

Lloyd Carnahan- Mayor
Stephanie Hoegh- City Clerk-Treasurer
Cristy McGee-Deputy Clerk-Treasurer
Bob Spink- City Engineer

Lisa Stade-Councilwoman
Lynn Johnson- Councilman
Bob Bruce- Councilman
Lorna Deckert- Councilwoman
Honda Johnson - Councilwoman
Lee Kerr, City Attorney

REGULAR CITY COUNCIL MEETING

July 15, 2008

A G E N D A

Council Chamber
7:00 P.M.

TURN OFF ALL CELL PHONES & PAGER/EMERGENCY PERSONNEL USE SILENT ALERT

- A. CALL TO ORDER
- B. ROLL CALL
- C. READING AND APPROVAL OF MINUTES FOR REGULAR MEETING ON JULY 1, 2008
- D. OPENING REMARKS, "HOUSEKEEPING" ITEMS, EXECUTIVE SESSION REQUESTS, ETC.
- E. APPROVAL OF AGENDA
(Only essential changes not requiring preparation, legal & staff review; public notice, or action may be added).

VISITOR COMMENTS- for not-on-agenda items- comments simply listened to and noted usually without response. Council will not take action on an item not already on agenda without time to research, read, and receive staff report. Items may be added on future agenda, but not current agenda. Out-of-order comments restricted (purpose of Council meeting is ONLY for Council to conduct Business). If you wish to speak on an item on the agenda, or not on the agenda, complete the Citizen Comment form, and pass it to the City Clerk to be considered by Chair. Please do not speak or make remarks unless recognized by the Chair, then if you are called, come forward to microphone, & give name and address for minutes recorder. Please read other Council rules on backside of Agenda or on Citizen Comment Form. Chamber over-flow will be moved only to City Community Center.

F. REGULAR REPORTS:

- (1) Sheriff Report
- (2) Staff Reports
- (3) Engineer Report
- (4) Council Committee Report

G. ITEMS FOR APPROVAL:

- 1. Resolution #2008-13 - Setting Hearing for vacation of access - Sanlyn Estates
- 2. Resolution #2008-14 - Resolution designating tractor surplus
- 3. Second Reading - Ord. 836 - Council Salaries Ordinance
- 4. Second Reading - Ord. 837- Hotel/Motel Tax Ordinance
- 5. VOUCHERS

H. ITEMS FOR DISCUSSION:

- 1. Setting Goals to Use Water Efficiently - R. Shumate
- 2. Metropolitan Park District - L. Kerr
- 4. Development Standards in Urban Growth Boundaries - L. Kerr
- 3. City Hall Mold Inspection - S.Hoegh

I. GENERAL COUNCIL COMMENTS

J. ADJOURNMENT -Chair

**City of Benton City
Regular Council Meeting Minutes
July 1, 2008**

CALL TO ORDER – Mayor Carnahan called the regular Council meeting to order at 7:00 p.m.

ROLL CALL – (6/2/420) Council Members Present –

**Bob Bruce
Lorna Deckert
Honda Johnson
Lisa Stade
Lynn Johnson**

City Staff Present –

Stephanie Hoegh, City Clerk/Treasurer

Other Professionals Present –

**Bob Spink, City Engineer
Bronson Brown, City Attorney
Randy Rutledge, Benton City EDC**

PLEDGE OF ALLEGIANCE TO THE FLAG – Local Boy Scout Troop presented Colors and led the Pledge of Allegiance. (16/3/382)

READING AND APPROVAL OF MINUTES FOR REGULAR MEETING ON JUNE 17TH, 2008 AND SPECIAL MEETING JUNE 10TH, 2008 – (57/2/854)

Councilman Johnson: Mr. Mayor, I would move to approve the minutes for Regular Meeting June 17th and the Special Meeting June 10th.

Councilman Bruce: I second it.

MOTION #1- C. L. Johnson moved and C. B. Bruce seconded to approve the minutes for the Special Meeting on June 10th, 2008 and the Regular Council Meeting on June 17th, 2008, as presented.

**VOICE VOTE #1- C. L. Deckert, C. L. Johnson, C. H. Johnson, C. B. Bruce, C. L. Stade
ALL YEAS. Motion carried.**

**OPENING REMARKS, “HOUSEKEEPING” ITEMS, EXECUTIVE SESSION REQUESTS, ETC. –
None (79/1/566)**

APPROVAL OF AGENDA – (84/4/066)

Councilwoman Deckert: Mr. Mayor, I would like to have a discussion about our fees because I think a fee was charged for our fireworks display this year and I want to question just our _____ on that.

Mayor Carnahan: We'll do that during General Comments.

Councilman Johnson: Mr. Mayor, I move to approve the Agenda as presented.

Councilman Bruce: I second.

MOTION #2- C. L. Johnson moved and C. B. Bruce seconded to approve the Agenda as presented.

VOICE VOTE #2- C. L. Deckert, C. L. Johnson, C. L. Stade, C. H. Johnson, C. B. Bruce
ALL YEAS. Motion carried.

1. - VISITORS COMMENTS – None (101/3/145)

REGULAR REPORTS -

1. EDC REPORT – (104/3/462)

Randy Rutledge, Benton City EDC -

- Market began first of this month (113/3/740)
 - Lots of produce; fresh strawberries available
 - More vendors participating
 - Gross numbers hitting about same as last July
 - Added karaoke last weekend
 - Variety of music
 - Indian Jewelry vendor from Southwest expressed interest
 - Fish vendor should be back by middle of July
 - Breakfast 2nd and 4th; lunch every week
 - Espresso available
 - Continued growth expected
- Visit last month with Bob Sandoval, CTED (154/1/858)
 - EDC will be submitting grant for \$20,000 with \$5,000 match for economic development
 - July 11th Meeting
 - Highly competitive pool of money for this area
 - Only \$40,000 allotted to his area
 - Probably five entities going for \$20,000 - \$25,000
 - Need to be there to start defining issues
 - Opportunities for money often lead to other opportunities for money
- City Wide Yard Sale large success this year (178/1/351)
- June Jamboree quite an event (180/1/495)
 - Numbers up from years past
 - Still not numbers for quality of event
 - Hopefully continue next year
- Small Cities Meeting attended June 18th (189/3/427)
 - With Councilwoman Stade and Mayor Carnahan
 - Identifying legislative issues this year
 - Will meet with Larry Halder next week (205/4/173)
 - Water rights, etc.
 - Infrastructure funding relative to small cities
 - Highway Funding
 - Juvenile Justice costs
 - Tax Equalization
 - Lot of issues bypass smaller cities because we lack the collective voice and lobbying budgets of bigger cities
 - Hopefully the Council of Government through the Small Cities group can change this

- Committee formed of City Manager Jed Crowther, Connell; Lisa Stade, Bob Leedy, Bruce Swain from West Richland and self to develop Site Maps (229/4/090)
- Information being dispersed to Tridec not working
- Shovel-ready ground
- Want to get better at market ourselves to smaller manufacturers
- Tridec involved
- SW Internet business interested in relocating here
- Video store now belongs to Port of Benton (330/3/197)
- POB going through process of revamping and upgrading
- Feed Store cleaning and upgrading property (337/1/144)
- Still looking for lease tenants
- Dick Helland handling lease
- Scheduling Issues (363/4/073)
- June Jamboree and City Wide Yard Sale
- Possibly coordinate differently next year
 - Separate event dates
 - Avoid overworking volunteers
- Community Block Grant Information – Downtown Revitalization
- Share information - Council, EDC & Chamber (458/1/919)

2. STAFF REPORTS – (460/4/837)

Mayor Carnahan: I haven't had time to look for a tractor yet, but we will be doing that after the 4th of July, the Tuesday or Thursday of next week. We basically had to sell the backhoe so we could use the money to buy a tractor. We will discuss that and we will try to get the surplus listed for sale next week or the week after.

3. ENGINEER REPORT – (477/4/691)

Bob Spink, City Engineer

- Called County Planner/Clerk for Boundary Review Board
 - Ensured legal description was corrected satisfactorily
 - Scheduled Boundary Review Application
- Ki-Be Road on schedule (541/4/418)
 - Contractor to start on Monday
 - Coordinating with Transit Authority to reroute bus
 - Coordinating with School District and Contractor
 - Confident will be completed by start of school year
- Bike Path (568/1/215)
 - Regular Item on Agenda
- Grading Project (575/4/430)
 - Follow up with Railroad and Real Estate Office
 - Paperwork to be sent to Texas for Attorney approval
 - City Insurance and Contractor Insurance
 - Permit will be signed and grading can begin

4. COUNCIL COMMITTEE REPORT – (597/4/602)

Councilwoman Johnson – Tridec Meeting last Wednesday

- About thirty-nine companies looking to move into the Tri Cities at this time
- Some are Call Centers

- Helps lease old K-Marts, Food Depots, etc.
- Also developed Public Relation Advisory Group
 - Deanna Smith in charge
 - Set out to advertise the Tri City Area in USA Today, NY Times
- Not feeling effects of Recession in Tri Cities
- Most businesses already established and looking to expand
- Many people looking to relocate in this area

Councilman Bruce – None

Councilman Johnson – Clean Air Board cancelled last week, rescheduled for next month
 -Operations and Committee Meeting Ben Franklin Transit tomorrow noon
 -Will attend July 19th thru 22nd, National American Public Transportation System Board Member Seminar in Seattle

Mayor Carnahan – None

Councilwoman Deckert – Attended Mosquito Control Meeting
 -No reported cases of West Nile Fever
 -Fogging for mosquito larvae in West Richland and Mabton due to flooding this year
 -Contact MCD for mosquito eating fish for private ponds
 -Emergency Services Meeting
 -System change from 800 mH
 -Looking ahead for funding sources
 -Hanford money going away

Councilwoman Stade – Small Cities Meeting
 -Priorities
 -Need to find a better way to advertise land and features
 -Need to accentuate area not experiencing Recession
 -Affordable housing available
 -Supplement advertising already done

ITEMS FOR APPROVAL:

1. RESOLUTION #2008-12 AUTHOR. MAYOR TO SIGN BENTON COUNTY RURAL SAFETEA-LU PROGRAM (756/1/014)

Councilman Johnson: Mr. Mayor, I move for approval of Resolution 2008-12, a resolution approving the Interlocal Agreement for the Benton County Rural SAFETEA-LU Program for the purpose of allocating federal transportation program funds and authorizing the Mayor to sign the Interlocal Agreement.

Councilman Bruce: I'll second it.

MOTION #3 – C. L. Johnson moved and C. B. Bruce seconded for approval of Resolution 2008-12, a resolution approving the Interlocal Agreement for the Benton County Rural SAFETEA-LU Program for the purpose of allocating federal transportation program funds and authorizing the Mayor to sign the Interlocal Agreement.

ROLL CALL VOTE #3 – C. L. Deckert, C. B. Bruce, C. L. Stade, C. L. Johnson, C. H. Johnson.
ALL YEAS. Motion carries.

2. FIRST READING – HOTEL/MOTEL TAX ORDINANCE (891/1/120)

Councilwoman Deckert: Mr. Mayor, I would move for approval on the First Reading an ordinance of the City of Benton City, Washington, creating a new chapter 3.14 “Lodging Excise Tax” which relates to a tax that is imposed on the charge made for the furnishing of lodging or similar license to use real property.

Councilwoman Stade: I second that.

MOTION #4 – C. L. Deckert moved and C. L. Stade seconded for approval on the First Reading an ordinance of the City of Benton City, Washington, creating a new chapter 3.14 “Lodging Excise Tax” which relates to a tax that is imposed on the charge made for the furnishing of lodging or similar license to use real property.

VOICE VOTE #4 – C. L. Deckert, C. B. Bruce, C. L. Stade, C. L. Johnson, C. H. Johnson.
ALL YEAS. Motion carries.

3. SECOND READING – ORDINANCE 836 – COUNCIL SALARIES ORDINANCE (954/2/738)

Councilwoman Deckert: Mr. Mayor, at this time, I would move to accept the corrected copy as the Second Reading an ordinance of the City of Benton City, Washington, amending Section 2.28.020 “Officials’ Salaries”.

Councilman Johnson: I’ll second the motion.

MOTION #5 – C. L. Deckert moved and C. L. Johnson seconded to accept the corrected copy as the Second Reading an Ordinance of the City of Benton City, Washington, amending Section 2.28.020 “Officials’ Salaries”.

Councilman Bruce: Mr. Mayor, I would ask the Council to challenge this motion because I don’t quite understand why they can’t understand the difference between a salary and a compensation; so therefore it’s my opinion I would ask for a challenge on this matter; this ordinance. What I’m saying is, they’re going under a salary; what I’m saying is compensation, which is not a salary, which is not against a state law. We’re not going against any laws or violations. I’m just asking for compensation for the council members to be compensated for the meetings they attend, and we should challenge this. I think that the members should be compensated for the meetings that they attend now; the current members.

Mayor Carnahan: We, the present members cannot increase their compensation. You cannot increase what you were voted in for until it comes up to the next election that you’d be in _____; in other words, Mr. Johnson and Mrs. Stade will be up for re-election next year and that will be the time those two peoples compensation will be increased. And then the next two years, the other three of you will be up for re-election and the other three of you will be compensated at that time.

Councilman Bruce: That’s why I’m saying we should challenge it. I still haven’t seen anything; I still think it should be challenged.

Councilman Johnson: I’d like to bring up one point; if we’re going to pass this ordinance and it’s going to be in place, it’s not going to effect current elected officials right now; do you want to look at increasing what that compensation is for the next go-around, because Mr. Kerr states we are way behind what other council members in comparable cities are compensated for Council meetings. It is a question that was brought up because we are passing something now that is going to be in place for the next City Council. If you want to look at it and decide, should the next Council Members get \$75.00

per Council Meeting? Should we stay at \$50.00 and \$20.00 for Committee Meetings? It is food for thought and the Council might really want to think about this because this is going to effect the next go-around of elections, and whether this city is comparable to other cities. So if we want to postpone this for two weeks?

Councilwoman Deckert: I would like some more research done on what the other councils' compensation is. Possibly bring that back for discussion next time and make a decision at that time whether to add that in to this proposed ordinance. I think if Section Two were to be challenged, that would have to be done after we enact it, if you were to challenge it legally in court. We need to get it enacted and in our books so the next council coming in two years, four years from now, it will be there for them, but in the meantime, if Mr. Bruce wants to challenge it, then maybe test it somehow.

Mayor Carnahan: What we can do if you folks want to postpone this more or less, we'll have to make an amendment to this motion to postpone it, then we vote on the postponement, then we vote on the second that it doesn't pass but it moves forward to postponement for two weeks from now. Can the person that makes the motion, withdraw their motion?

Mr. Brown: If you do it right now, you can withdraw it. Withdraw the motion and then postpone it.

Councilwoman Deckert: Mr. Mayor, I move to withdraw my motion and postpone until a later meeting.

Councilman Johnson: I would withdraw my second on the motion and second.

MOTION #6 – C. L. Deckert moved and C. L. Johnson seconded to withdraw previous motion and postpone until a later meeting.

Councilman Johnson: Mr. Mayor, I would like to move that we postpone the Second Reading on Ordinance 836 Council Salaries Ordinance for further review until the next Council Meeting.

Councilman Bruce: I second.

MOTION #7 – C. L. Johnson moved and C. B. Bruce seconded to postpone the Second Reading on Ordinance 836 Council Salaries Ordinance for further review until the next Council Meeting on July 15th.

**VOICE VOTE #7 – C. L. Deckert, C. B. Bruce, C. L. Stade, C. L. Johnson, C. H. Johnson.
ALL YEAS. Motion carries.**

4. BIKE/WALKING TRAIL AWARD (1316/1/402)

Mr. Spink: At the last meeting, Council decided on Option No. 1 for the Bike Path, but it was not awarded. I would like to recommend is Council make the award of the Bike Path to J S & S Excavation in the amount of \$309, 228.99 and we've since talked to the County, both the Mayor and I; and I've talked to the Commissioner's Assistant and he has told me that the \$61,443.00 that the Commissioners want to contribute; they have to make an amendment to their park plan and he's trying to get that done this month, and so as a result of that, I've talked with the Contractor and he's okay with that. He said he would be glad to do all the bike path except in the County and he would do that last. If something happens and the County can't contribute their money, then we just won't build that. And it just so happens that amount of the project is 25%. Twenty-five percent is the standard overrun and underrun clause in standard specifications, so we're really covered either way, and so I feel confident that we award it and get going on the bike path.

Councilwoman Stade: Mr. Mayor, I move that we award the bike walking path project to J S & S Excavation in the amount of \$309,228.99, including sales tax.

Councilman Bruce: I'll second it.

MOTION #8 – C. L. Stade moved and C. B. Bruce seconded to award the bike walking path project to J S & S Excavation in the amount of \$309,228.99, including sales tax.

Councilman Johnson: I would like to amend the motion for approval the \$309,228.99 which includes the County portion to be specified that this does include the County's contribution and if the County's contribution is not there, it will be deducted from the \$309,228.99

Councilwoman Stade: Second.

MOTION #9 – C. L. Johnson moved and C. L. Stade seconded to amend the motion for approval the \$309,228.99 which includes the County portion to be specified that this does include the County's contribution and if the County's contribution is not there, it will be deducted from the \$309,228.99

ROLL CALL VOTE #9– C. L. Stade, C. B. Bruce, C. L. Deckert, C. L. Johnson, C. H. Johnson. ALL YEAS. Motion carries.

Mayor Carnahan: That amendment passed, now we will vote on the motion as amended. Roll Call.

ROLL CALL VOTE #10– C. L. Johnson, C. L. Deckert, C. H. Johnson, C. B. Bruce, C. L. Stade ALL YEAS. Motion carries.

5. VOUCHERS (1594/2/748)

Councilwoman Deckert: Mr. Mayor, I would move that we, the City Council of the City of Benton City, Washington, do hereby authorize payment of Voucher Check No. 21285 thru 21300 as listed in the amount of \$55,339.17 and Manual Check No. 21283 thru 21284 as listed in the amount of \$2,850.00. These checks are approved for payment this 1st day of July, 2008.

Councilman Johnson: Second.

MOTION #10 – C. L. Deckert moved and C. L. Johnson seconded the City Council of the City of Benton City, Washington, to hereby authorize payment of Voucher Check No. 21285 thru 21300 as listed in the amount of \$55,339.17 and Manual Check No. 21283 thru 21284 as listed in the amount of \$2,850.00. These checks are approved for payment this 1st of July, 2008.

ROLL CALL VOTE #10 – C. H. Johnson, C. L. Deckert, C. L. Stade, C. L. Johnson, C. B. Bruce. ALL YEAS. Motion carries.

ITEMS FOR DISCUSSION:

1. SETTING GOALS TO USE WATER EFFICIENTLY – R. Shumate (1632/1/335)

Mr. Spink: I brought a letter from the Department of Ecology to the City, to Ronnie Shumate of March of this year; and it says in there concerning water conservation; if a public water system public use data indicates that unaccounted water is twenty percent or greater, then the community shall implement a conservation program to detect and repair the leaks and also evaluate the repair of meters if they're needed, so they have criteria set up for this.

Ms. Hoegh: I believe from speaking with Ronnie that part of the requirements is for Council to maybe have a workshop and establish goals for the City and have public comment so I didn't know if you wanted to set up a public meeting or workshop?

Mayor Carnahan: Let me go through and talk with Ron and we'll present this again next Council Meeting; then we can set the public workshop for later.

GENERAL COUNCIL COMMENTS – (1758/3/662)

Councilwoman Deckert: I got a message second hand from Mrs. Harris; and that was the fee for the fireworks display. Since the City is supporting the fireworks display, putting on most of the money for the fireworks display, she thought it was strange that we would then charge a fee for the Lion's Club for the fireworks display for the 4th of July. Stephanie, do you know if a fee was charged and how much was it?

Ms. Hoegh: It was \$25.00 and it's per our fee schedule and it's in our code that we require if an organization either has a retail stand, there's a permit for that; and there's also a permit for a display.

Councilwoman Deckert: She has never been charged before and she was wondering. I guess maybe previously they just missed it?

Ms. Hoegh: It could be; Bronson, do you have it in front of you?

Mr. Bronson: Bronson Brown, City Attorney. It's in the Chapter 8.06, and it goes from 0.10 all the way To 8.06.080 and talks about retail sales and it also talks about displays. It's clear in there; it has language in there for charitable enterprises, organizations, that they also will be charged, but there's a cap on that of \$100. So it's hard to get around because it's in the City Ordinances, but if the Council wishes to change that, they can.

Councilwoman Deckert: I thought it was strange that we were providing the money to buy the fireworks and then we're charging a fee for the display to go off, so it just seemed like it was contrary to our _____ here.

Councilwoman Johnson: I have a comment on that, as a City and even as a business, we all donate a lot of money to different things, but that doesn't mean we're putting it on. If the City was putting it on, I could see waiving the fee, but we're not. If I understand when I read that code, because she also called me, it says in there, and this is all new to all of us since the audit, making sure everything is in line and the girls in City Hall are doing an outstanding job making sure that anything that goes before them, they're looking up the Code and it's there, so there all a lot of people that aren't aware of the Code until they violate it and they're like "why didn't I know?" Well, it didn't come up, but it also says in there if I'm not mistaken, they can be exempt from it if they contact the Mayor within thirty days. I explained that to her so that next year she would be aware of it that if you fill out an application fee thirty days before, you could be exempt from it, but it's too late this year.

Councilwoman Deckert: It would seem to me that the thirty days coming to Council and requesting the money for it, but I guess it's not the same as getting a permit.

Councilman Johnson: Councilwoman Johnson made a good point; we contribute to a lot of things but we don't put on an event, so it still needs to fall under our ordinance. It's not a large sum of money, and I think before we start thinking about our ordinance change, we think twice about it because this happens to be with the Lion's Club this time but it could be with a different organization somewhere down the road and you still need to follow policy as far as having some sort of permit to be legally binding that you should have a permit for certain kinds of displays, especially fireworks.

Councilwoman Johnson: (1900/3/717) Sheriff Report – Recent Residential Burglaries
-Local business broken into this weekend

Councilman Johnson: (1921/1/531) Compliment Councilwoman Deckert on Butterfly Garden

Councilwoman Deckert: Update on Butterfly Garden

ADJOURNMENT – Mayor Carnahan (1983/1/536)

Councilman Johnson: Mr. Mayor, if we have no other business, I would move to adjourn.

Councilman Bruce: Second.

MOTION #11 – C. L. Johnson moved and C. B. Bruce seconded to adjourn the June 17th, 2008 Regular Council Meeting.

VOICE VOTE #11 – C. L. Johnson, C. L. Deckert, C. H. Johnson, C. B. Bruce and C. L. Stade.
ALL YEAS. Motion carried.

Meeting adjourned at 8:06 p.m. (1988/3/732)

Lloyd Carnahan
Mayor, City of Benton City

Stephanie Hoegh
City Clerk-Treasurer

Date: _____

RESOLUTION NO. 2008-13

A RESOLUTION FIXING THE TIME AND DATE FOR A PUBLIC HEARING TO CONSIDER THE VACATION OF AN ACCESS EASEMENT ON LOT 10 BLOCK 1, 302 SANLYN COURT

WHEREAS, from time to time in response to petitions or in cases where it serves the general interest of the City, the City Council may vacate an access easement; and

WHEREAS, RCW 35.79 requires public hearings on vacations to be fixed by Resolution; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF BENTON CITY, WASHINGTON, hereby resolves as follows:

That a public hearing to consider vacating the access easement on Lot 10 Block 1, 302 Sanlyn Court, Sanlyn Estates DII, while retaining an utility easement, if necessary, will be held before the City Council of the City of Benton City in the Council Chambers at 708 9th Street, Benton City, at the hour of 7:45 p.m., on August 5, 2008. That the City Clerk of the City of Benton City give notice of said public hearing as required by law.

ADOPTED this ____ day of _____, 2008, by the City Council of the City of Benton City, Washington, and signed in authentication of its passage this ____ day of _____, 2008.

Resolution 2008-13 filed and recorded in the office of the City Clerk of the City of Benton City, Washington, this ____ day of _____, 2008.

Lloyd R. Carnahan
Mayor

Attest:

Approved as to Form:

Stephanie Hoegh
City Clerk/Treasurer

Leland B. Kerr
City Attorney

RESOLUTION NO. 2008-14

A RESOLUTION AUTHORIZING THE SALE OF BENTON CITY PROPERTY SURPLUS TO CITY NEEDS

WHEREAS, there are certain items of City property and equipment surplus to City needs; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF BENTON CITY, WASHINGTON, hereby resolves as follows:

Section 1. The items of City property and equipment listed in Exhibit A, attached hereto, are declared surplus property, and the City staff is authorized to sell such property at a price that is in the best interest of the City.

Section 2. The City staff is hereby authorized to dispose of said surplus property through one of the following methods:

- A. By transfer to a governmental agency.
- B. In trade as credit toward the purchase of a like article.
- C. By sale through competitive sealed bid, public or private sale, consignment or internet auction.

For any surplus property that is not sold, the City may sale the surplus property for salvage or junk the surplus property that cannot be sold.

ADOPTED this ____ day of _____, 2008, by the City Council of the City of Benton City, Washington, and signed in authentication of its passage this ___ day of _____, 2008.

Resolution 2008-14 filed and recorded in the office of the City Clerk of the City of Benton City, Washington, this _____ day of _____, 2008.

Lloyd R. Carnahan
Mayor

Attest:

Approved as to Form:

Stephanie Hoegh
City Clerk/Treasurer

Leland B. Kerr
City Attorney

First Reading: 06/03/08

Second Reading: _____

CORRECTED COPY

ORDINANCE NO. 836

**AN ORDINANCE OF THE CITY OF BENTON CITY,
WASHINGTON, AMENDING SECTION 2.28.020
"OFFICIALS' SALARIES"**

WHEREAS, the City of Benton City is growing and may require in the future to hold more than two Council meetings per month; and

WHEREAS, the Council Members currently can only be compensated for a maximum of two (2) Council meetings per month; and

WHEREAS, changes to the Council Members' salaries are necessary to enable the City to hold more Council meetings when needed; and

WHEREAS, amendment to the Code is required to provide compensation to Council Members for attending Council meetings; NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF BENTON CITY, WASHINGTON, DO
ORDAIN AS FOLLOWS:**

Section 1. That Section 2.28.020 entitled "Council Members" of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

2.28.020 **Council members.** The compensation to be paid to City Council members by the City shall be Fifty Dollars (\$50.00) per meeting for each regular and special meeting attended. Council members additionally will be compensated for committee and other meetings attended by Council members as required for standing committees established pursuant to BCMC 2.08.020, outside board and committee authorized by BCMC 2.08.025 and assigned by the Council, in the amount of \$20.00 per meeting. (Ord. 686, June 1999).

Section 2. This increase in compensation shall not be applicable to the current term of the Council members.

Section 3. This Ordinance shall take full force and effect five (5) days after its approval, passage and publication as required by law.

PASSED by the City Council of the City of Benton City, Washington, and approved as provided by law this ____ day of _____, 2008.

Lloyd R. Carnahan
Mayor

Attest:

Approved as to Form:

Stephanie Hoegh
City Clerk-Treasurer

Leland B. Kerr
City Attorney

ORDINANCE NO. 837

**AN ORDINANCE OF THE CITY OF BENTON CITY,
WASHINGTON, CREATING A NEW CHAPTER 3.14
“LODGING EXCISE TAX” WHICH RELATES TO A TAX
THAT IS IMPOSED ON THE CHARGE MADE FOR THE
FURNISHING OF LODGING OR SIMILAR LICENSE TO
USE REAL PROPERTY**

WHEREAS, RCW 67.28.180 and RCW 67.28.181 provides that cities are authorized to levy and collect special excise tax not to exceed two percent (2%) on the sale of or charge made for the furnishing of lodging that is subject to tax under Chapter 82.08 RCW; and

WHEREAS, RCW 67.28.1816 (1) provides that cities are authorized to use lodging tax revenues for promoting tourism, acquisition of tourism-related facilities, and operation of a tourism-related facility; and

WHEREAS, the City Council of the City of Benton City recognizes the need to promote tourism in Benton City and the revenues from the lodging tax will support the growth of tourism in the City; NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF BENTON CITY, WASHINGTON, DO
ORDAIN AS FOLLOWS:**

Section1. That a new Chapter 3.14 entitled “Lodging Excise Tax” of the Benton City Municipal Code shall be and hereby is created and shall read as follows:

Chapter 3.14

LODGING EXCISE TAX

Sections:

- 3.14.010 Imposition of a Special Excise Tax.
- 3.14.020 Definitions.
- 3.14.030 Addition to License Fee.
- 3.14.040 Establishment of Special Fund.
- 3.14.050 Administration and Collection of Tax.
- 3.14.060 Penalty.
- 3.14.070 Effective Date of Tax.

3.14.010 **Imposition of a Special Excise Tax.** There is levied a special excise tax of two percent (2%) on the sale of or charge made for the furnishing of

lodging that is subject to tax under Chapter 82.08 RCW. The tax imposed under Chapter 82.08 RCW applies to the sale of or the charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, or training camp, and the granting of any similar license to use real property, as distinguished from the renting or the leasing of real property. It shall be presumed that the occupancy of real property for a continuance period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same.

3.14.020 **Definitions.** The definitions of “selling price,” “seller,” “buyer,” “consumer,” and all other definitions as are now contained in RCW 82.08.010, and subsequent amendments thereto, are adopted as the definitions for the tax levied in this Chapter.

3.14.030 **Addition to License Fee.** The tax levied in this Chapter shall be in addition to any license fee or any tax imposed or levied under any law or any other ordinance of the City provided, the first two percent of the tax shall be deducted from the amount of the tax the seller would otherwise be required to collect and pay to the Department of Revenue under Chapter 82.08 RCW.

3.14.040 **Establishment of Special Fund.** There is created a special fund to be known as the “Tourism Enhancement Fund.” All taxes collected under this Chapter shall be placed in this special fund to be solely for the purposes of paying all or any part of the cost of tourist promotion, acquisition of tourism-related facilities, or operation of tourism-related facilities or to pay for any other uses as authorized in RCW 67.28, as now or hereinafter amended.

3.14.050 **Administration and Collection of Tax.** For the purpose of the tax levied in this Chapter:

- A. The Department of Revenue is designated as the agent of the City for the purposes of collection and administration of the tax.
- B. The administrative provisions contained in RCW 82.08.050 through 82.08.060 and in Chapter 82.32 RCW shall apply to administration and collection of the tax by the Department of Revenue.
- C. All rules and regulations adopted by the Department of Revenue for the administration of Chapter 82.08 RCW are adopted by reference.
- D. The Department of Revenue is authorized to prescribe and utilize such forms and reporting procedures as the Department may deem necessary and appropriate.

3.14.060 **Penalty.** It is unlawful for any person, firm or corporation to violate or fail to comply with any of the provisions of this Chapter. Every person convicted of a violation of any provision of this Chapter shall be punished by a fine in a sum not to exceed Five Hundred Dollars (\$500.00). Each day of violation shall be considered a separate offense.

3.14.070 **Effective Date of Tax.** The effective date of the tax herein imposed shall be July _____, 2008.

Section 2. **Affect of Partial Invalidity.** The invalidity of any article, subsection, provision, clause or portion of this Chapter or of the statutes adopted by reference herein, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of its application to other persons or circumstances, and all other articles, sections, subsections, provisions, clauses, or portions of this chapter or the statutes adopted by reference herein not expressly held to be invalid, shall continue in full force and effect.

Section 3. This Ordinance shall take full force and effect five (5) days after its approval, passage and publication as required by law.

PASSED by the City Council of the City of Benton City, Washington, and approved as provided by law this _____ day of _____, 2008.

Lloyd R. Carnahan
Mayor

Attest:

Approved as to Form:

Stephanie Hoegh
City Clerk-Treasurer

Leland B. Kerr
City Attorney