

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Tuesday, March 30, 2021, 9:00 a.m.

*Meeting provided by Video Live-Broadcast and Telephonically*

**Present:** Chairman Jerome Delvin  
Commissioner Shon Small (via/WebEx)  
Commissioner Will McKay (via/WebEx)  
Deputy County Administrator Matt Rasmussen  
Clerk of the Board Cami McKenzie

**Absent:** County Administrator Jerrod MacPherson (vacation – excused)

**Benton County Employees Present During All or a Portion of the Meeting:** Robert Heard, IT Manager; Adam Fyall, Sustainable Development Manager; Greg Wendt, Director of Community Development and Michelle Cooke, Assistant Planning Manager; Peter McEnderfer, Associate Planner; DPA Ryan Brown (via/WebEx).

#### Pledge of Allegiance

The Board recited the Pledge of Allegiance.

#### Approval of Minutes

The Special Minutes of March 16, 2021 (Town Hall Meeting) were approved.

The Minutes of March 23, 2021 were approved.

#### Consent Agenda

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

#### Auditor

- a. Surplus & Disposition of Personal Property

#### Commissioners

- b. Board Assignments; Rescinding Resolution 2021-045

#### IT

- c. Renewal of KnowBe4 Security Awareness Training Subscription

#### Public Works

- d. Revised Local Agency Federal Aid Project Prospectus for Dallas Road Bike Path Project

### **Purchasing Dept.**

- e. Award & Contracts for Supplying Road Surfacing Materials for Public Works
- f. Accepting Work Performed by Banlin Construction for Justice Center Plumbing & Water Intrusion Project
- g. Contract w/Sierra Electric for On-Call Electrical Maintenance Services
- h. Rejection of Bids for Prosser Courthouse Hearing Room Bathroom Project
- i. Amending Resolution 2021-155 Authorizing Purchase of Vehicles for Various Departments
- j. Amending Resolution 2021-228 Authorizing Purchase of Vehicles for Corrections Dept.
- k. Contract w/Yoder dba Coffey Refrigeration for Quarterly Inspections & Repair & Maintenance Services for Kitchen Equipment @ the Jail
- l. Agreement w/Naphcare, Inc. for Health Care Services to Inmates & Detainees @ the Jail
- m. Contract w/Apollo Mechanical Contractors for Boiler Replacement Project @ the Jail
- n. First Amended Contract w/Bergstrom Aircraft for Maintenance, Repairs, Fueling, Pilot Supplies & Hangar Rental for Sheriff's Office

### **Superior Court**

- o. Contract w/Regional Toxicology Services for Urinalysis Testing

### **Public Comment**

Michelle Caron (via/WebEx), said she was the applicant for the Open Space Application, and would appreciate the Board's consideration (in favor). Chairman Delvin asked her to wait on the line until the public hearing.

### **Public Hearing - Ordinance Amendment – BCC 11.15 & BCC 11.17 – OA 2021-001**

Greg Wendt announced the public hearing on the Ordinance Amendment for BCC 11.15 & BCC 11.17 – OA 2021-001 would need to be continued to April 6, 2021 at 9:00 a.m. at the Justice Center, Commissioners' Conference Room, 2<sup>nd</sup> Floor. A notice will be posted on the entrance to the Board room and the website.

Mr. Wendt introduced new employee Peter McEnderfer, who came from Franklin County with a lot of experience.

### **Public Hearing – Open Space Application – OS 2001-001**

Greg Wendt said this application was a little unusual; applicants have the option to apply for Open Space Land classifications to allow subject parcels to be valued at their current use, rather than their highest and best use for assessment of property taxes. The options were agriculture, timber, or open (conservation lands that may have a public benefit) and directs the County to process in the same manner as a comprehensive plan amendment. He said it did appear before the Planning Commission and they forwarded a recommendation for approval.

Mr. McEnderfer was the application was reviewed and the site was located West of E. Jacobs Road and North of Dallas Road in Benton City, near Goose Ridge Winery. He said the applicants operate a wildlife rehabilitation center and have permits from US Federal Fish & Wildlife and

Washington Department of Fish & Wildlife to provide a natural habitat for birds and animals to mature or recover.

Additionally, he conducted an inspection of the property with the Assessor's Agriculture appraiser, and both agreed the property met the intent of the Open Space Taxation Act.

The Planning Commission and Planning Division recommended approval of the application, subject to the conditions in the agreement. The site is surrounded by Department of Natural Resources land, which is leased, and they are well-aware of the rehabilitation facility.

As there was no one present to testify, the public hearing was closed. Michelle Caron disconnected from WebEx.

**MOTION:** Commissioner Small moved to approve the Board of County Commissioners adopt the Planning Commission's Findings and Conclusions as their own and approve the application for Classification for Open Space Land as noted in Casefile OS 2021-001 and authorize the Chairman to sign the Notice of Approval for Classification as Open Space as presented. Commissioner McKay seconded and upon vote, the motion carried.

### **Scheduled Business**

#### **Benton Conservation District Briefing**

Adam Fyall introduced Mark Nielson and Heather Wendt, Benton Conservation District, and they provided a briefing via/Powerpoint and discussed the following:

- History – founded in 1942 – non regulatory resource agency and that works mostly with private land owners
- Priorities/Goals – air quality/education/water quality, wildlife habitat, public access, urban interface, water quantity, district operations
- Board Members
- Current projects – heritage/small farms programs – conservation (webinars provided during COVID - increased attendance - over 150 attended). The video was posted online and several 100 more watched. They will take those lessons to continue to provide additional services as they begin to provide in-person training. Salmon in the classroom – provided a “salmon cam” and online tutorial – typically reach 20,000 students (on target to reach 30,000 students due to increased access).
- Aquatic weed control - stargrass on the Yakima – problems with clogging/covering salmon spawning beds/breeding space for mosquitos. Through a grant they purchased an aquatic weed harvester – hope to treat and open-up salmon spawning beds and treat mosquitos – purely experimental
- Air quality issues – proposed improvements
- Received ground water grant from Dept. of Ecology for Badger Coulee area

## **Scout Clean Energy's Application to EFSEC – Horse Heaven Wind Farm**

Greg Wendt and Michelle Cooke, Planning, and DPA Ryan Brown (via/WebEx) presented a County statement to EFSEC in opposition to the proposed Scout Energy Horse Heaven Wind Farm project and proposed attachments.

If approved, the letter of opposition, as well as the packet including a summary of findings, public comments, and audio of the March 16 Town Hall Meeting will be included and submitted to EFSEC later this afternoon. They will be present at EFSEC's public meeting tonight at 5:00 p.m., followed by the land use hearing.

Additionally, the applicant dropped its request for expedited review, which means they will be required to complete an EIS, as well as adjudicated hearings to review the land use laws.

Mr. Brown commented he received a call from their attorney on Monday stating they had withdrawn their request for expedited hearing. He said that essentially reduced the need for the land use consistency hearing scheduled for tonight, however, it was still scheduled.

Commissioner Small said he was in favor of the letter, and hoped it resonated with the EFSEC Board. Commissioner McKay said if approved, he would read the statement into the record at tonight's meeting. He agreed with Commissioner Small and said hopefully EFSEC would listen to their concerns.

**MOTION:** Commissioner Small moved to approve the statement of opposition letter to EFSEC regarding the Horse Heaven Wind Farm project for tonight's meeting as presented. Commissioner McKay seconded and upon vote, the motion carried.

### **Other Business**

#### **Phase 3 Update**

The County was still waiting to get guidance on Phase 3. However, Chairman Delvin said he was contacted by the Governor's staff and they have another meeting at the end of April.

### **Accounts Payable**

Check Date: 03/19/2021

Warrant #: 215716-215929

Total all funds: \$3,102,945.01

EFT #: 1685-1691

Transfers #: 03192101-03192107

Total all funds: \$812,341.18

**Resolutions**

- 2021-268: Surplus & Disposition of Personal Property
- 2021-269: Board Assignments; Rescinding Resolution 2021-045
- 2021-270: Renewal of KnowBe4 Security Awareness Training Subscription
- 2021-271: Revised Local Agency Federal Aid Project Prospectus for Dallas Road Bike Path Project
  
- 2021-272: Award & Contracts for Supplying Road Surfacing Materials for Public Works
- 2021-273: Accepting Work Performed by Banlin Construction for Justice Center Plumbing & Water Intrusion Project
  
- 2021-274: Contract w/Sierra Electric for On-Call Electrical Maintenance Services
- 2021-275: Rejection of Bids for Prosser Courthouse Hearing Room Bathroom Project
- 2021-276: Amending Resolution 2021-155 Authorizing Purchase of Vehicles for Various Departments
  
- 2021-277: Amending Resolution 2021-228 Authorizing Purchase of Vehicles for Corrections Dept.
  
- 2021-278: Contract w/Yoder dba Coffey Refrigeration for Quarterly Inspections & Repair & Maintenance Services for Kitchen Equipment @ the Jail
- 2021-279: Agreement w/Naphcare, Inc. for Health Care Services to Inmates & Detainees @ the Jail
  
- 2021-280: Contract w/Apollo Mechanical Contractors for Boiler Replacement Project @ the Jail
  
- 2021-281: First Amended Contract w/Bergstrom Aircraft for Maintenance, Repairs, Fueling, Pilot Supplies & Hangar Rental for Sheriff's Office
- 2021-282: Contract w/Regional Toxicology Services for Urinalysis Testing
- 2021-283: Approval of Application for Classification of Open Space – OS 2021-001

There being no further business before the Board, the meeting adjourned at approximately 9:34 a.m.

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Clerk of the Board

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Chairman