

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, April 2, 2019, 9:00 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

Present: Chairman Shon Small
Commissioner James Beaver
Commissioner Jerome Delvin
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; Adam Fyall, Sustainable Development Manager; County Engineer Matt Rasmussen; Assistant County Engineer Robert Blain; DPA Ryan Brown; Clerk Josie Delvin; District Court Administrator Jacki Lahtinen; Jerrod MacPherson, Planning Manager Clark Posey, Assistant Planning Manager; Treasurer Ken Spencer; Bob Woody, IT; District Court Judge Terry Tanner; Rafaela Selga (new District Court Administrator) .

Approval of Minutes

The Minutes of March 26, 2019 were approved.

Consent Agenda

MOTION: Commissioner Delvin moved to approve the consent agenda items “a” through “k”. Commissioner Beaver seconded and upon vote, the Board approved the following:

Auditor

- a. Line Item Transfer, Fund No. 0111-101, Dept. 000

Commissioners

- b. Line Item Transfer, Fund No. 0133-101, Dept. 000
- c. National County Government Month Proclamation

Fairgrounds

- d. Closing Revolving Account Established by Resolution 01-118

Horticultural Pest and Disease Board

- e. Reappointments (3) to Horticultural Pest and Disease Board

Human Services

- f. Approving Use of 2163 Funds for Supporting Housing Program of the Ten-Year Homeless Housing Plan
- g. Grant Agreement w/Elijah Family Homes for Rehabilitation Project

Office of Public Defense

- h. Line Item Transfer, Fund No. 0000-101, Dept. 136

Public Works

- i. Award of Contract to Central Washington Asphalt, Inc. for CE 2078 SMP – 2019 BST – Area 3
- j. Rejecting Bids for C.E. 2079 SMP – 2019 Magnesium Chloride Supply and Application
- k. Appointments to the Solid Waste Advisory Committee

Public Comment

Louetta Shippet, Benton City, presented a petition signed by several concerned citizens regarding code violations at 2701/2703 Breezie, Benton City, WA. She said the structures were duplexes intended for two (one-family units) and they believed that multiples families would be residing there as there were multiple showers, toilets, sinks, and two stackable washer/dryers.

Jerrod MacPherson said the code indicated that each side could be a single household, a group of people living together, related or not and it met their standards for a duplex. He said they did not regulate showers, baths, or the number of people residing in the house.

However, code enforcement was complaint drive and they would look at health standards and occupancy load with Code Enforcement/Building Department and the Health Department.

Paul Christensen, Benton City, said he owned the water system that served the property and the lot next to it. He said during the development they were told this was going to be a duplex, not farm labor housing. He said the duplex was permitted, but the use of the property was the violation. He said he was not allowed to supply water to this kind of development and he needed to find out whether this was a legal use. It would appear this was not a family unit when multiple men were there separately with their own paperwork. He said he talked to Planning and Code Enforcement and he believed this was a violation of the code for the use of the facility.

Richard Prell, Benton City, said he was a contractor and could not get away with this and believed this was deception. He said his vote was against this as it was being used and that it should be on agricultural land.

Candance DeGood, Benton City, said she was concerned it was misrepresented as a single-family dwelling and not a migrant farm home and was against it.

Donald Regas, Benton City, said he agreed with the stated objections, and was here as a witness that this was true; that these were not family units, but migrant workers, that it would not add to property values and they needed help fixing this.

Carlie Banks, Benton City, said she purchased property, and this would not help her property value as one would be right behind her back yard. She said she had children and expressed concern about multiple men living in her back yard.

Ben Franklin Transit Update

Gloria Boyce, General Manager, gave the annual report/update and discussed the following:

- Industry & Agency Overview
 - Service Area
 - Staff Snapshot
 - Fleet & Services
 - Who We Serve/How We Serve
 - Funding
 - Economic & Community Impact
 - Industry Governance

Commissioner Delvin asked about their reserve funds and Ms. Boyce indicated they had a reserve fund of \$34 million (operating reserve, fuel reserve, fleet reserve, and capital projects) and they were now at a level where they felt comfortable. She indicated she would send a financial report to the Board.

County Newspaper Bid

Loretta Smith Kelty presented the bids for official county newspaper. The notice of bid call was advertised as required, posted on the website, and notice sent by email to all known newspapers.

The following bids were received and opened:

- Tri-City Herald
- Prosser Record Bulletin

Ms. Smith Kelty said the bids would be evaluated and brought back to the Board for a recommendation.

Columbia River Shoreline Reconveyance

Mr. Fyall said the Columbia River Shoreline Reconveyance had been a topic of lengthy discussion throughout the Tri-Cities community. There were four separate Corps of Engineers-owned properties that could potentially be reconveyed to the County: 1) Hover Park; 2) Two Rivers Park; 3) Toothaker Habitat Management Unit; and 4) Tax Parcel 105801020004000. He said at this time, he was not able to make a recommendation due to the increased liability to the County. However, if the Board wanted to have any properties reconveyed he recommended reconveyance only of Two Rivers Park and only so long as the attached levee was not part of the property transfer and the County did not incur any responsibilities for the maintenance or certification of said levee or any other flood control infrastructure.

Doc Hastings said this had been an ongoing effort to get legislation and an Act of Congress to reconvey lands back to the local entities. In order to do that it would require broad community support and that is the reason they needed Benton County's support. It was a two-step process: receive local support and develop the concept to sell to congress to reconvey the lands.

He said if the lands were transferred, there would not be any cost incurred. Cost would only be incurred if something was done with those properties through the planning process; however, owning shoreline property would increase the value.

Commissioner Delvin said he would not want anything that was within the city limits and was only interested in areas south of Kennewick to the Finley Area.

Gary Peterson, TRIDEC, said they were working with all the jurisdictions that would be involved and the goal was to have the community's request finalized; he saw their role as accurately reflecting the position of each jurisdiction in the draft legislation.

Brad Fisher said the County previously signed a letter of support and they were asking for a letter of continuing support.

Commissioner Small said he agreed with Commissioner Delvin but wanted to make sure they were not taking control of something that would increase liability or have any upfront costs (unless the County decided to do some development) but he was in support of getting the lands back.

Doc Hasting said the intent of the legislation was to have no cost and that all state and federal protections would remain in place (but the legislation had not yet passed).

Commissioner Beaver said he did not have a problem with reconveyance but did have a problem with liability. He said he was concerned about their exposure and what it meant to the County and the taxpayers that the property and everything on the property belonged to them; additionally, he had budget concerns.

There was a discussion about insurance and the potential for increased property value and revenue with long-term water front property.

The Board directed staff to work with TRIDEC to draft a letter to express the County's support of the potential reconveyance of all Corps-owned land as outlined by staff, so long as the County did not incur any responsibilities for the maintenance or certification of levees or flood control infrastructure, with the letter to be reviewed by the Board at a later date.

The issue was to be brought back for discussion at the next board meeting.

WA State Initiative 1639 – Resolution in Opposition

MOTION: Commissioner Delvin moved to approve the resolution stating the Board of Benton County Commissioners' opposition to Initiative 1639 as presented. Commissioner Beaver seconded and upon vote, the motion carried. Upon vote, the motion carried.

Other Business

Jacki Lahtinen introduced Rafaela Selga, the new District Court Administrator, who would be replacing her May 1, 2019.

The Board recessed, reconvening at 10:20 a.m.

Executive Session – Pending Litigation

The Board went into executive session at 10:20 a.m. with DPA Ryan Brown to discuss pending litigation. Also present were Jerrod MacPherson, David Sparks, Loretta Smith Kelty, and Cami McKenzie. The Board came out at 10:35 a.m. No decisions were made in executive session.

MOTION: Commissioner Delvin moved to adopt the Resolution resolving the appeal of Benton County’s 2017 Comprehensive Plan Periodic Update and settlement agreement between Futurewise and Benton County. Commissioner Beaver seconded and upon vote, the motion carried.

Account Payables

Check Date: 03/29/2019

Warrant #: 189473-189556
Total all funds: \$2,245.21

EFTs #: 629-639
Transfers #: 03291901-03291906
Total all funds: \$512,704.55

Warrant #: 189557-189617
Total all funds: \$308,136.99

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

Resolutions

- 2019-262: Line Item Transfer, Fund No. 0111-101, Dept. 000
- 2019-263: Line Item Transfer, Fund No. 0133-101, Dept. 000
- 2019-264: National County Government Month Proclamation
- 2019-265: Closing Revolving Account Established by Resolution 01-118
- 2019-266: Reappointment of David Murry to Horticultural Pest and Disease Board
- 2019-267: Reappointment of Kevin Christensen to Horticultural Pest and Disease Board
- 2019-268: Reappointment of Matt Eddie to Horticultural Pest and Disease Board
- 2019-269: Approving Use of 2163 Funds for Supporting Housing Program of the Ten-Year Homeless Housing Plan
- 2019-270: Grant Agreement w/Elijah Family Homes for Rehabilitation Project
- 2019-271: Line Item Transfer, Fund No. 0000-101, Dept. 136
- 2019-272: Award of Contract to Central Washington Asphalt, Inc. for CE 2078 SMP – 2019 BST – Area 3

- 2019-273: Rejecting Bids for C.E. 2079 SMP – 2019 Magnesium Chloride Supply and Application
- 2019-274: Appointments to the Solid Waste Advisory Committee
- 2019-275: BOCC Opposition to Washington State Initiative 1639 – Limiting Firearms
- 2019-276: Resolving Appeal of 2017 Comp. Plan – Settlement Agreement Between Futurewise and Benton County

There being no further business before the Board, the meeting adjourned at approximately 10:34 a.m.

Clerk of the Board

Chairman