

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
November 2, 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; Adam Fyall, Community Development Coordinator; Finance Manager Linda Ivey; Personnel Manager Melina Wenner; Facilities Manager Roy Rogers; Mike Shuttleworth, Susan Walker, and Valerie Smith, Planning; Steve Becken, Malcolm Bowie, Larry Moser, Sue Schuetze, and Norm Childress, Public Works; DPA Ryan Brown; and Treasurer Duane Davidson.

Approval of Minutes

The Minutes of October 26, 2009 were approved.
The Bi-County Minutes of October 26, 2009 were approved.

Cancellation of Meeting

The meeting of November 9, 2009 was cancelled.

Review Agenda

Commissioner Bowman said that consent agenda "i" appeared to be loaning equipment without compensation and did not identify the source of the funds. Steve Becken said the resolution had been changed and presented to the Clerk of the Board.

Consent Agenda

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

Commissioners

- a. Adoption of 2010 - 2015 Capital Improvement Plan

Human Services

- b. Amendment, #07/09-PIHP-CFCS-01, w/Catholic Family & Child Service of the Tri-Cities
- c. Amendment, #07/09-CMH-CFCS-01, w/Catholic Family & Child Service of the Tri-Cities
- d. Amendment, #07/09-CMH-LCS-02, w/Lutheran Community Services Northwest
- e. Amendment, #07/09-PIHP-NECC-01, w/Nueva Esperanza Counseling Center
- f. Amendment, #07/09-CMH-NECC-01, w/Nueva Esperanza Counseling Center
- g. Amendment, #09/09-DIV-NECC-02, w/Nueva Esperanza Counseling Center

Office of Public Defense

- h. Personal Service Agreement w/S Johnson for District Court Indigent Defense

Public Works

- i. Interlocal Agreement w/City of Prosser to Use Solid Waste Brush Bandit

Treasurer

- j. Petty Cash and Change Fund for Treasurer's Office
- k. Contract Extension w/Master's Touch, Inc.

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

Public Hearing – Short Plat Vacation - 09-05

Mike Shuttleworth said that Benton County received an application requesting the vacation of a 50-foot Access Easement located on Lot 2 of Short Plat 2545. He said the Planning Department recommended vacation, however, it would not vacate the underlying easement created prior to the creation of the short plat.

Proponents

Kimberly Kennell spoke in favor and said they needed the vacation to continue building their home.

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

MOTION: Commissioner Beaver moved to approve the vacation of the 60-foot access easement, with the listed conditions. Commissioner Bowman seconded and upon vote, the motion carried.

Ordinance 466 Amendment – Sunset Clause

Mr. Shuttleworth said the Planning Department was proposing to extend the effective date until December 21, 2010, when the anticipated new zoning and development regulations would be in place. Ms. Walker said they were working very hard to get them in place prior to that deadline.

MOTION: Commissioner Bowman moved to adopt the Planning Commission's finding of fact and approve the resolution adopting the ordinance amendment. Commissioner Beaver seconded and upon vote, the motion carried.

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

Continued Public Hearing – 2009 Comprehensive Plan Amendments

Susan Walker summarized the 2009 amendment proposals as follows:

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, approved by the Board on September 28, 2009.

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

MOTION: Commissioner Beaver moved to approve the resolution adopting Comprehensive Plan Amendment application CPA 09-01. Commissioner Bowman seconded and upon vote, the motion carried.

CPA 09-02

A proposal by the City of Richland to include 178.36 acres of land into its Urban Growth Area boundary, approved by the Board on September 28, 2009.

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

MOTION: Commissioner Bowman moved to approve the resolution adopting Comprehensive Plan Amendment application CPA 09-02. Commissioner Beaver seconded and upon vote, the motion carried with Commissioner Benitz opposing.

CPA 09-03

A revised proposal by the City of Benton City to include New Area A and New Area B into its Urban Growth Area boundary, approved by the Board on September 28, 2009.

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

MOTION: Commissioner Beaver moved to approve the resolution adopting Comprehensive Plan Amendment application CPA 09-03. Commissioner Bowman seconded and upon vote, the motion carried with Commissioner Benitz opposing.

CPA 09-04

A proposal by Harold and Susan Bond to change the land use designation from Rural Lands Five to General Commercial, denied by the Board on September 28, 2009.

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

MOTION: Commissioner Bowman moved to deny Comprehensive Plan Amendment application CPA 09-05. Commissioner Beaver seconded and upon vote, the motion carried.

CPA 09-05

A proposal by Chuck Barnes of Kennewick General Hospital to change the land use designation from Heavy Industrial to Rural Lands Five on two parcels and one parcel owned by Paul Meier, approved by the Board on September 28, 2009.

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

MOTION: Commissioner Beaver moved to approve the Comprehensive Plan Amendment application CPA 09-05. Commissioner Bowman seconded and upon vote, the motion carried.

CPA 09-06

A proposal by staff to edit text regarding the completion of the Finley Intertie and related edits to road names on the transportation maps, approved by the Board on September 28, 2009.

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

MOTION: Commissioner Bowman moved to approve the Comprehensive Plan Amendment application CPA 09-06. Commissioner Beaver seconded and upon vote, the motion carried.

The Board briefly recessed, reconvening at 9:30 a.m.

Railroad Crossing Update

Steve Becken updated the Board on the estimate for the Wiser Parkway and BNSF Railroad crossing. He said the Board had authorized payment of \$500,000 and the Road Department had estimated \$300,000 for the road and \$200,000 for the railroad crossing. He said they had received additional information and the railroad estimate was now \$500,000 with a total cost at \$800,000. Additionally, the Road Department was now recommending concrete instead of asphalt because they believe the road would have to be rebuilt in 2-3 years due to wear and tear from large vehicles (total estimate \$1,057,008).

Commissioner Bowman said he was in favor of approaching the school district and other owners on this issue, especially if the concrete was needed due to large vehicles.

Commissioner Beaver agreed the County should look for other partners because the Board gave direction to cap the contribution at a certain amount. He said there were landowners in the area that would benefit from the crossing.

Chairman Benitz said he agreed with the cap and wanted to go back and work with Burlington Northern to see if the cost could be readdressed and work with landowners to see if there were other options. He agreed that others using that loop road should participate in the cost.

Other Business

Columbia River Crossing Study

Commissioner Bowman said the Board received another letter asking the Board to increase its contribution from \$10,000 to \$12,500. Commissioner Beaver said he was on the executive board for the Council of Government and said he would bring it back to the Board.

Mayor Carnahan, Benton City, said he was also on the executive board with Commissioner Beaver and the recommendation was that everyone that paid into the study got one vote. He said he personally believed it would benefit Benton County and asked the Board to consider the increase.

The Board agreed to table the discussion until November 16.

Commissioner Beaver said this issue went away at the beginning of the year until they found \$125,000 from the State and now there was a race to spend the money. He said he was not in agreement with COG deciding how the County should spend its money and that COG could find the additional money if they wanted to move forward with the study.

Yakima River Basin Water Enhancement Project

Commissioner Bowman requested an update on this project and the Board agreed to have a workshop on November 16.

Executive Session – Pending Litigation

The Board went into executive session at 9:55 a.m. for approximately 15 minutes with DPA Ryan Brown to discuss pending litigation. Also present were Mike Shuttleworth, Susan Walker, Melina Wenner, Loretta Smith Kelty, David Sparks, and Cami McKenzie. The Board came out at 10:05 a.m. Mr. Brown stated that no action was taken.

Claim for Damages

CC 09-23: Received on October 27, 2009 from Shawn Hugie

Resolutions

9.714 Adoption of 2010 - 2015 Capital Improvement Plan
9.715 Amendment, #07/09-PIHP-CFCS-01, w/Catholic Family & Child Service of the Tri-Cities

- 9.716 Amendment, #07/09-CMH-CFCS-01, w/Catholic Family & Child Service of the Tri-Cities
- 9.717 Amendment, #07/09-CMH-LCS-02, w/Lutheran Community Services Northwest
- 9.718 Amendment, #07/09-PIHP-NECC-01, w/Nueva Esperanza Counseling Center
- 9.719 Amendment, #07/09-CMH-NECC-01, w/Nueva Esperanza Counseling Center
- 9.720 Amendment, #09/09-DIV-NECC-02, w/Nueva Esperanza Counseling Center
- 9.721 Personal Service Agreement w/S Johnson for District Court Indigent Defense
- 9.722 Interlocal Agreement w/City of Prosser to Use Solid Waste Brush Bandit
- 9.723 Petty Cash and Change Fund for Treasurer's Office
- 9.724 Contract Extension w/Master's Touch, Inc.
- 9.725 Adoption of Ordinance No. 472 Relating to Interim Growth Management Regulations
- 9.726 Approval of Amendment to the Benton County Comprehensive Plan File CPA 09-01
- 9.727 Approval of Amendment to the Benton County Comprehensive Plan File CPA 09-02
- 9.728 Approval of Amendment to the Benton County Comprehensive Plan File CPA 09-03
- 9.729 Denial of Amendment to the Benton County Comprehensive Plan File CPA 09-04
- 9.730 Approval of Amendment to the Benton County Comprehensive Plan File CPA 09-05
- 9.731 Approval of Amendment to the Benton County Comprehensive Plan File CPA 09-06

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

Clerk of the Board

Chairman