

**MINUTES**

**BOARD OF BENTON COUNTY COMMISSIONERS**

Regular Board Meeting  
Tuesday, April 9, 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; Clerk Josie Delvin; District Court Administrator Jacki Lahtinen; Jerrod MacPherson, Planning Manager Clark Posey, Assistant Planning Manager; Treasurer Ken Spencer; Deputy Treasurer Andrew Hicks; District Court Judge Terry Tanner; Rafaela Selga, new District Court Administrator; Bob Woody, IT; Deputy Assessor Adam Morasch.

**Approval of Minutes**

The Minutes of April 2, 2019 were approved.

**Review Agenda**

Consent Agenda item “r” (Purchase of Portable X-Ray Unit) was pulled.

**Consent Agenda**

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

**Auditor**

- a. Surplus and Disposition of Personal Property

**Board of Equalization**

- b. Reappointment of John Deichman

**Commissioners**

- c. Residual Equity Transfer From Vitrification Impact Fund to Capital Projects Fund; Closing Out the Vitrification Fund

**District Court**

- d. Employment Relocation Agreement w/Rafaela Selga

**Human Resources**

- e. Line Item Transfer, Fund No. 0148-101, Dept. 112

**Human Services**

- f. Scope of Work to the Continuum of Care Program Grant w/US Department of Housing and Urban Development

**Juvenile**

- g. Amendment #1 w/Connections Consulting for Interpreter Services

**Planning**

- h. Final Plat of Kingwood Estates – SUB 2019-001

**Public Safety**

- i. First Amended Agreement w/Columbia Basin Veterans Center for Veterans Forum Program

**Public Works**

- j. Agreement w/Columbia Irrigation District for Raw Materials
- k. Public Hearing Authorization for Franchise Application from Frontier Communications
- l. Public Hearing Authorization for Franchise Application from City of Kennewick
- m. Public Hearing Authorization for Franchise Application from Roza Heights Water Association
- n. Payment of Invoices From Western States for Snow Removal Rental Equipment
- o. Advertising and Bid Process for Safety Road Improvements
- p. Declaring Crosby Road Overlay Project An Emergent Project
- q. Contract Award to Central Washington Asphalt, Inc. for Crosby Road Overlay

**Sheriff**

- s. Purchase of General 1000 EPS From A&L Sports, Inc.

**Sustainable Development**

- t. Agreement w/Gray & Osborne for Plymouth Community Well
- u. Agreement w/Plymouth Water District for Plymouth Community Well

**Public Hearing – SPV 2018-005**

Jerrod MacPherson said the Planning Department received a request for the vacation of the 20-foot access easement and 50' cul-de-sac turnaround as presented in the staff memo. Because the lots were consolidated, there was no longer a need for the access easement. Owners of the property within 300 feet and all concerned agencies were notified and no concerns were received. He said that based upon the information received, approval was recommended.

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

**MOTION:** Commissioner Delvin moved to approve the vacation of the 20-foot access easement and 50' cul-de-sac turnaround of the western 35 feet of lot 1 with the northern portion of the cul-de-sac extending into the southwest corner of Lot 2 of Short Plat 2130, records of Benton County. Commissioner Beaver seconded and upon vote, the motion carried.

## **Grant Application from the WA State Parks and Recreation – Boating Safety Program**

Lt. Mathew Clarke (via/Skype) presented the grant application for the boating safety program from the Washington State Parks and Recreation. He said it required a match of \$27,000, which was approved during the budget process.

**MOTION:** Commissioner Delvin moved to approve the recreational boating safety federal financial assistance grant award from the Washington State Parks and Recreation Commission in the amount of \$14,743.26 as presented and authorized the Chairman to sign the intergovernmental agreement. Commissioner Beaver seconded and upon vote, the motion carried.

## **Columbia River Shoreline Reconveyance**

Adam Fyall said he prepared two letters for the Board's consideration:

- Benton County was willing to request reconveyance of all Corps-owned property from Kennewick to McNary Dam without pumps or levies, contingent upon Richland and Kennewick doing the same thing; or
- Benton County was interested in two particular properties (Two Rivers Park and Wallula Gap Preserve)
- Third option: Benton County supported the process, but was not going to do anything

The Powerpoint briefly reviewed the following properties:

- Verbena – RL5 Zoning
- Two Rivers Park – actively developing since 1969 (own in every way except on paper); if the County did not want anything to do with the levy, someone would have to define where the line for the levy began
- Toothaker HMU – 300 acres of wetlands, open space, and railroad; managing the property was beyond Benton County's current capacity and would be a challenge and require a lot of work
- Hover Park – Benton County currently leased this park from the Corps; however, they had never done anything significant with it and were currently replacing signs and upgrading a modest small parking area at the end of Hover Road
- Wallula Gap Preserve - currently owned three parcels in the area but the area was not very accessible; interesting that it might connect up some properties that Benton County already owned

Commissioner Delvin said he was interested in Verbena and thought the County could use that later on, that Two Rivers Park and Hover Park made sense, and Wallula Gap to connect and possibly sell in the future. He suggested that Fish & Wildlife might be interested in Toothaker and Hover Park for fishing and hunting areas.

Commissioner Beaver said he was supportive of the effort of Richland and Kennewick because they were interested in commercial development and tax base and wanted river front property.

However, there were certain places, like Hover Park, that were going to remain the same and if the County extended itself, it would extend its liability and resources. He said he liked the Option 3 letter and was still opposed to the notion that they take on assets and resources they could not pay for.

Chairman Small said he was interested in the potential of the properties and keeping for the future (possibly selling to farmers, a landing strip for the County, or selling to someone else) and that owning Two Rivers Park would have value. He agreed with the idea of contacting the State about possible interest in Hover Park and Toothaker. He said he was not as fearful of taking the properties as he was of letting them go and was not interested in property in the city limits.

The Board asked Mr. Fyall to follow up with TRIDEC and Fish & Wildlife to see if the State had potential interest in Hover Park and Toothaker and to draft a letter expressing interest in Two Rivers Park, Verbena, and Wallula Gap.

### **Other Business**

#### **Farmworker Housing/Duplex Issue in Benton City**

Commissioner Delvin said the owner of the duplex applied to the State for a certificate of farm worker housing, which would supersede county zoning. He said at a minimum, the owner was dishonest to the County when he submitted the application for duplexes. He said there were some legal issues to review, and he understood the concerns of the homeowners in the area, but it appeared there was nothing the County could do. Apparently, the owner already received one certificate from the State for farm worker housing.

Chairman Small said he visited the area to look at the duplexes. He said they were nice, and certainly nicer than what had been there in the past and felt it was interesting the way it was perceived by the residents.

The Board recessed, reconvening at 9:55 a.m.

### **Executive Session – 1<sup>st</sup> Quarter Litigation Update**

The Board went into executive session with DPA Ryan Brown (via/Skype) at 9:55 a.m. to discuss the 1<sup>st</sup> quarter litigation update for 10 minutes. Also present were David Sparks, Loretta Smith Kelty, and Cami McKenzie. The Board came out at 10:05 a.m. and no action was taken.

### **Tort Claims**

CC 2019-04B:	Received on April 4, 2019 from Jose Contreras
CC 2019-04C:	Received on April 8, 2019 from Jose Contreras
CC 2019-06:	Received on April 8, 2019 from Michael Waters

## **Account Payables**

Check Date: 04/05/2019

EFT's #: 653-655  
Transfers #: 04051901-04051905  
Total all funds: \$49,309.47

Warrant #: 189690-189808  
Total all funds: \$229,057.10

## **Payroll**

Check Date: 04/05/2019

Payroll Checks  
Warrant #: 241775-241816  
Direct Deposit #: 142272-142864  
Total all funds: \$2,250,277.15

Payroll Deductions/Transfers  
Taxes #: 101190401-101190411  
ACH #: 656-662  
Total all funds: \$2,192,331.21

Payroll Deductions/Warrants  
Warrant #: 189809-189817  
Total all funds: \$136,197.60

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

## **Resolutions**

- 2019-277: Surplus and Disposition of Personal Property
- 2019-278: Reappointment of John Deichman
- 2019-279: Residual Equity Transfer From Vitrification Impact Fund to Capital Projects Fund;  
Closing Out the Vitrification Fund
- 2019-280: Employment Relocation Agreement w/Rafaela Selga
- 2019-281: Line Item Transfer, Fund No. 0148-101, Dept. 112
- 2019-282: Scope of Work to the Continuum of Care Program Grant w/US Department of  
Housing and Urban Development
- 2019-283: Amendment #1 w/Connections Consulting for Interpreter Services
- 2019-284: Final Plat of Kingwood Estates – SUB 2019-001
- 2019-285: First Amended Agreement w/Columbia Basin Veterans Center
- 2019-286: Agreement w/Columbia Irrigation District for Raw Materials
- 2019-287: Public Hearing for Franchise Application from Frontier Communications

- 2019-288: Public Hearing for Franchise Application from City of Kennewick
- 2019-289: Public Hearing for Franchise Application from Roza Heights Water Association
- 2019-290: Payment of Invoices From Western States for Snow Removal Rental Equipment
- 2019-291: Advertising and Bid Process for Safety Road Improvements
- 2019-292: Declaring Crosby Road Overlay Project An Emergent Project
- 2019-293: Contract Award to Central Washington Asphalt, Inc. for Crosby Road Overlay
- 2019-294: Purchase of General 1000 EPS UTV From A&L Sports, Inc.
- 2019-295: Agreement w/Gray & Osborne for Plymouth Community Well
- 2019-296: Agreement w/Plymouth Water District for Plymouth Community Well
- 2019-297: Vacation of Easement – SPV 2018-005
- 2019-298: Awarding Grant Funding from WA State Parks & Rec – Boating Safety Program

There being no further business before the Board, the meeting adjourned at approximately 10:05 a.m.

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Clerk of the Board

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Chairman