

**MINUTES**

**BOARD OF BENTON COUNTY COMMISSIONERS**

Regular Board Meeting  
Tuesday, April 30, 2019, 9:00 a.m.  
Commissioners' Conference Room  
Benton County Courthouse, Prosser, WA

**Present:** Chairman Shon Small  
Commissioner James Beaver  
County Administrator David Sparks  
Clerk of the Board Cami McKenzie

**Absent:** Jerome Delvin (ECA)

**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; Greg Wendt, Planning; Commander Steve Caughey; Ela Selga, District Court Administrator; HR Manager Lexi Wingfield.

**Approval of Minutes**

The Minutes of April 23, 2019 were approved.

**Consent Agenda**

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

**Facilities**

- a. Contract w/Yakima Mechanical, Inc for Inspection, Testing, Maintenance and Repairs of the Propane Mixer Gas Backup System

**Office of Public Defense**

- b. Authorizing the Renewal of LinkedIn Learning Subscription for On-line Training Services

**Planning**

- c. Contract w/White Bluffs Consulting to Perform an Updated Comprehensive Land Use Plan and Development Regulations

**Public Safety**

- d. Amended Program Agreement with Columbia Basin Veterans Center for the Columbia Basin Veterans Forum

**Public Works**

- e. Purchase of One Water Truck Cab and Chassis From Jim's Pacific Garages, Inc.

- f. Purchase of Tires & Services from Commercial Tire, Inc. & Pasco Tire Factory

**Sheriff**

- g. Salary Request Statements (2)
- h. Purchase of One Trailer and Tarp from Don Johnson Sales, Inc. for Department of Ecology Community Litter Cleanup Program

**Sustainable Development**

- i. Agreement w/Focal Point Marketing, LLC for Candy Mountain Preserve Trail

**Public Comment**

Needle Exchange Program

Lisa Thomas, Richland, expressed her concerns and opposition to the Needle Exchange Program. She stated she was a registered nurse and an advocate for drug treatment and supported jail programs for mental health, detox and treatment, but was opposed to the coalition's push for the needle exchange program.

Ordinance Amendment to County Zoning

Commander Rob Peterson, U.S. Navy, spoke in support of the Comprehensive Plan Update. He said they had been involved in the process trying to assist with zoning that affected their military training routes and ability to train in those areas. They were trying to get in early and be involved in the process and reduce any conflict that might come later.

Chairman Small apologized and said he should have had him speak during the public hearing.

**Public Hearings – Franchise Agreements**

Matt Rasmussen said he would be presenting three separate applications for franchise agreements. He stated that all three agencies currently had a franchise to locate water line facilities in Benton County road right of way and they expired every 10 years. He said he recommended approval of the applications as presented and once they had a signed agreement with the companies, they would bring those back to the Board for approval.

**Roza Heights Water Association – Application for Franchise**

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

**MOTION:** Commissioner Beaver moved to approve the Franchise Order and Agreement with Roza Heights Water Association, subject to the six conditions listed in the report. Chairman Small seconded and upon vote, the motion carried.

**City of Kennewick – Application for Franchise**

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

**MOTION:** Commissioner Beaver moved to approve the Franchise Order and Agreement with the City of Kennewick, subject to the six conditions listed in the report. Chairman Small seconded and upon vote, the motion carried.

**Frontier Communications – Application for Franchise**

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

**MOTION:** Commissioner Beaver moved to approve the Franchise Order and Agreement with Frontier Communications, subject to the six conditions listed in the report. Chairman Small seconded and upon vote, the motion carried.

**Public Hearing - Ordinance Amendment to County Zoning – OA-2019-001**

Jerrod MacPherson and Greg Wendt presented the ordinance amendment to county zoning, stating it was mainly a text amendment to county zoning regulations. The Planning Commission held its public hearing and forwarded a recommendation of approval, subject to 10 conditions. Additionally, the Planning Department recommended approval.

Mr. Wendt said it focused mainly on three items:

1. Futurwise Settlement Agreement;
2. Placement of wind turbines - they worked closely with the Dept. of Defense; and
3. New conditional use permit for commercial recreational facilities

**Public Testimony**

Commander Rob Peterson spoke in favor of the amendments and said it was a great process working through this and they would continue to work with the County.

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

**MOTION:** Commissioner Beaver moved to adopt the Planning Commission’s Recommendation, Findings and Conclusions as their own, approve the Resolution and adopt the Ordinance amending BCC 11.03.010, BCC 11.06.080, BCC 11.09.080, BCC 11.11.080, BCC 11.15.060, BCC 11.15.080, BCC 11.17.070, BCC 11.31.060 and BCC 11.42.100. (Ordinance Amendment File No. OA 2019-001). Chairman Small seconded and upon vote, the motion carried.

**Code Compliance Official**

Jerrod MacPherson and Lexi Wingfield presented two resolutions establishing a code compliance official classification and salary grade. If approved, this would create a new “Code Compliance Division” within the Planning Department and would be a new position but filled with in-house staff so would be budget neutral.

Mr. Sparks commented this was a good opportunity to use current staff and have someone with experience in code enforcement to help the fire marshal and code enforcement officer and would be good backup.

**MOTION:** Commissioner Beaver moved to approve the Resolution Establishing a Code Compliance Official Classification Description. Chairman Small seconded.

#### Discussion

Commissioner Beaver said the County was not getting smaller so having the additional help and backup was a good idea.

Chairman Small asked about using I-502 funds to offset this. Mr. Sparks said that was a possibility and he would look into using funds for this and the Sheriff's office.

Upon vote, the motion carried.

**MOTION:** Commissioner Beaver moved to approve the Resolution Establishing a Salary Grade for a Code Compliance Official. Chairman Small seconded and upon vote, the motion carried.

#### **Procurement Policy Discussion**

Mr. Sparks said as the County grew, so did the budget and purchasing. He indicated they currently had procurement officers in the Sheriff's Office and Public Works and he wanted to know if the Board was interested in pursuing a procurement department (along the lines as the Finance Division). The Board agreed.

#### **Alabama Canine Law Enforcement Officers Training Center**

Commander Steve Caughey presented a resolution authorizing payment to Alabama Canine Law Enforcement Officers Training Center for the purchase of a canine. He offered an apology stating he made a mistake when purchasing the canine and did not follow the procurement policy. He explained his extensive research process and said he did obtain six vendor quotes however, they were not on the MRSC. Additionally, he presented a line item transfer to pay for the canine from the Public Safety Tax fund.

**MOTION:** Commissioner Beaver moved to approve the Resolution authorizing payment to Alabama Canine Law Enforcement Officers Training Center for One Canine in the amount of \$9,500.00 plus WSST. Chairman Small seconded and upon vote, the motion carried.

**MOTION:** Commissioner Small moved to approve the Line Item Transfer as presented to pay for the Canine. Commissioner Beaver seconded and upon vote, the motion carried.

## **Organized Crime Drug Enforcement Task Forces Agreement w/US Marshals**

Commander Caughey presented an agreement with the US Marshals office to pay for use of overtime and authorized expenses for the Benton County Detective to assist OCDEF investigations. He said the agenda report was incorrect, and it was included in the budget for both years.

**MOTION:** Commissioner Beaver moved to approve the attached Resolution and Organized Crime Drug Enforcement Task Forces (OCDEF) Agreement for the use of overtime and authorized expense for Benton County Sheriff's Detective to assist in OCDEF investigations for an amount up to \$18,343.75 for the period of April 1, 2019 thru September 30, 2019 and authorized the Benton County Sheriff's signature on the attached OCDEF Agreement. Chairman Small seconded and upon vote, the motion carried.

## **Other Business**

### **District Court**

Commissioner Beaver thanked Jacki Lahtinen for her 20 years of great service and positive attitude for the County.

### **Prosser High School**

Chairman Small said he attended the groundbreaking for the new Prosser High School.

## **Tort Claims**

CC 2019-08: Received on April 2, 2019 from David Charles Hablewitz

## **Resolutions**

- 2019-331: Contract w/Yakima Mechanical, Inc for Inspection, Testing, Maintenance and Repairs of the Propane Mixer Gas Backup System
- 2019-332: Authorizing the Renewal of LinkedIn Learning Subscription for On-line Training Services
- 2019-333: Contract w/White Bluffs Consulting to Perform an Updated Comprehensive Land Use Plan and Development Regulations
- 2019-334: Amended Program Agreement with Columbia Basin Veterans Center for the Columbia Basin Veterans Forum
- 2019-335: Purchase of One Water Truck Cab and Chassis From Jim's Pacific Garages, Inc.
- 2019-336: Purchase of Tires & Services from Commercial Tire, Inc. & Pasco Tire Factory
- 2019-337: Purchase of One Trailer and Tarp from Don Johnson Sales, Inc.
- 2019-338: Agreement w/Focal Point Marketing, LLC for Candy Mountain Preserve Trail
- 2019-339: Adoption of Ordinance 617 – Relating to Zoning
- 2019-340: Establishing a Code Compliance Official Classification Description
- 2019-341: Establishing a Salary Grade for Code Compliance Official

- 2019-342: Authorizing Payment to Alabama Canine Law Enforcement Officers Training Center
- 2019-343: Transfer of Funds – Public Safety Tax Fund 0148-101, Dept. 121
- 2019-344: FY 2019 Agreement Between Sheriff’s Office and US Marshal Organized Crime Drug Enforcement Task Forces

There being no further business before the Board, the meeting adjourned at approximately 9:40 a.m.

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Clerk of the Board

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Chairman