agreement / Lead Nurse Position

##### Superior Court

- i. Proclamation for National Adoption Day

Workforce Development Council

j. Service Provider Contract w/Career Path Services Employment and Training  
Commissioners

k. A Time of Remembrance

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

**Comprehensive Plan Amendment Workshop**

Mike Shuttleworth, Susan Walker, and Valerie Baker presented the following comprehensive plan amendment applications for review with the Board:

CPA 09-01: A proposal by William and Nancy Pace to change the land use designation from Heavy Industrial to Rural Lands Five on an 11-acre parcel, lying north of Christie Road approximately one mile west of Plymouth. The Planning Commission recommended approval.

CPA 09-02: A request by the City of Richland to expand its Urban Growth Area to include nine parcels for 178.36 additional acres located southwest of the I-82 Badger Road Interchange. The Planning staff recommended denial.

CPA 09-03: A request by the City of Benton City to expand its Urban Growth Area to include approximately 1,545 additional acres located south and east of the city limits. The Planning Commission recommended denial.

CPA 09-04: A proposal by Harold and Susan Bond to change a land use designation from Rural Lands Five to General Commercial on a 6.37 acre parcel, lying south of the I-82 freeway on Jacobs Road. The Planning Commission recommended denial.

CPA 09-05: A proposal by Kennewick General Hospital and an inclusion by the planning staff of 2.32 acres owned by Paul Meier to change the land use designation from Heavy Industrial to Rural Lands 5 on parcels consisting of approximately 55 acres in south Finley known as part of the Hover Industrial Park located on both sides of Toothacker Road. The Planning Commission recommended approval.

CPA 09-06: A staff housekeeping proposal to update text in the Rural Element, Chapter 5, and maps in the Transportation Element, Chapter Eight, regarding completion of the Finley Intertie. Planning staff recommended approval.

The Board briefly recessed, reconvening at 9:47 a.m.

**Executive Session – Pending Litigation**

The Board went into executive session at 9:47 a.m. for approximately 15 minutes with DPA Ryan Brown to discuss pending litigation. Also present were David Sparks, Cami McKenzie, Mike Shuttleworth, Melina Wenner, Susan Walker, and Loretta Smith Kelty. The Board came

out at 10:03 a.m. Mr. Brown said the Board discussed pending litigation and that no action was taken.

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

### **Public Hearing – Zone Change 09-01**

Mike Shuttleworth presented a zone change application from Unclassified to Light Industrial. He said the Planning Commission conducted its own public hearing and recommended approval of the zone change application. Additionally, the Planning staff recommended the Board adopt the Planning Commission's recommendations, findings and conclusions.

### **Proponent Testimony**

Marnie Gibbs, property owner, spoke in favor of the zoning change and said this change would be consistent with the comprehensive plan.

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

**MOTION:** Commissioner Bowman moved to approve the Planning Commission's recommendations, findings, and conclusions as their own and approve the zone change application ZC 09-01. Commissioner Beaver seconded and upon vote, the motion carried.

The Board briefly recessed, reconvening at 10:15 a.m.

### **Executive Session - Potential Litigation**

The Board went into executive session at 10:15 a.m. for approximately 10 minutes with DPA Kathleen Galioto to discuss pending litigation. Also present were David Sparks, Cami McKenzie, Mike Shuttleworth, Ryan Brown, Melina Wenner, Loretta Smith Kelty, Steve Brown, Steve Becken, and Malcolm Bowie. The Board came out at 10:20 a.m. Ms. Galioto announced that no decisions were made but direction was given.

The Board briefly recessed, reconvening at 10:25 a.m.

### **Benton City Economic Development Council Presentation**

Randy Rutledge and Bea Baker gave a Powerpoint presentation and briefly discussed the following items relating to Benton City Economic Development Council:

- Goals/Missions; Initial Strategy
- Areas of Focus: community development; infrastructure improvements; business and industrial growth, and Red Mountain
- Community Development Needs
- Meeting Youth Needs
- Progress in the Community

- Getting “Green”, earth month, beautification of the City
- Benton City Community Market
- Horizons Program
- Business and Industrial Growth
- Sales Tax Revenues, Recent growth, Businesses and More

**Supplemental Budget Requests**

Linda Ivey presented the following supplemental budget requests for public hearing:

1. Coroner, \$30,000 for autopsy costs – approved for hearing
2. Noxious Weed Control, \$19,125, grant – approved for hearing
3. Superior Court, \$50,000 for professional services – approved for hearing
4. Sheriff Patrol, \$38,095, JAG grant - approved for hearing
5. Juvenile, \$35,361, for drug court funding – approved for hearing
6. Human Services, \$12,000 for systems analyst – approved for hearing
7. Homeless Housing, \$150,000 for pass through funding – approved for hearing
8. Legal Financial Obligation Docket, \$11,580 – denied for public hearing. The Board agreed the matter could be paid for out of current budgets (or current expense if needed) and should be addressed in the 2010 budget process.

**Executive Session - Pending Litigation**

The Board went into executive session at 10:57 a.m. for approximately 10 minutes with DPA Ryan Brown to discuss pending litigation. Also present were Melina Wenner, Mike Shuttleworth, Susan Walker, David Sparks, Cami McKenzie, and Loretta Smith Kelty. The Board came out at 11:02 a.m. Mr. Brown stated the Board discussed pending litigation and that no action was taken.

**Vouchers**

Check Date: 9/4/2009  
 Taxes #: 10109091-10109093  
 Warrant #: 932178-932213  
 Total all funds: \$1,794,258.49

Check Date: 9/4/2009  
 Warrant #: 225047-225204  
 Direct Deposit #: 46781-47358  
 Total all funds: \$2,041,249.91

Check Date: 9/11/2009  
 Warrant #: 932405-932595  
 Total all funds: \$705,156.27

Check Date: 9/11/2009  
Warrant #: 932596-933287  
Total all funds: \$16,630.26

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

**Resolutions**

- 9.594 Upgrading and Renewing Borderware Email Firewall
- 9.595 Submission of the WA State Historic County Courthouse Rehabilitation Grant Application
- 9.596 Contract Amendment w/Aramark Correctional Services
- 9.597 Contract w/Finley School District for Truancy Program and Services
- 9.598 Surplus of Personal Property
- 9.599 Authorization for Purchase of Snowplow Carbide Cutting Edges
- 9.600 Public Assistance Grant Agreement - Emergency Disaster Assistance Funds
- 9.601 Memorandum of Agreement / Lead Nurse Position
- 9.602 Proclamation for National Adoption Day
- 9.603 Service Provider Contract w/Career Path Services Employment and Training
- 9.604 Proclaiming September 26 and 27 "A Time of Remembrance"
- 9.605 Approval of ZC 09-01; Applicant: Marnie Gibbs

There being no further business before the Board, the meeting adjourned at approximately 11:02 a.m.

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Clerk of the Board

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Chairman