

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
April 20, 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 Kelty; Finance Manager Linda Ivey; Personnel Manager Melina Wenner; Facilities Manager Roy Rogers; Steve Becken, Public Works; Deputy Auditor Brenda Chilton; DPA Ryan Brown, Planning Manager Mike Shuttleworth; and DPA Jonathan Young.

Approval of Minutes

The Minutes of April 13, 2009 were approved as corrected.

Review Agenda

Commissioner Bowman requested consent agenda item "g" (Copier Lease for PA's Office) be pulled for further clarification on whether it was a purchase or lease agreement.

Consent Agenda

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

Auditor

- a. Maintenance Agreements w/Comstor Information Management, Inc.

Commissioner

- b. Canvassing Board Appointment
- c. Procedures/Guidelines for Approving County/Bi County Non-Bargaining Positions, Rescinding Resolution 09-056

Facilities

- d. Service Contract w/Davey's Tree

Human Services

- e. Contract, #2009-HH2163, w/BF Community Action Committee for Homeless Housing

Juvenile

f. Grant Application w/Office of Juvenile Justice on Truancy Contempt Prevention Project
Prosecuting Attorney

h. Separation Agreement and Release

Road/Engineer

i. Authorization to Proceed w/Hess Road Bridges Guardrail Upgrades

j. Authorization to Proceed w/Bituminous Surface Treatment 2009

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

Public Hearing - Application for Franchise – City of Kennewick

Steve Becken presented a petition for a nonexclusive franchise filed by the City of Kennewick to continue water and sewer distribution within County road right of way. Mr. Becken said that based upon current franchise requirements, he recommended approval of the request subject to the listed conditions.

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

MOTION: Commissioner Bowman moved to approve the application for franchise filed by the City of Kennewick subject to the listed conditions. Commissioner Beaver seconded and upon vote, the motion carried.

The Board briefly recessed, reconvening at 9:10 a.m.

Public Hearing – Application for Franchise – Bonneville Power Administration

Steve Becken presented an application for franchise filed by the Bonneville Power Administration. He said this application was unique because they had been without a franchise for several years based upon the inability of the parties to agree to the terms. He said the parties have now agreed, the legal departments had approved the terms, and he was recommending the franchise be approved for a 10-year period.

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

MOTION: Commissioner Beaver moved to approve the application for franchise filed by the Bonneville Power Administration subject to the listed conditions. Commissioner Bowman seconded and upon vote, the motion carried.

The Board briefly recessed, reconvening at 9:15 a.m.

Preliminary Plat Approval – Sunset Estates (SUB 07-06)

Mike Shuttleworth presented the preliminary plat for Sunset Estates. He said the Planning Commission had completed its open record hearing and voted to recommend approval of the preliminary plat as presented with conditions. Mr. Shuttleworth stated this was a closed record

hearing and no new testimony could be taken, but only clarification of statements made at the Planning Commission hearing. Mr. Shuttleworth noted the Department of Ecology's statement that the project required water rights.

Testimony

Scott Revel, District Manager for KID said subdivision was designed with the clustering technique and requested the Board find the plat to be consistent with county code and approve it.

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

Commissioner Bowman stated these lots were well under five acres and wanted to know if they met the required standards. Mr. Shuttleworth said the lot size was allowed under the clustering technique and was submitted before the County changed the requirement from 2.5 acres to five.

MOTION: Commissioner Bowman moved to adopt the Planning Commission's Findings of Fact and Conclusions as their own regarding the Preliminary Plat of Sunset Estates, SUB 07-06 subject to the 20 conditions. Commissioner Beaver seconded and upon vote, the motion carried.

The Board briefly recessed, reconvening at 9:25 a.m.

Executive Session – 1st Quarter Litigation Update

The Board went into executive session at 9:25 a.m. with DPA Ryan Brown for approximately 10 minutes for an update on 1st Quarter Litigation. Also present were David Sparks, Cami McKenzie, Loretta Smith Kelty, and Melina Wenner. The Board came out of executive session at 9:35 a.m. and announced it was going back in for another five minutes. The Board came out of executive session at 9:39 a.m. No decisions were made.

Interlocal Agreement – Greater Columbia Behavioral Health Regional Support Network

Chairman Benitz said he sent a letter to Kittitas, Klickitat, Yakima and Whitman Counties advising of the Board's intent to sign the agreement. He indicated he had not heard back from any of the commissioners and requested the Board proceed ahead.

MOTION: Commissioner Bowman moved to approve the amendment to the Interlocal Agreement Between Benton County and Greater Columbia Behavioral Health (GCBH) for the Reformation of the GCBH Regional Support Network. Commissioner Beaver seconded.

Discussion

Commissioner Bowman said his only concern was if the agreement was not signed and therefore not effective, the Board should be ready with its next step.

Chairman Benitz said he was working with legal counsel to determine what the next step would be.

Upon vote, the motion carried unanimously.

Executive Session – County Claim 09-03

The Board went into executive session at 9:43 a.m. for approximately five minutes with DPA Jonathan Young to discuss claim CC 09-03. Also present were David Sparks, Cami McKenzie, Ryan Brown, Melina Wenner, and Loretta Smith Kelty. The Board came out of executive session at 9:46 a.m. Mr. Young stated the Board took no action.

Consent Agenda Item “g” (Copier Lease for PA’s Office)

Jonathan Young confirmed the agreement was to lease a copier for 60 months. He stated the new form “purchase agreement” was for each department to use so it referenced the state contract and afforded the County all the terms of the state contract.

MOTION: Commissioner Bowman moved to approve the lease agreement for the copier. Commissioner Beaver seconded and upon vote, the motion carried.

The Board briefly recessed, reconvening at 9:50 a.m.

Continued Discussion – Federal Grant Representation

Chairman Benitz said the Board had tabled a motion from the previous meeting and it was described as follows:

Tabled Motion

MOTION: Commissioner Bowman moved to approve the contract, with the clerical changes. Commissioner Beaver seconded.

Commissioner Beaver said he was in favor of the effort to get some assistance in D.C., but the legal opinion indicated this agreement might not be the right way. He said he wanted to find a way that was correct and requested the Board approve Mr. Sparks and Mr. Brown to complete some research on this issue.

Commissioner Bowman said he disagreed because other counties were contracting for help and had been awarded millions of dollars for their projects. He said there was not a solid answer and he didn’t agree that just because there was not authority that the County couldn’t do it. He said the Board should continue with this project and others and time was of the essence.

Chairman Benitz said he agreed they needed to have individuals represent their interests at the state and federal level and wanted to see a list of projects the Board could all agree on.

Upon vote, the motion failed with Chairman Benitz and Commissioner Beaver opposing.

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

Prioritization of Projects – Public Works Department

Steve Becken said his office had been working on three priority projects that fit the criteria for submittal to Doc Hastings for funding: Piert Road, Travis Road, and Red Mountain. He requested the Board prioritize the three projects, identify funding sources for Travis Road and Red Mountain Interchange (if they asked for less than the full 80%) and authorize the Chairman to sign the support letters and applications. Mr. Becken said he was told they would look more favorably if the County funded part of the 80%, however, there would have to be a commitment in hand to go with the project.

Commissioner Bowman said he believed the efforts were futile since Doc Hastings was limited on funds for projects. He said that Travis and Piert Road would not have the support but that Red Mountain had a lot of support from many entities and was the only economic vitality project in the WSDOT program. Additionally, he said he felt that Red Mountain was the only one that met the test and that Travis and Piert Roads were already funded. He said he would support Red Mountain as the number one priority and did not want to include the other projects.

Commissioner Beaver said he would agree to listing Red Mountain as the number one priority and not including the smaller projects. Additionally, he requested the Board give Mr. Sparks some direction on finding a way to get help with Red Mountain.

Mr. Sparks requested a point commissioner to work with on the Red Mountain issue and Commissioner Beaver agreed to do it.

Chairman Benitz said that Travis Road had been on the Six-Year Program for many years and was now going to pieces and he wanted Travis Road as the number one priority. He said it was important to keep up the current roads before building new roads.

Other Business

Dispute Resolution Center

Commissioner Bowman said the Center was having its 10th anniversary on Friday the 24th and wanted to know if anybody would be attending. He said that he would not be able to attend and both Commissioners Benitz and Beaver said they would not be attending as well.

Emergency Drill

Commissioner Bowman said he would not be able to attend the emergency drill. However, Commissioner Benitz stated he would be present in Prosser and Commissioner Beaver would be present at Emergency Services.

WSAC Legislation

Commissioner Bowman said he had information available if the Board wanted copies. Additionally, he said the Governor signed the legislation on the county seat issue.

Claim for Damages

CC 09-11: Received on April 16, 2009 from Roger Gray, Union Street Development Co., Inc.

Vouchers

Check Date: 04/15/2009
Taxes #: 10109044-1010946
Warrant #: 922107-922108
Total all funds: \$35,047.08

Check Date: 04/15/2009
Warrant #: 223091, 223099-223335
Total all funds: \$108,395.45

Check Date: 04/17/2009
Warrant #: 922853-923151
Total all funds: \$2,020,743.54

Check Date: 04/17/2009
Warrant #: 922395-922852
Total all funds: \$12,129.10

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

Resolutions

- 9.253 Maintenance Agreements w/Comstor Information Management, Inc.
- 9.254 Procedures/Guidelines for Approving County/Bi County Non-Bargaining Positions, Rescinding Resolution 09-056
- 9.255 Service Contract w/Davey's Tree
- 9.256 Contract, #2009-HH2163, w/BF Community Action Committee for Homeless Housing
- 9.257 Grant Application w/Office of Juvenile Justice on Truancy Contempt Prevention Project
- 9.258 Separation Agreement and Release
- 9.259 Authorization to Proceed w/Hess Road Bridges Guardrail Upgrades
- 9.260 Authorization to Proceed w/Bituminous Surface Treatment 2009
- 9.261 Approval of Preliminary Plat Application SUB 07-06, Sunset Estates
- 9.262 Amendment to Interlocal Agreement Between Benton County and Greater Columbia Behavioral Health (GCBH) for the Reformation of the GCBH Regional Support Network
- 9.263 Approval of Copier Lease for the PA's office

There being no further business before the Board, the meeting adjourned at approximately 10:25 a.m.

Clerk of the Board

Chairman