

**MINUTES**

**BOARD OF BENTON COUNTY COMMISSIONERS**

Regular Board Meeting  
March 2, 2009, 9:00 am.  
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; Public Works Director Ross Dunfee; Mike Shuttleworth, Planning Manager and Valerie Smith; DPA Ryan Brown; Steve Becken and Norm Childress, Public Works; DPA Kathleen Galioto and DPA Jonathan Young; Juvenile Administrator Sharon Paradis; Superior Court Judge Cameron Mitchell.

**Approval of Minutes**

The Minutes of February 23, 2009 were approved.

**Review Agenda**

Commissioner Bowman requested language be added to consent agenda "a" regarding the land grant mission status. The Board agreed.

**Consent Agenda**

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

**Commissioners**

- a. Letter to WSU

**Facilities**

- b. Contract w/Sierra Electric for Exterior Lighting

**Fairgrounds**

- c. Lease Agreement w/Tri-Cities Woodcarvers Asso.
- d. Approval of Payment to M Campbell & Co, Inc for Emergency Repair of Heat Pump

- e. Lease Agreement w/12-Bar Productions LLC for Annual Blues Festival
- f. Lease Agreement w/Ye Olde Car Club of the Tri-Cities

Human Services

- g. Amendment to Agreement 07/09-CMH-LCC w/Lourdes Counseling Center
- h. Agreement #08/09-FBG-LCS w/Lutheran Community Services

Road/Engineer

- i. Granting A Franchise to Roza Heights Water Association
- j. Sheet 1 Approval for Plans on Horse Heaven Vista Improvements
- k. Interlocal Agreement w/City of Kennewick to Reconstruct Olympia Street
- l. Interlocal Agreement w/City of Benton City for Bituminous Surface Treatment 2009
- m. Authorization of Public Hearing for Proposed Vacation of Right of Way of Riek Road
- n. Appointments to the Solid Waste Advisory Committee
- o. Supplement 3 Approval to Surface Transportation Program Funds of Webber Canyon Road

Sheriff

- p. Work Crew Agreement w/Columbia Irrigation District
- q. Authorization to Purchase Kustom Raptor

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

**Continued Public Hearing – CPA 07-02**

Mike Shuttleworth presented the resolution for approval of CPA 07-02.

**MOTION:** Commissioner Bowman moved approval of the amendment to the Benton County Comprehensive Plan, CPA 07-02. Commissioner Beaver seconded and upon vote, the motion carried with Chairman Benitz opposing.

**Other Business**

Meeting Cancellation

The regular board meeting of March 9, 2009 was cancelled.

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

**Ben Franklin Transit Discussion**

Tim Frederickson, General Manager for Ben Franklin Transit, gave a presentation regarding the request for letters of support to receive federal funds. Mr. Frederickson said the facility was built in 1986 and Transit had since outgrown the facility. He provided information on the following: service aspects, operation, history of operating revenue, performance measures, capital development goals for 2009, operating costs, and a snapshot of the \$7 million they were requesting to receive. Mr. Fredrickson stated the Transit vehicles were now 21 years old, showing wear and tear and not meet ADA standards. He said they were requesting \$8.5 million for replacement of the vehicles.

**MOTION:** Commissioner Bowman moved to approve letters to the congressional delegation, as modified to include the amounts. Commissioner Beaver seconded and upon vote, the motion carried.

### **Temporary Out of Class Assignment – Discussion**

Sharon Paradis requested that an employee with a temporary out of class assignment retain her original anniversary date of January 1. She said that once the assignment was over, the employee would go back to her original salary grade and step as if she had never taken the assignment.

Sarah Perry via/videoconference said there was ambiguity in the contract, and this employee was given this information due to that ambiguity. She said the other piece would be to make sure the employee was aware she would go back to her regular duties and regular pay. Ms. Paradis said the employee was fully aware of that stipulation.

Judge Cameron Mitchell spoke in favor of the request.

**MOTION:** Commissioner Bowman moved to approve the salary request statement for Kristin Overvold from a 15D to 15E. Commissioner Beaver seconded and upon vote, the motion carried.

### **Health District Board Finance Committee Appointment**

Chairman Benitz said the Health District Board was putting together a finance subcommittee to work on issues and requested the Board appoint Linda Ivey as its representative, with himself as the alternate. The Board concurred.

### **Health District Building on Canal Avenue – Discussion**

The Board discussed the Health District Building on Canal Avenue and the Health District's obligation to sell the building within one year and pay the County \$500,000. The Board also discussed whether it might be advantageous to purchase the building for the debt owed and see if there were opportunities to use it for current facility needs.

The Board agreed to have Ryan Brown prepare a six-month extension to offer to the Health District. Additionally, it directed Mr. Sparks to move forward with an appraisal of the property and provide an analysis of possible uses and estimated costs to remodel the building.

### **Roza Area Safety Update**

Norm Childress and Ross Dunfee updated the Board on the progress of the Roza Area safety upgrades. Mr. Childress said as part of the original plan, they had asked WSDOT to complete an

audit and make recommendations. However, due to funding constraints, WSDOT was not sure when they would be able to complete the audit.

Mr. Dunfee proposed the Road Department expand the plan by hiring a consultant to work with the residents to form a committee and develop a scope of work for capital improvements in the area.

Jim Willard, resident, said he appreciated the Board addressing the issue with a consultant.

In response to a question by Chairman Benitz, Mr. Dunfee estimated that phase 1 could be complete within three to six months at a cost of approximately \$50,000 to \$100,000.

The Board concurred to move forward with an RFQ for a consultant.

### **Executive Session – Claim for Damages**

The Board went into executive session with Kathleen Galioto and Jonathan Young at 10:24 a.m. for approximately 15 minutes to discuss a claim for damages. Also present were David Sparks, Cami McKenzie, Ryan Brown, Steve Becken, Norm Childress, Ross Dunfee, Loretta Smith Kilty, and Melina Wenner. The Board came out of executive session at 10:26 a.m. No decisions were made.

The Board briefly recessed, reconvening at 10:30 a.m.

### **Badger Mountain Centennial Preserve Discussion**

Adam Fyall said the “Friends of Badger Mountain” group was trying to acquire three additional parcels on the south side of Badger Mountain and the group wanted to know if the County would accept these parcels as donated properties if they were able to acquire the property. He said the Friends of Badger Mountain group was fully aware it was their responsibility to pay for all costs associated with acquiring the property.

DPA Ryan Brown advised the Board not to commit to anything until it knew what it was committing to. However, from a policy decision it was okay to move forward.

Commissioners Bowman and Beaver said they did not have a problem with moving forward with the concept. Chairman Benitz said he had reservations because there would always be costs associated back to the County.

### **Unscheduled Visitors**

Gary Schaeffer discussed an issue he was having regarding ownership of a bridge that gave access to his property. He said the Fire Marshal denied building permits on the parcels due to safety issues for crossing the bridge.

Ray Morfel, Kennewick, said he had the same concerns. He owned a parcel, but without the bridge, could not have access to his property.

Jerry Winheim, Badger Road, said he hired the engineer to see what was needed to bring it up to standards and was looking to get the issue resolved so he could build on his property.

Gary Schaeffer said the Bureau of Reclamation indicated if he took ownership of the bridge, the permit would be revocable. However, if the County took possession, it would not.

Ken Williams, Benton County Fire Marshal, said the bridge was needed prior to development and the Fire Chiefs would not cross a private bridge without low-bearing signs. He stated the engineering report passed their requirements by about 16,000 pounds, but a sign would need to be posted on the bridge.

Chairman Benitz said the Board would review the matter and get back to the residents.

### **Claim for Damages**

CC 09-03: Received on February 24, 2009 from Brian Jacobs for personal injury received during incarceration.

### **Resolutions**

- 9.146 Contract w/Sierra Electric for Exterior Lighting
- 9.147 Lease Agreement w/Tri-Cities Woodcarvers Asso.
- 9.148 Approval of Payment to M Campbell & Co, Inc for Emergency Repair of Heat Pump
- 9.149 Lease Agreement w/12-Bar Productions LLC for Annual Blues Festival
- 9.150 Lease Agreement w/Ye Olde Car Club of the Tri-Cities
- 9.151 Amendment to Agreement 07/09-CMH-LCC w/Lourdes Counseling Center
- 9.152 Agreement #08/09-FBG-LCS w/Lutheran Community Services
- 9.153 Granting A Franchise to Roza Heights Water Association
- 9.154 Sheet 1 Approval for Plans on Horse Heaven Vista Improvements
- 9.155 Interlocal Agreement w/City of Kennewick to Reconstruct Olympia Street
- 9.156 Interlocal Agreement w/City of Benton City for Bituminous Surface Treatment 2009
- 9.157 Authorization of Public Hearing for Proposed Vacation of Right of Way of Riek Road
- 9.158 Appointments to the Solid Waste Advisory Committee
- 9.159 Supplement 3 Approval to Surface Transportation Program Funds of Webber Canyon Road
- 9.160 Work Crew Agreement w/Columbia Irrigation District
- 9.161 Authorization to Purchase Kustom Raptor
- 9.162 Amendment to the Benton County Comprehensive Plan, File CPA 07-02

There being no further business before the Board, the meeting adjourned at approximately 11:00 a.m.

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Clerk of the Board

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Chairman