

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Benton County Courthouse, Prosser, WA  
Tuesday, April 12, 2022, 9:00 a.m.  
*Meeting provided in-person, by Video Live-Broadcast and Telephonically via/WebEx*

**Present:** Chairman Shon Small  
Commissioner Will McKay  
Commissioner Jerome Delvin  
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:** Cody Shelton, IT; Greg Wendt, Community Development Director; Michelle Cooke, Planning; Robert Blain, Operations & Capital Programs; Adam Fyall, Sustainable Development Manager; DPA Ryan Brown; Treasurer Ken Spencer; Sheriff Tom Croskrey; Lt. Erick Magnuson.

#### Pledge of Allegiance

The Board recited the Pledge of Allegiance.

#### Approval of Minutes

The Minutes of April 5, 2022 were approved.

#### Agenda Review

None.

#### Consent Agenda

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

#### Juvenile

- a. Amendment #1 to Personal Service Contract w/M. Henry
- b. Amendment #1 to Public Works Contract w/Johnson Controls

#### Planning

- c. Appointment of Odalys Lopez to Planning Commission

### **Public Works**

- d. Authorization to Advertise Bid Opening – Crack Seal Material
- e. Certification of Road Fund Expenditures to CRAB – Corrections; Rescind Res. 2022-214

### **Purchasing**

- f. 2<sup>nd</sup> Amendment w/Franklin County – Mutual Use of Jail Facilities

### **Public Comment**

None.

### **Public Hearing - Benton County Commissioner District Redistricting**

Adam Fyall, Dr. Maricela Sanchez, and Kyle Johnson, GIS Dept. presented the Redistricting information for the Board's consideration and briefly discussed the following:

- Volunteer Committee
- History and background
- Statutory requirements
- County Procedure
- Census Data
- Consideration
- Alternatives
- Analysis
- GIS Presentation on mapping
  
- Alternative 1 - most similar to current, with least amount of disruption
  
- Alternative 2 –more of an urban district, creating a Kennewick urban core
  
- Alternative 3 – based on geographic features for boundaries (as historically created)
  
- Recommendation – the Committee voted unanimously for Alternative, 1 with small evolutionary tweaks, but still balanced in population and demographics

As there was no one present to testify, public testimony was closed for the day and would remain open for one week.

**MOTION:** Commissioner McKay moved to continue the public hearing for one week, to be reopened at 9:00 a.m., Tuesday, April 19, 2022 in the 3<sup>rd</sup> floor Board room at the Benton County Courthouse in Prosser. Commissioner Delvin seconded and upon vote, the motion carried.

### **Public Hearing - CPA 2022-001 - Comprehensive Plan Amendment Application**

Michelle Cooke and Greg Wendt, Planning, presented the application by Vicki Brock to modify the Comprehensive Plan designation of six contiguous parcels from Rural Industrial to Rural

Remote. A rezone of the properties from current Heavy Industrial zoning to Rural Lands Five Acre zoning will be required after the Comprehensive Plan Amendment process is complete.

The Planning Division and Planning Commission recommend approval of the proposed amendments, subject to 14 findings of fact.

#### Testimony

Jon Rouse, Kennewick, said this amendment was important and spoke in favor of its approval. He expressed concern about the six Finley neighbors that were reclassified from unclassified to heavy industrial and said this amendment would restore former property rights to the property owners. Additionally, the property use in this area has been more aligned with RL-5 for the last 30 years.

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

**MOTION:** Commissioner Delvin moved to adopt the Planning Commission's Findings and Conclusions as their own and approve the application for a Comprehensive Plan Amendment as noted in Casefile CPA 2022-001 and authorize the Chairman to sign the Resolution for the Comprehensive Plan Amendment. Commissioner McKay seconded and upon vote, the motion carried.

#### **Public Hearing - CPA 2022-002 - Comprehensive Plan Amendment Application**

Michelle Cooke and Greg Wendt, Planning, presented the application by Thomas Fisher and Randal Underwood to modify the Comprehensive Plan designation of three contiguous parcels from Rural Remote to Rural Industrial. A rezone of the properties from current Rural Lands Five Acre zoning to an Industrial zoning designation will be required after the Comprehensive Plan Amendment process is complete.

The Planning Division and Planning Commission recommend approval of the proposed amendments, subject to 13 findings of fact.

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

**MOTION:** Commissioner Delvin moved to adopt the Planning Commission's Findings and Conclusions as their own and approve the application for a Comprehensive Plan Amendment as noted in casefile CPA 2022-002 and authorize the Chairman to sign the Resolution for the Comprehensive Plan Amendment. Commissioner McKay seconded and upon vote, the motion carried.

#### **Public Hearing - CPA 2022-003 - Comprehensive Plan Amendment Application**

Michelle Cooke and Greg Wendt, Planning, presented the application by Jerrit Wiser to modify the Comprehensive Plan Designation of seven contiguous parcels from Rural Commercial to Rural Industrial. A rezone of the properties from the current Interchange Commercial zoning designation

to an Industrial zoning designation will be required after the Comprehensive Plan Amendment process is completed.

The Planning Division and Planning Commission recommend approval of the proposed amendments, subject to 13 findings of fact.

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

**MOTION:** Commissioner McKay moved to adopt the Planning Commission's Findings and Conclusions as their own and approve the application for a Comprehensive Plan Amendment as noted in Casefile CPA 2022-003 and authorize the Chairman to sign the Resolution for the Comprehensive Plan. Commissioner Delvin seconded and upon vote, the motion carried.

### **Public Hearing - CPA 2022-004 - Comprehensive Plan Amendment Application**

Greg Wendt and Michelle Cooke presented the application by Benton County Planning to amend the text and Map Folio of the Benton County Comprehensive Plan regarding Urban Land Use Designations.

The Planning Division and Planning Commission recommend approval of the proposed amendments, subject to the 10 findings of fact.

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

**MOTION:** Commissioner McKay moved to adopt the Planning Commission's Findings and Conclusions as their own and approve the application for a Comprehensive Plan Amendment as noted in Casefile CPA 2022-004 and authorize the Chairman to sign the Resolution for the Comprehensive Plan Amendment. Commissioner Delvin seconded and upon vote, the motion carried.

### **Establish Construction Manager Position**

Robert Blain and Lexi Wingfield (via/WebEx) presented the resolutions to establish the Construction Manager Classification Description, Salary Grade, and required Line Item Transfer in Capital Projects Fund.

If approved, Mr. Blain said they would advertise and bring back a recommendation for a contract for up to four years with the employee.

**MOTION:** Commissioner Delvin moved to approve the Construction Manager classification description as presented. Commissioner McKay seconded and upon vote, the motion carried.

**MOTION:** Commissioner Delvin moved to approve the Resolution establishing the Construction Manager as a grade 25 on the Benton County Non-Bargaining salary schedule. Commissioner McKay seconded and upon vote, the motion carried.

**MOTION:** Commissioner Delvin moved to approve the Line Item Transfer within Capital Projects Fund 0305-101 as presented. Commissioner McKay seconded and upon vote, the motion carried.

**Other Business**

**Lifepoint Discussion**

Commissioner Delvin said that Ryan Brown would be talking to Lifepoint’s attorney, along with Matt Rasmussen to try and negotiate the terms. They thought they were close to an agreement, but they were putting on too many restrictions. He said if they could not work out the details at this meeting, he was ready to walk away from this deal.

The Board briefly recessed, reconvening at 9:51 a.m.

**Executive Session – Litigation Update**

The Board went into executive session at 9:51 a.m. for up to 15 minutes with DPA Ryan Brown for a litigation update. Also present were Matt Rasmussen and Cami McKenzie.

The Board came out at 10:06 a.m. and Mr. Brown said the Board discussed pending litigation, but no action was taken.

**Executive Session – Review Performance of Public Employee**

The Board went into executive session at 10:07 a.m. for up to five minutes with Sheriff Tom Croskrey and Lt. Erick Magnuson to review the performance of a public employee. Also present were Matt Rasmussen and Cami McKenzie. The Board came out at 10:16 a.m. and stated it needed an additional 10 minutes in executive session. The Board came out at 10:25 a.m. No decisions were made in executive session.

**MOTION:** Commissioner McKay moved to approve the salary request form as presented for Kayla Mirus, Records Sergeant. Commissioner Delvin seconded and upon vote, the motion carried.

**Tort Claims**

CC 2022-09: Received from Ziplely on April 11, 2022  
CC 2022-10: Received from Robyn Renee Hart on April 11, 2022

**Payroll**

Check Date: 04/05/2022

Payroll Checks  
Total all funds: \$2,476,962.18

Warrant #: 243578-243607  
Direct Deposit #: 169973-170557

Payroll Draw Deductions/Transfers  
Total all funds: \$2,256,250.74  
Taxes #: 101220401-101220411  
ACH #: 2233-2239

Payroll Deduction Warrants  
Total all funds: \$111,692.11  
Warrant #: 230173-230183

### **Accounts Payable**

Check Date: 04/11/2022

P-Cards #: 0422  
Total all funds: \$322,718.51

### **Resolutions**

- 2022-256: Amendment #1 to Personal Service Contract w/M. Henry
- 2022-257: Amendment #1 to Public Works Contract w/Johnson Controls
- 2022-258: Appointment of Odalys Lopez to Planning Commission
- 2022-259: Authorization to Advertise Bid Opening – Crack Seal Material
- 2022-260: Certification of Road Fund Expenditures to CRAB – Corrections
- 2022-261: 2<sup>nd</sup> Amendment w/Franklin County – Mutual Use of Jail Facilities
- 2022-262: Approval of Comprehensive Plan Amendment Application CPA 2022-001  
Modifying the Comprehensive Land Use Designations of Parcels from Rural Industrial to Rural Remote
- 2022-263: Approval of Comprehensive Plan Amendment Application CPA 2022-002 to  
Modify the Comprehensive Land Use Designation of Parcels from Rural Remote to Rural Industrial
- 2022-264: Approval of Comprehensive Plan Amendment Application CPA 2022-003 to  
Modify the Comprehensive Land Use Designation From Rural Commercial to Rural Industrial
- 2022-265: Approval of Comprehensive Plan Amendment Application CPA 2022-004 to  
Modify Text in Urban Land Use Designation and Amending Appendix A Map, Adding Maps for each of the Five Cities Within Benton County Showing their Adopted Urban Growth Boundaries, and Correcting Mapping Errors on the County Land Use Map
- 2022-266: Establishing a Construction Manager Classification Description
- 2022-267: Establishing the Salary Grade for a Construction Manager
- 2022-268: Transfer of Funds Within Capital Projects Fund 0305101

There being no further business before the Board, the meeting adjourned at approximately 10:25 a.m.

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Clerk of the Board

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Chairman