



REGULAR CITY COUNCIL MEETING

April 5, 2016

A G E N D A

Council Chambers
7pm

TURN OFF ALL CELL PHONES & PAGERS-EMERGENCY PERSONNEL USE SILENT ALERT

A. CALL TO ORDER/PRESENTATION OF COLORS

B. ROLL CALL

C. READING AND APPROVAL OF MINUTES

1. Regular Meeting – March 1, 2016
2. Regular Meeting – March 15, 2016

D. OPENING REMARKS, "HOUSEKEEPING" ITEMS, EXECUTIVE SESSION REQUESTS, ETC.

E. APPROVAL OF AGENDA (Only essential changes not requiring preparation, review, public notice, or action may be added)

F. VISITOR COMMENTS- for non-agenda items.

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. 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. Council chamber over-flow will be moved to City Community Center.

G. REGULAR REPORTS:

1. EDC Report
2. Staff Report
 - a) Maintenance Report
3. Engineer Report
4. Council Committee Reports

H. ITEMS FOR APPROVAL:

1. First Reading – Ord. – Amending Chapter 12.05 "Sidewalk Construction"
2. First Reading – Ord. – Marijuana Establishment Regulations
3. Engineering Task Order: Water
4. Engineering Task Order: Wastewater Treatment System
5. Vouchers

I. ITEMS FOR DISCUSSION:

1. I-82 City Land Discussion
2. Grant Writer Update

J. GENERAL COUNCIL COMMENTS:

K. ADJOURNMENT



**City of Benton City
Regular Council Meeting Minutes
March 1st, 2016**

CALL TO ORDER – Mayor Lehman called the March 1st, 2016 Regular Council meeting to order at 7:00 p.m. (*Audio recording not available) (-01:00:53**Video recording begins)

PRESENTATION OF THE COLORS – Mayor Lehman led the Council and audience in the Pledge of Allegiance. (-01:00:51**)

ROLL CALL – (-01:00:23**) Councilmembers Present –

**Mary Lettau
Dave Sandretto
Jake Mokler
Lisa Stade
Vanessa Coates**

City Staff Present –

**Stephanie Haug, City Clerk/Treasurer
Paula Kauer, General Clerk
Kyle Kurth, Maintenance Foreman**

Other Professionals Present –

**Eric Ferguson, City Attorney, Kerr Law Group
Alan Rainey, City Engineer, Spink Engineering, LLC
Randy Rutledge, Consultant, Benton City E.D.C.**

READING AND APPROVAL OF MINUTES (-1:00:06*)

- **REGULAR MEETING FEBRUARY 16TH, 2016**

Councilmember Stade: Madam Mayor, I move to approve the February 16th Minutes as typed.

Councilmember Sandretto: Second.

MOTION #1- C. L. Stade moved and C. D. Sandretto seconded to approve the Minutes of the February 16th, 2016 Regular Council Meeting as written.

VOICE VOTE #1- C. D. Sandretto, C. L. Stade, C. M. Lettau, C. J. Mokler, C. V. Coates
ALL YEAS. Motion carried.

OPENING REMARKS, “HOUSEKEEPING” ITEMS, EXECUTIVE SESSION REQUESTS, ETC. –

(-00:59:32**)

Ms. Haug – Have request to add marijuana regulations to discussion

APPROVAL OF AGENDA (-00:58:43**)

Councilmember Lettau: Madam Mayor, I make a motion that we approve the Agenda as amended.

Councilmember Sandretto: Second that.

MOTION #2- C. M. Lettau moved and C. D. Sandretto seconded to approve the Agenda as amended.

VOICE VOTE #2- C. D. Sandretto, C. L. Stade, C. M. Lettau, C. J. Mokler, C. V. Coates
ALL YEAS. Motion carried.

VISITOR COMMENTS - None (-00:58:31**)

REGULAR REPORTS

1. EDC REPORTS – (-00:58:19**) Randy Rutledge, Consultant, Benton City E.D.C.
*** Requested to move to March 15th Regular Council Meeting ***

2. STAFF REPORTS – (-00:57:50**) Stephanie Haug, City Clerk/Treasurer – – In packet
Maintenance Report – Trailer Park Update * **Council Discussion** *

3. ENGINEER REPORT – (-00:51:12**) Alan Rainey, City Engineer, Spink Engineering, LLC

Roundabout Utilities Relocate – Sewer cleaning – City Hall Estimates * **Council Discussion** *

4. COUNCIL COMMITTEE REPORTS (-00:46:20)**

Councilmember Mokler – *Emergency Services* – Officers – Radio issues in Benton County with Sheriff – Merger with SECOMM – Franklin County

Councilmember Stade – *Ben Franklin Transit* – Follow up on Title 6 – Dual languages – City development in compliance – General Manager search

ITEMS FOR APPROVAL:

1. SECOND READING – ORDINANCE 951 – AMENDING BENTON CITY’S COMPREHENSIVE PLAN - (-00:43:13)**

Ms. Haug – Background of amendment

Councilmember Lettau: Madam Mayor, I move to approve on the Second Reading, Ordinance 951 of the City of Benton City, Washington, amending the Comprehensive Plan, including the land use map.

Councilmember Coates: I second.

MOTION #3- C. M. Lettau moved and C. V. Coates seconded to approve on the Second Reading, Ordinance 951 of the City of Benton City, Washington, amending the Comprehensive Plan, including the land use map.

VOICE VOTE #3- C. D. Sandretto, C. L. Stade, C. M. Lettau, C. J. Mokler, C. V. Coates
ALL YEAS. Motion carried.

2. SECOND READING – ORDINANCE 952 – REZONING 1205 13TH STREET - (-00:40:15)**

Ms. Haug – Background of rezone

Councilmember Stade: I propose that we, I make a motion to accept ordinance and to pass Ordinance 952 of the City of Benton City, Washington, amending the zoning classification of certain real property located west of 13th Street, for reference purposes referred to as 1205 13th Street, consisting of approximately .18 acres from C-1 Commercial to R-3, High Density Residential District.

Councilmember Sandretto: Second.

MOTION #4- C. L. Stade moved and C. D. Sandretto seconded to approve Resolution #2015-03, a resolution of the City of Benton City to sign the amended Agreement for Services between the City of Benton City and the Benton City Economic Development Council.

VOICE VOTE #4- C. D. Sandretto, C. L. Stade, C. M. Lettau, C. J. Mokler, C. V. Coates
ALL YEAS. Motion carried.

3. FIRST READING – ORDINANCE – AMENDING BC MC SECTIONS 17.12.050 AND 17.16.250 (-00:37:29)**

Ms. Haug – Explanation of amendment

Councilmember Stade: I move to approve on the First Reading, an ordinance of the City of Benton City, Washington, amending Section 17.12.050 “Plat Map” and Section 17.16.250 “Procedure and Requirements”.

Councilmember Lettau: I second.

MOTION #5- C. L. Stade moved and C. M. Lettau seconded to approve on the First Reading, an ordinance of the City of Benton City, Washington, amending Section 17.12.050 “Plat Map” and Section 17.16.250 “Procedure and Requirements”.

VOICE VOTE #5- C. L. Stade, C. M. Lettau, C. D. Sandretto, C. J. Mokler, C. V. Coates
ALL YEAS. Motion carried.

4. RESOLUTION #2016-04 – EMERGENCY MOLD ABATEMENT -00:35:31)**

Alan Rainey, City Engineer, Spink Engineering, LLC – Explanation of mold abatement

Councilmember Sandretto: I move to approve Resolution #2016-04, a resolution ratifying emergency City Hall mold abatement.

Councilmember Coates: I second.

MOTION #6- C. D. Sandretto moved and C. V. Coates seconded to approve on the First Reading, an ordinance of the City of Benton City, Washington, amending Section 17.12.050 “Plat Map” and Section 17.16.250 “Procedure and Requirements”.

ROLL CALL VOTE #6- C. V. Coates, C. D. Sandretto, C. J. Mokler, C. M. Lettau, C. L. Stade
ALL YEAS. Motion carried.

5. CINTAS UNIFORM CONTRACT (-00:28:52)**

Ms. Haug – Explanation of contract status * Council Discussion *

Councilmember Lettau: Madam Mayor, I move to approve the Cintas Uniform and Mat Service Agreement, and authorize staff to take the necessary steps to secure their service and discontinue use of our previous provider.

Councilmember Stade: Second it.

MOTION #7- C. M. Lettau moved and C. L. Stade seconded to approve the Cintas Uniform and Mat service Agreement, and authorize staff to take the necessary steps to secure their service and discontinue use of our previous provider.

VOICE VOTE #7- C. L. Stade, C. M. Lettau, C. D. Sandretto, C. J. Mokler, C. V. Coates
ALL YEAS. Motion carried.

6. VOUCHERS (-00:23:58)**

Councilmember Lettau: I move to approve payment of Claim check numbers 27474 through 27490 and EFTs as listed in the amount of \$68,015.37 this 1st day of March, 2016.

Councilmember Sandretto: Second.

MOTION #8- C. M. Lettau moved and C. D. Sandretto seconded for the City Council of the City of Benton City, Washington, to hereby authorize payment of Claim Check Numbers 27474 through 27490 and EFTs as listed in the amount of \$68,015.37, this 1st of March, 2016.

ROLL CALL VOTE #8- C. D. Sandretto, C. M. Lettau, C. L. Stade, C. V. Coates, C. J. Mokler
ALL YEAS. Motion carried.

ITEMS FOR DISCUSSION

1. MARIJUANA UPDATE - (-00:23:00)**

Eric Ferguson, City Attorney, Kerr Law Group – Marijuana Regulations to Planning Commission * Council Discussion *

Councilmember Stade: I make a motion to send the regulation back to Planning Commission to get (inaudible) and follow up on procedures and update with current laws and how to handle the Conditional Use Permit as it relates to marijuana.

Councilmember Coates: Second.

MOTION #9- C. L. Stade moved and C. V. Coates seconded to move the marijuana regulations back to the Planning Commission for follow up.

VOICE VOTE #9- C. J. Mokler, C. D. Sandretto, C. V. Coates, C. M. Lettau, C. L. Stade
ALL YEAS. Motion carried.

GENERAL COUNCIL COMMENTS – (-00:05:27)**

Councilmember Stade – Bob Dunlap - Historical exhibits at the Reach * Council Discussion *

ADJOURNMENT – Mayor Lehman (-00:01:41)**

Councilmember Sandretto: Madam Mayor, I make a motion that we adjourn.

Councilmember Coates: Second.

MOTION #10– C. D. Sandretto moved and C. V. Coates seconded to adjourn the March 1st, 2016 Regular Council Meeting at 7:59 p.m.

VOICE VOTE #10– C. D. Sandretto, C. L. Stade, C. M. Lettau, C. V. Coates, C. J. Mokler
ALL YEAS. Motion carried.

Meeting adjourned at 7:59 p.m. (-00:01:30**Video recording ends)

Linda Lehman
Mayor, City of Benton City

Stephanie Haug, CMC
City Clerk-Treasurer

Date: _____

**City of Benton City
Regular Council Meeting Minutes
March 15th, 2016**

CALL TO ORDER – Councilmember Coates called the March 15th, 2016 Regular Council meeting to order at 7:00 p.m. (00:09:10*Audio recording begins)

PRESENTATION OF THE COLORS – Councilmember Stade led the Council and audience in the Pledge of Allegiance. (00:09:27*)

ROLL CALL (00:09:56*)

Council Members Present –

**Vanessa Coates
Dave Sandretto
Jake Mokler
Mary Lettau
Lisa Stade**

City Staff Present –

**Paula Kauer, General Clerk/Purchasing
Kyle Kurth, City Maintenance Dept. Foreman**

City Staff Absent -

Stephanie Haug, City Clerk/Treasurer (Training)

Other Professionals Present –

**Lee Kerr, City Attorney, Kerr Law Group
Captain Clay Vannoy, Benton County Sheriff Office
Larry Howell, President, Benton City E.D.C.**

Other Professionals Absent -

Alan Rainey, City Engineer, Spink Engineering, LLC

READING AND APPROVAL OF MINUTES (00:10:10*)

- **REGULAR MEETING MARCH 1ST, 2016**
- **WORKSHOP – FEBRUARY 29TH, 2016**

Councilmember Stade: I move to approve, Madam Mayor, I move to approve the March 15th Minutes as typed.

Councilmember Sandretto: Second.

MOTION #1- C. L. Stade moved and C. D. Sandretto seconded to approve the Minutes of the March 15th, 2016 Regular Council Meeting as presented.

VOICE VOTE #1- C. D. Sandretto, C. L. Stade, C. M. Lettau, C. V. Coates, C. J. Mokler
ALL YEAS. Motion carried.

Councilmember Lettau: Madam Mayor, I move to approve the Workshop Minutes as written for February 29th, 2016.

Councilmember Sandretto: Second.

MOTION #2- C. M. Lettau moved and C. D. Sandretto seconded to approve the Minutes of the February 29th, 2016 Council Workshop as presented.

VOICE VOTE #2- C. D. Sandretto, C. L. Stade, C. M. Lettau, C. V. Coates, C. J. Mokler
ALL YEAS. Motion carried.

OPENING REMARKS, “HOUSEKEEPING” ITEMS, EXECUTIVE SESSION REQUESTS, ETC.

(00:11:06*)1. Liquor License Renewal - *BCEDC*

APPROVAL OF AGENDA (00:11:24*)

Councilmember Sandretto: Madam Mayor, I move that we approve the Agenda as written.

Councilmember Coates: Second.

MOTION #3- C. D. Sandretto moved and C. V. Coates seconded to approve the Agenda as presented.

03-15-16

VOICE VOTE #3- C. J. Mokler, C. L. Stade, C. M. Lettau, C. D. Sandretto, C. V. Coates
ALL YEAS. Motion carried.

VISITOR COMMENTS (00:11:54*)

Heather Duncan, Benton City Chamber of Commerce – Chamber Luncheon – Thursday, March 17th – Wild Boar Grill – Guest Speaker – Gavin Diaz – Mid Columbia Libraries – Community library services

Jack Davis, 506 Carol Avenue – City Code concerns * **Council Discussion ***

REGULAR REPORTS

1. **SHERIFF REPORT (00:21:33*)** Captain Clay Vannoy, Benton County Sheriff's Office
February 2016 Report – Calm month – Less calls than this time last year * **Council Discussion ***
2. **EDC REPORT (00:30:54*)** Larry Howell, President, Benton City Economic Development Council
Written report provided * **Council Discussion ***
3. **STAFF REPORTS (00:44:16*)** Paula Kauer, General Clerk/Purchasing In Packets - **Code Report – Treasurer Report**
4. **ENGINEER REPORT (00:44:24*)** Written report in packet
5. **COUNCIL COMMITTEE REPORTS (00:44:26*) ** Assign PAC Representatives ****
Councilmember Sandretto – Benton Franklin Council of Governments – PAC
Councilmember Mokler – Second for Benton Franklin Solid Waste Management

ITEMS FOR APPROVAL:

1. **SECOND READING – ORDINANCE 954 – AMENDING BCMC SECTIONS 17.12.050 AND 17.16.250 (00:49:05*)**

Councilmember Lettau: Madam Mayor, I move to approve, on its Second Reading, Ordinance 954 of the City of Benton City, Washington, amending Section 17.12.050 "Plat Map" and Section 17.16.250 "Procedure and Requirements".

Councilmember Mokler: I second.

MOTION #4- C. M. Lettau moved and C. J. Mokler seconded to approve, on its Second Reading, Ordinance 954 of the City of Benton City, Washington, amending Section 17.12.050 "Plat Map" and Section 17.16.250 "Procedure and Requirements".

VOICE VOTE #4- C. D. Sandretto, C. J. Mokler, C. L. Stade, C. M. Lettau, C. V. Coates
ALL YEAS. Motion carried

2. **RESOLUTION #2016-05 – AUTHORIZING MAYOR TO SIGN STREET LIGHT MAINTENANCE AGREEMENT (00:49:51*) * Council Discussion ***

Councilmember Sandretto: I move to approve Resolution #2016-05, authorizing the Mayor of Benton City to sign the Agreement of the Street Light Maintenance between the City of Benton City and NW Power, Inc.

Councilmember Coates: I second.

MOTION #5- C. D. Sandretto moved and C. V. Coates seconded to approve Resolution #2016-05, authorizing the Mayor of the City of Benton City, Washington, to sign the Agreement for Street Light Maintenance between the City and NW Power, Inc.

VOICE VOTE #5- C. D. Sandretto, C. V. Coates, C. L. Stade, C. M. Lettau, C. J. Mokler
ALL YEAS. Motion carried.

3. **RESOLUTION #2016-06 – AUTHORIZING MAYOR TO SIGN INTER-LOCAL AGREEMENT – SOLID WASTE MANAGEMENT (00:53:51*) * Council Discussion ***

Councilmember Lettau: Madam Mayor, I move to approve Resolution #2016-06, authorizing the Mayor to sign the Solid Waste Management Interlocal Agreement with Benton County, Richland, Kennewick, West Richland and Prosser.

Councilmember Coates: I second.

MOTION #6- C. M. Lettau moved and C. V. Coates seconded to approve Resolution #2016-06, authorizing the Mayor to sign the Solid Waste Management Interlocal Agreement with Benton County, Richland, Kennewick, West Richland and Prosser.

VOICE VOTE #6- C. M. Lettau, C. D. Sandretto, C. L. Stade, C. V. Coates, C. J. Mokler
ALL YEAS. Motion carried.

4. VOUCHERS (00:56:19*) * Council Discussion *

Councilmember Coates: Madam Mayor, I move to approve payment of Claim check numbers 27501 through 27535 with EFTs as listed in the amount of \$21,047.26 and Payroll Check numbers 27473 and 27491 thru 27500 with EFTs as listed in the amount of \$61,927.58.

Councilmember Stade: Second.

MOTION #7- C. V. Coates moved and C. L. Stade seconded for the City Council of the City of Benton City, Washington, to hereby authorize payment of Claim Check Numbers 27501 through 27535 with EFTs as listed in the amount of \$21,047.26 and Payroll Check numbers 27473 and 27491 thru 27500 with EFTs as listed in the amount of \$61,927.58 this 15th of March, 2016.

ROLL CALL VOTE #7- C. M. Lettau, C. D. Sandretto, C. J. Mokler, C. L. Stade, C. V. Coates
ALL YEAS. Motion carried.

ITEMS FOR DISCUSSION (00:58:12*)

1. Roundabout Construction * Council Discussion *

GENERAL COUNCIL COMMENTS – (01:03:14*)

Councilmember Stade – Reception – March 22nd – 2 p.m. to 4 p.m. – Three Rivers Transit – Evening Reception – 6 p.m. to 8 p.m. – Ben Franklin Transit Building – Introduce four candidates for Ben Franklin Transit General Manager – Scott Gunther – Cork Artist – Face of Red Mountain – Possible festival in Benton City – Pumpkin Festival

ADJOURNMENT – Mayor Lehman (01:06:42*)

Councilmember Lettau: Madam Mayor, I make a motion that we adjourn.

Councilmember Stade: Second.

MOTION #8- C. M. Lettau moved and C. L. Stade seconded to adjourn the March 15th, 2016 Regular Council Meeting at 7:57 p.m.

VOICE VOTE #8- C. D. Sandretto, C. L. Stade, C. J. Mokler, C. M. Lettau, C. V. Coates
ALL YEAS. Motion carried.

Meeting adjourned at 7:57 p.m. (01:06:51*Audio recording ends)

Linda Lehman
Mayor, City of Benton City

Stephanie Haug, CMC
City Clerk-Treasurer

Date: _____



Kyle Kurth
Maintenance Forman

CITY OF BENTON CITY
OFFICE OF MAINTENANCE DEPARTMENT
P.O. Box 70, * Benton City * Washington 99320 * (509) 588-3322

February 27, 2016 – March 31, 2016

Streets

- Put 4 set of light on 2 trees on main drag to see if Linda liked them
- Came in after dark to turn on light and set them to right mode
- Hydrant leak washed part of rd out. On going

Water

- March shut offs. 22 were shut off 2 are still off
- Dug up water meter valve on 13th for re-placements on going
- Brought chlorine to well houses
- 1 water meter set
- Fire Dept. reads
- Water meter reads complete
- Helped with 10" water tap for new well house
- Worked on 1 out of service hydrant and fixed it
- Had a hydrant leak to take care of
- Re-reads from meter reads
- Monthly Trailer counts and reads

Sewer

- Cleaned 2ed and Babs lift station & pulled both pumps & cleaned them
- Re-lined pipe at sewer plant
- Fix irrigation pumps at sewer treatment plant
- 2 sewer plug
- Built new air lift pipe for treatment plant
- Put new air lift pipe in
- Disassembles lift pump at treatment plant to order new seals
- Dug up two man hole boxes so sewer cleaning company could get in them
- Been helping out sewer cleaning company

Equipment/ Shop

- Got trailer all wired up
- Got shop prepped and ready to paint trailer
- Primed and painted trailer
- Put new wood deck on trailer
- Put sprayers on tractor & 4 wheeler
- Unloaded sand and gravel from dump truck and took off sander and plow
- Sealed new decking on trailer
- Installed all new light on trailer
- Put new tires on trailer

- Put new front and rear bumper on 4 wheeler
- Put new safety chains on trailer
- Fixed wiring on trailer
- Finished trailer
- Calibrated both spray tanks on 4 wheeler and tractor
- Got mowers and equipment ready for the mowing season
- Worked on sprayer on tractor. Was not operating right
- Cleaned and winterized sprayer for tractor. Done with it for the season
- Fixed fuel temp gauge, fuel gauge and lights on Kubota tractor
- Fixed spray nozzle on 4 wheeler
- Cleaned up shop table from painting trailer
- Drained all water out of jet truck to clean and inspect tank. Also cleaned filter and replaced 3 leaky/ broken ball valves

Facilities

- Replaced light Ballast at community center
- Waxed floors at library
- Picked up wood from boat launch area
- Changed out door locks at lab, shop, and city hall
- Cleaned library 24 times (daily)
- Cleaned city hall 10 times (twice a week) also cleaned front windows
- Got irrigation charged back up at library for season

Desk work

- Made a spray map of areas the city sprays and maintains
- Worked on schedule for Maintenance Crew for the week am gone
- Been talking with Cintas about our new clothing and getting everything set up for pickup and delivery.
- Emailed Scott at fire station of completed work order for out of service hydrant.
- Made a Hydrant repair binder for all work orders for broken hydrants
- Talked to 4 different contractors about street cut permits that were never finalized due to not finishing work properly.
- Talking with Hd supply about hydrant parts
- Emailed Linda and Steph about school planting flowers in front of Benton city signs
- Been in contact several times with Aesseals for replacement seals for lift pump at treatment plan.

Spraying

- Sprayed 9th & Babs, community center, library, Skate park, Shop, Lab, Kennel's Botaka fence line, Legion park, OIE & Horne, bike path, main drag, city park, 5 lift stations, 10 ally's, curb and gutter through town.

Locates

- 13 locates this month
- Called in 2 locate request for us

Inspections

- 6 side walk inspections
- 1 final inspection for house
- Inspected 2 street paving patches

Meetings

- Met with fire dept. to discuss hydrant testing

- Met with Alan and school about paving their parking lot

Parks

- Put all benches and garbage cans back at boat launch park from flood
- Put up free sign for all the really big logs at boat launch
- Cleaned up garbage and food from boat launch
- City park
 1. Irrigation system on
 2. Repaired/ replaced 10 sprinklers
 3. Took all valves apart and cleaned
- Skate park
 1. Irrigation system on
 2. Replaced/ repaired 6 sprinklers

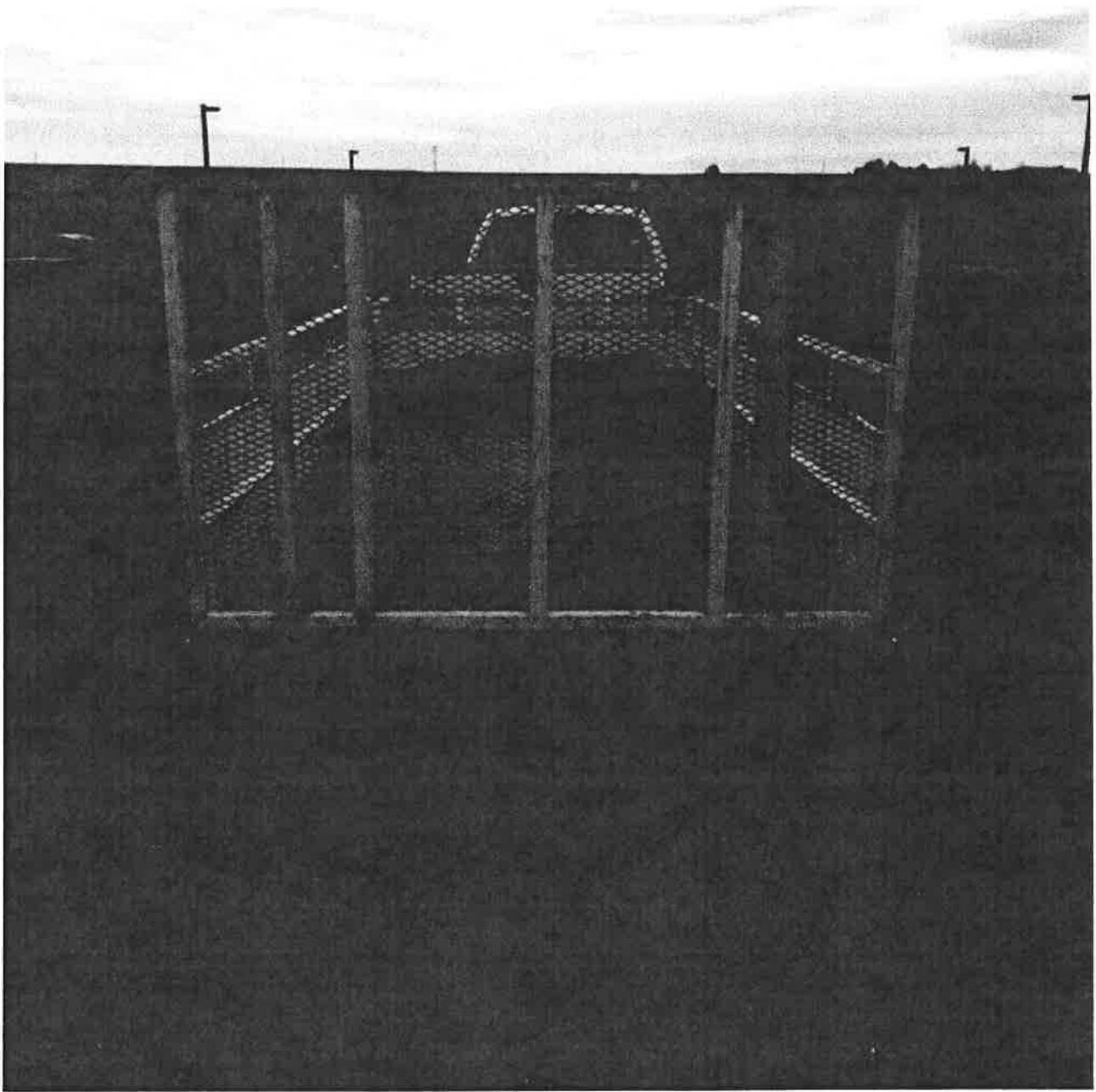
Training

- No training this month

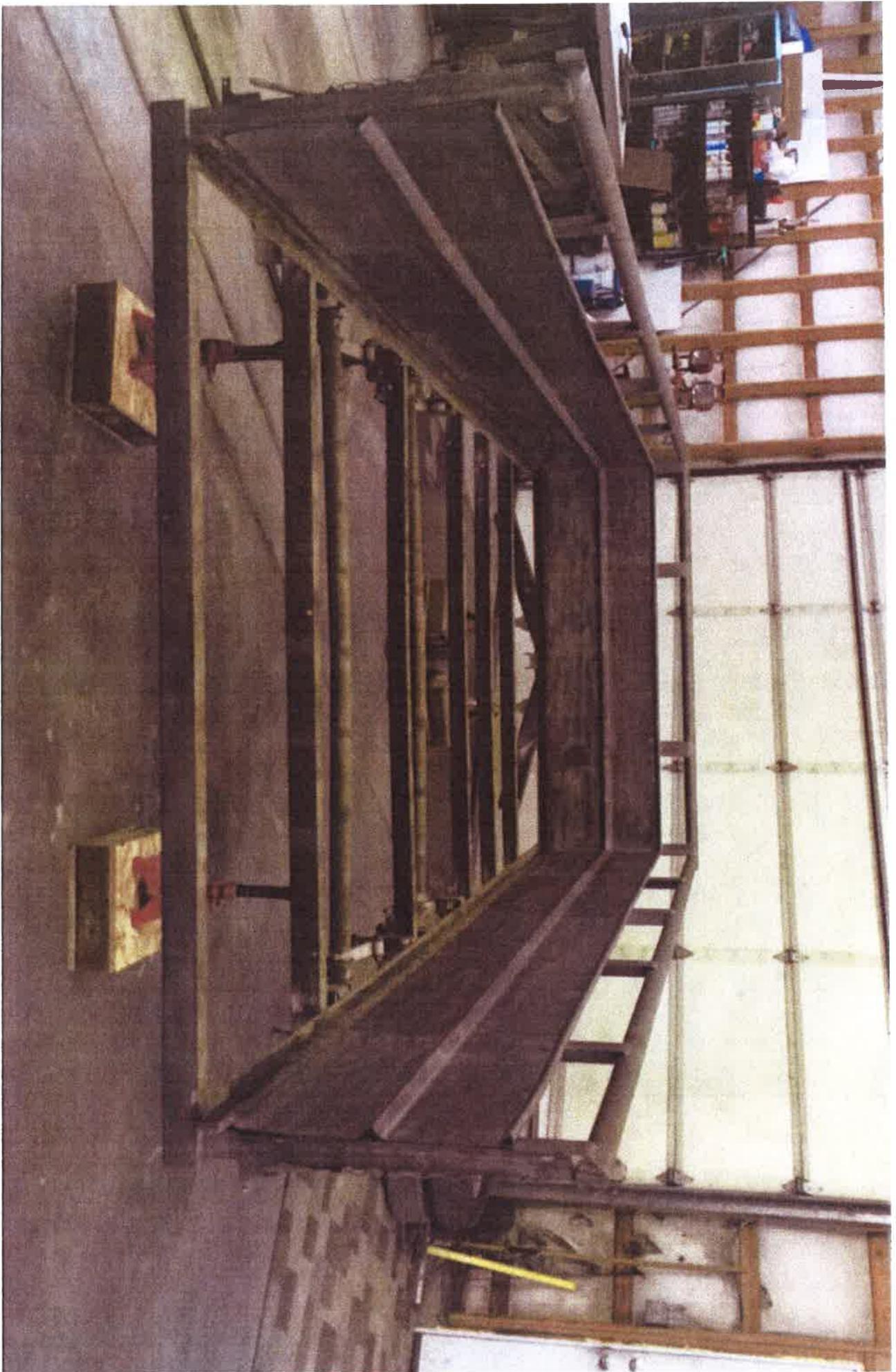
Kyle Kurth
Maintenance Department

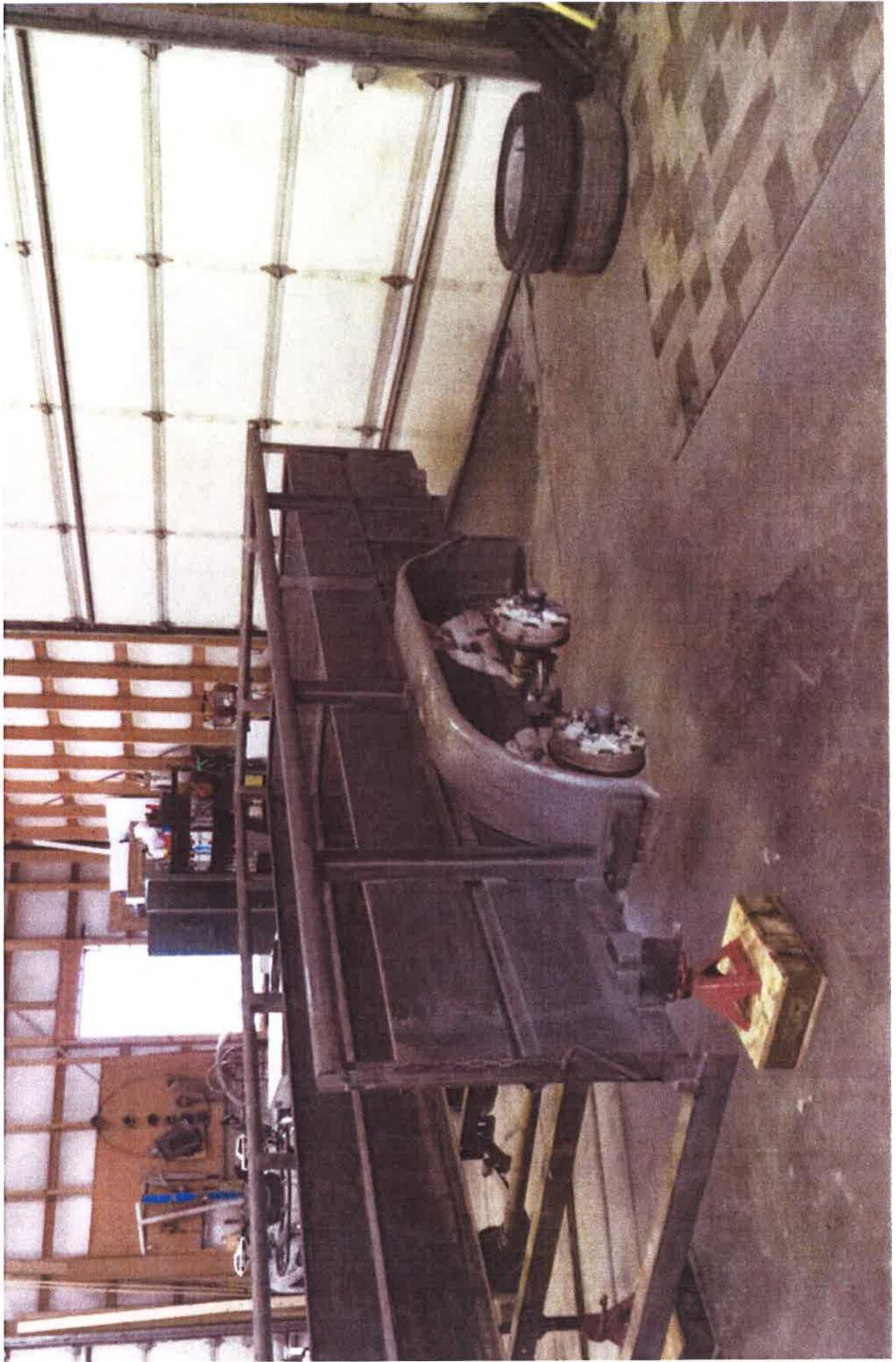








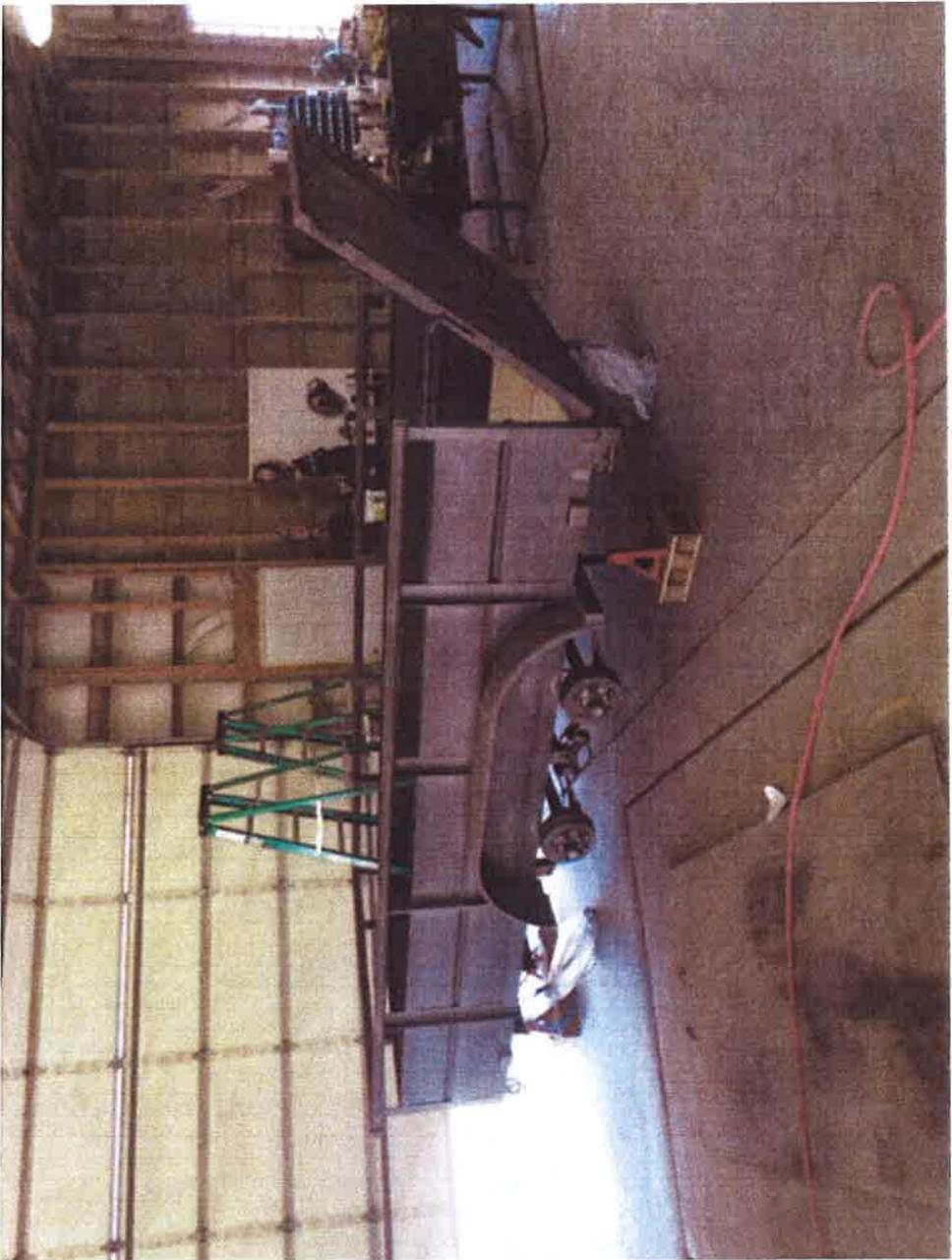




















CITY OF BENTON CITY

City Council Agenda Item



PROCESS INFORMATION

SUBJECT: First Reading – Ord. Amending Chapter 12.05 “Sidewalk Construction” – **DATE/ITEM:** 04-05-16- H 1

BUDGET INFORMATION

DEPT: Streets

BUDGETED?

FUND: N/A

EXPENDITURE: N/A

DESCRIPTION/SUMMARY

ACTION

Consideration of adoption of an ordinance, on its first reading, of the City Of Benton City, Washington, amending BCMC Chapter 12.05 "Sidewalk Construction, Maintenance and Repair"

HISTORY

In 2011, the City passed Ordinance 887, which required sidewalks to be constructed when a permit for new construction was issued. Since that time, the City has found a few instances where this requirement is impractical and actually prohibits good sidewalk planning.

As a remedy, the staff has created the attached ordinance, which will allow the City Engineer to evaluate the request, and determine if the construction of a sidewalk will not be practical until a plan for the street can be developed. The ordinance still places the burden of construction on the property owner, it just allows those efforts to be coordinated for a better end product. This policy is currently in effect in Richland.

ATTACHMENTS

- | | |
|---------------------------|----|
| 1) Ordinance with Exhibit | 3) |
| 2) | 4) |

RECOMMENDED ACTION/SAMPLE MOTION

I move to approve, on its first reading, an ordinance of the City Of Benton City, Washington, amending BCMC Chapter 12.05 "Sidewalk Construction, Maintenance and Repair"

First Reading: _____

Second Reading: _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF BENTON CITY,
WASHINGTON AMENDING BCMC CHAPTER 12.05
"SIDEWALK CONSTRUCTION, MAINTENANCE, AND
REPAIR."**

WHEREAS, the City of Benton City has recognized that there are situations when sidewalk construction is not in the best interests of the City or the property owner;

WHEREAS, the City of Benton City currently has no practical way to waive the requirements of the BCMC Chapter 12.05 "Sidewalk Construction, Maintenance, and Repair" for an extended period of time;

WHEREAS, the City of Benton City desires to create a way for the City and the property owner to not be unnecessarily bound by the strict requirements of BCMC Chapter 12.05 "Sidewalk Construction, Maintenance, and Repair; NOW, THEREFORE,

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

Section 1. That Section 12.05.030 of the Benton City Municipal Code entitled "Sidewalk Construction, Maintenance and Repair" shall be and hereby is amended as follows:

12.05.030 **Responsibility of Abutting Property Owner.** All abutting property owners are responsible for constructing and maintaining sidewalks, handicapped ramps, crosswalks, curbs, and gutters along the entire frontage of the abutting property in conformity with this Chapter, and the City's current adopted standard specifications. The provisions of this section may be deferred by the City Engineer when application is made for the construction of a new residential or commercial structure on a previously improved street, which previously improved street does not include sidewalks or curbs and gutters. A deferral may be granted only if all of the following conditions exist:

- A. The property is in a residential zone, or is a residential nonconforming use to another zoning classification.
- B. The existing street does not have concrete curbs along the property frontage for the property applying for the building permit.
- D. The existing street does not have concrete curbs within 300 feet of the nearest property corner to the property applying for a building permit.

E. No more than 33 percent of the properties on the same block as the property applying for the building permit are undeveloped.

F. Construction of sidewalks along the property applying for the permit would result in no more than 20 percent of the frontage along the block including sidewalk.

If the above conditions are met, the City Engineer may grant an Improvement Deferral waiver to the requirements in this section subject to the property owner signing and recording with the Benton County Auditor an agreement to fully fund and/or complete the improvements required under this section within 90 days of notification by the City.

Section 2. See Attached "Exhibit A" for a copy of the Improvement Deferral Agreement to be signed and recorded.

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 _____, 2016.

Linda Lehman, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Haug, City Clerk

Leland B. Kerr, City Attorney

WHEN RECORDED RETURN TO:

City Engineer
City of Benton City
P. O. Box 70
Benton City, WA 99320

PORTION OF PARCEL # _____

IMPROVEMENT DEFERRAL AGREEMENT

WHEREAS, _____, the owners of the property located at _____ in the City of Benton City, said property legally described below:

Legal Description

The owners of the above-described property are requesting a building permit to remodel, reconstruct or improve the developed property located as described above. The owners acknowledge Benton City Municipal Code section BCMC Chapter 12.05, which requires the owners to install curbs, gutters and/or sidewalks as part of this construction project. While it is impractical to install these improvements at the time of this agreement, owners do agree to install such improvements within a ninety- (90) day time period after being notified in writing by the City of Benton City.

This agreement shall inure to and bind the heirs, executors, administrators, successors and assigns of the parties and shall constitute a covenant running with the land. The owners further agree to record this agreement with the Benton County Auditor and pay all recording fees and costs.

_____, Owner

Linda Lehman, Mayor

STATE OF WASHINGTON)
)
 :ss
COUNTY OF BENTON)

On this ____ day of _____, 200__, before me, the undersigned, a notary public in and for the said county and state, personally appeared _____ to me known to be the individual(s) who executed the foregoing instrument, and acknowledged to me that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Witness my hand and official seal hereto affixed the day and year first above written.

Notary Public in and for the State of Washington; residing
at _____ My commission expires:

Print name: _____

STATE OF WASHINGTON)
)
 :ss
COUNTY OF BENTON)

On this ____ day of _____, 200__, before me, the undersigned, a notary public in and for the said county and state, personally appeared Mayor for the City of Benton City, Linda Lehman to me known to be the individual(s) who executed the foregoing instrument, and acknowledged to me that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Witness my hand and official seal hereto affixed the day and year first above written.

Notary Public in and for the State of Washington; residing
at _____ My commission expires:

Print name: _____

CITY OF BENTON CITY

City Council Agenda Item



PROCESS INFORMATION

SUBJECT: First Reading – Ord. – Marijuana Establishment
Regulations

DATE/ITEM: 04-05-16- H 2

BUDGET INFORMATION

DEPT: General

BUDGETED? ✓

FUND:

EXPENDITURE:

DESCRIPTION/SUMMARY

ACTION

Consideration of adoption of an ordinance, on its first reading, of the City Of Benton City, Washington,

HISTORY

The City Council has been working on potential regulations for Marijuana Establishments for some time. The Council requested the Planning Commission review the ordinance they drafted in March 2015 for potential updates. Attached is the ordinance they recommended to Council for approval.

The City Attorney will provided an overview of what the changes in the law are, and what changes the planning commission recommended.

ATTACHMENTS

1) Ordinance

3) Planning Commission Minutes

2) Map

4)

RECOMMENDED ACTION/SAMPLE MOTION

I move to approve, on its first reading, an ordinance of the City Of Benton City, Washington,

First Reading: _____

Second Reading: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENTON CITY, WASHINGTON, CREATING A NEW SECTION 5.12.050 "MARIJUANA BUSINESSES"; AMENDING SECTION 20.33.030 "CONDITIONAL USES" IN C-1 COMMERCIAL FOR RETAIL RECREATIONAL MARIJUANA; AND AMENDING SECTION 20.36.030 "CONDITIONAL USES" IN IL-INDUSTRIAL, LIGHT DISTRICT FOR MANUFACTURING AND PRODUCTION OF RECREATIONAL MARIJUANA; AND CREATING A NEW SECTION 20.60.290 "MARIJUANA CONTROL REGULATIONS"

WHEREAS, the Washington Voters approved Initiative 502 (I-502) in 2012, which "authorizes the state liquor control board to regulate and tax marijuana for persons twenty-one years of age and older"; and

WHEREAS, I-502 allows the Washington State Liquor and Cannabis Board to license marijuana producers "to produce marijuana for sale at wholesale to marijuana processors and other marijuana producers" (I-502, Sec 4(1)); and

WHEREAS, I-502 allows the Washington State Liquor and Cannabis Board to license marijuana processors to "process, package and label useable marijuana and marijuana infused products for sale at wholesale to marijuana retailers" (I-502, Sec 4(2)); and

WHEREAS, I-502 allows the Washington State Liquor and Cannabis Board to license marijuana retailers to "sell useable marijuana and marijuana-infused products in retail outlets" (I-502, Sec 4(3)); and

WHEREAS, I-502 establishes certain siting limitations on the Washington State Liquor and Cannabis Board's issuance of such licenses for any premises that are within 1,000 feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center or library, or any game arcade, admission to which is not restricted to persons aged twenty-one years or older (I-502, Sec. 8); and

WHEREAS, on July 3, 2013 the Washington State Liquor and Cannabis Board filed final proposed rules (Chapter 314-55 Washington Administrative Code) with the Code Reviser (CR 102) for applying for, obtaining, and maintaining licenses for the production, processing, and retailing of recreational marijuana; and

WHEREAS, I-502 decriminalizes, for purposes of state law, the production, manufacture, processing, packaging, delivery, distribution, sale or possession of marijuana, as long as such activities are in compliance with I-502; and

WHEREAS, RCW 69.51A.140 authorizes cities to adopt and enforce zoning requirements, business licensing requirements, health and safety requirements, and business taxes pertaining to the production, processing, or dispensing of marijuana or marijuana products within their jurisdiction; and

WHEREAS, on January 28, 2015, the Planning Commission conducted a public meeting to discuss the proposed amendments; and

WHEREAS, on February 25, 2015, after publication of legal notice in a newspaper of general circulation and posting the required notices, the Planning Commission conducted a public hearing on the proposed code amendment; and

WHEREAS, on March 25, 2015, after publication of legal notice in a newspaper of general circulation and posting the required notices, the Planning Commission conducted an additional public hearing on the proposed code amendment; and

WHEREAS, on that same evening and after deliberating and considering the recommendations of staff and carefully reviewing all information in the public record, the Planning Commission voted to recommend approval of the proposed code amendment; and

WHEREAS, on March 1, 2016, the City Council passed a motion to send the proposed code amendment back to the Planning Commission for further review to consider the substantive changes to RCW 69.50 and RCW 69.51A over the prior year.

WHEREAS, on March 31, 2016, after publication of legal notice in a newspaper of general circulation and posting the required notices, the Planning Commission conducted an additional public hearing on the proposed code amendment; and

WHEREAS, on that same evening and after deliberating and considering the recommendations of staff and carefully reviewing all information in the public record, the Planning Commission voted to recommend approval of the proposed code amendment; and

WHEREAS, in accordance with the provisions and procedures of the Benton City Municipal Code, the City Council has received the recommendation of the Benton City Planning Commission, who has scheduled and held a hearing on such recommendation, and having received all evidence and testimony therein, adopts the following findings; and

WHEREAS, the City Council finds and determines that such enactment is in the best interests of residents of the City of Benton City and will promote the general health, safety and welfare. NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF BENTON CITY, WASHINGTON, ordain as follows:

Section 1. That a new Section 5.12.050 entitled "Marijuana Businesses" of the Benton City Municipal Code shall be and hereby is created and shall read as follows:

5.12.050 **Marijuana Businesses.** Marijuana businesses must have a state license pursuant to either Chapter 69.50 RCW or Chapter 69.51A RCW, as well as a conditional use permit before being issued a business license to operate a marijuana business in the City of Benton City.

Section 2. That Section 20.33.030 entitled "Conditional Uses" of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

20.33.030 **Conditional Uses.** The following uses are permitted subject to approval of a conditional use permit.

- A. Automobile service stations, drive-in eating and drinking establishments, and similar auto-oriented uses.
- B. Adult Entertainment Uses subject to compliance with the provisions and standards set forth in Section 20.60.260 of this Code.
- C. Congregate care center, residential care facilities and senior center.
- D. Any similar or compatible use not specifically permitted in this district.
- E. Mini storage and storage facilities.
- F. Outdoor theaters.
- G. Wireless communication facilities.
- H. Marijuana business uses subject to compliance with the provisions and standards set forth in Section 20.60.290 of this Code. (Ord. 765, September 2003; Ord. 716, October 2000.)

Section 3. That Section 20.36.030 entitled "Conditional Uses" of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

20.36.030 **Conditional Uses.** The following uses are permitted subject to approval of a conditional use permit:

- A. Grain storage facility.
- B. Port facility.

- C. Petroleum products storage or distribution facility.
- D. Heliport.
- E. Milling, hot-mix asphalt plants and concrete mixing plants.
- F. Mining or extraction of rock, stone, gravel, sand, earth and other minerals.
- G. Any similar and compatible use not specifically permitted in this district.
- H. Marijuana production or processing. (Ord. 861, September 2009; Ord. 765, September 2003.)

Section 4. That a new Section 20.60.290 entitled "Marijuana Control Regulations" of the Benton City Municipal Code shall be and hereby is created and shall read as follows:

20.60.290 Marijuana Control Regulations.

- A. Authority. The provisions of Section 20.60.290 are implemented pursuant to Initiative-502 under the authority of RCW 69.51A.140.
- B. Purpose. The purpose of this section is to further clarify the provisions of Initiative-502 and RCW 69.51A.140 as it pertains to the use of land within the City, and to establish where recreational marijuana producers, processors and retail outlets may locate in the City, and to describe the restrictions upon such uses.
- C. Definitions. The definitions in this section apply throughout this Chapter, and the City also adopts the definitions in WAC 314-55-010 and RCW 69.50.101.
 - 1. "Child Care Center" means an entity that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours licensed by the Washington State Department of Early Learning, under chapter 170-295 WAC.
 - 2. "Church" means a building that provides a place for public worship of God, or provides a place for a religious service.
 - 3. "Cultivation" means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof.
 - 4. "Elementary School" means a school for early education that provides the first four to eight years of basic education and is

recognized by the Washington State Superintendent of Public Instruction.

5. "Game Arcade" means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under twenty-one years of age are not restricted.
6. "Indoors" means within a fully enclosed and secure structure that complies with the Washington State Building Code, as adopted by the City, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as 2" by 4" or thicker studs overlain with 3/8" or thicker plywood or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.
7. "Library" means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.
8. "Marijuana" means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. For the purposes of this Ordinance, "cannabis" or "marijuana" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
9. "Outdoors" means any location that is not "indoors" within a fully enclosed and secure structure as defined herein.
10. "Playground" means a public outdoor recreation area for children, usually equipped with swings, slides and other playground equipment, owned and/or managed by a city, county, state or federal government.
11. "Process" means to handle or process cannabis in preparation for medical or recreational use.

12. "Produce or Production" means to manufacture, plant, grow or harvest cannabis or marijuana.
13. "Public Park" means an area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, federal government or metropolitan park district. Public park does not include trails or plazas.
14. "Public Transit Center" means a facility located outside of the public right of way that is owned and managed by a transit agency or city, county, state or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge. They serve as efficient hubs to allow bus riders from various locations to assemble at a central point to take advantage of express trips or other route to route transfers.
15. "Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state or federal government.
16. "Retail, Marijuana" means the activity of selling usable marijuana and marijuana-infused products in a retail outlet.
17. "Retail outlet" means a location licensed by the Washington State Liquor and Cannabis Board for the retail sale of useable marijuana and marijuana-infused products.
18. "Secondary School" means a high and/or middle school: A school for students who have completed their primary education, usually attended by children in grades seven to twelve and recognized by the Washington State Superintendent of Public Instruction.
19. "Useable cannabis or usable marijuana" means dried flowers of the *Cannabis* plant. The term "usable cannabis or usable marijuana" does not include marijuana-infused products or cannabis products.

D. Marijuana Production.

1. The cultivation of marijuana is considered to be production of a product for resale. Production of marijuana is limited to the IL-industrial, light zoning districts wherein manufacturing uses are permitted.

2. All marijuana production shall occur within indoor facilities. Outdoor production as may be permitted by the State is expressly prohibited by this section.
- E. Marijuana Processing. The processing of marijuana is considered to be a manufacturing activity. Processing of marijuana and marijuana products is limited to the IL-industrial, light zoning districts wherein manufacturing and industrial processing uses are permitted.
- F. Retail Marijuana Sales. The sale of marijuana is a retail activity. Sale of marijuana is limited to the C-1 commercial zoning districts wherein retail uses are permitted.
- G. Locational Criteria.
1. No recreational marijuana producer, processor or retail outlet may locate within one thousand (1,000) feet of any of the following:
 - a. Elementary or secondary school;
 - b. Playground;
 - c. Recreation center or facility;
 - d. Child care center;
 - e. Public park;
 - f. Public transit center;
 - g. Library; or
 - h. Any game arcade (where admission is not restricted to persons age twenty-one or older;
 2. No recreational marijuana producer, processor or retail outlet may locate within one hundred (100) feet of any of the following:
 - a. Church;
 - b. Any property zoned R-1, R-2, R-3 or R-3M; or
 - c. Any other recreational marijuana producer, processor or retail outlet.

3. The distances described above shall be computed as straight line measurements as conducted by the City utilizing the best available data in the City's Geographic Information System.
4. The subsequent establishment of a use listed in Section 20.60.290.G within 1,000 feet of a legally established and licensed marijuana producer, processor, or retail outlet shall not render the marijuana producer, processor, or retail outlet non-conforming in regard to location under this ordinance.

H. No City Liability – Indemnification.

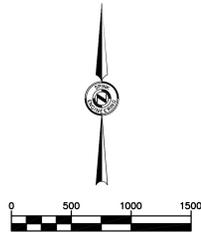
1. By accepting a permit issued pursuant to this Chapter, the licensee waives and releases the City, its officers, elected officials, employees, volunteers and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers for a violation of federal, state or local laws and regulations.
2. By accepting a permit issued pursuant to this Chapter, all licensees, jointly and severally, if more than one, agree to indemnify, defend and hold harmless the City, its officers, elected officials, employees, volunteers and agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the recreational marijuana business that is the subject of the license.

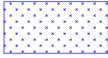
I. Limitations.

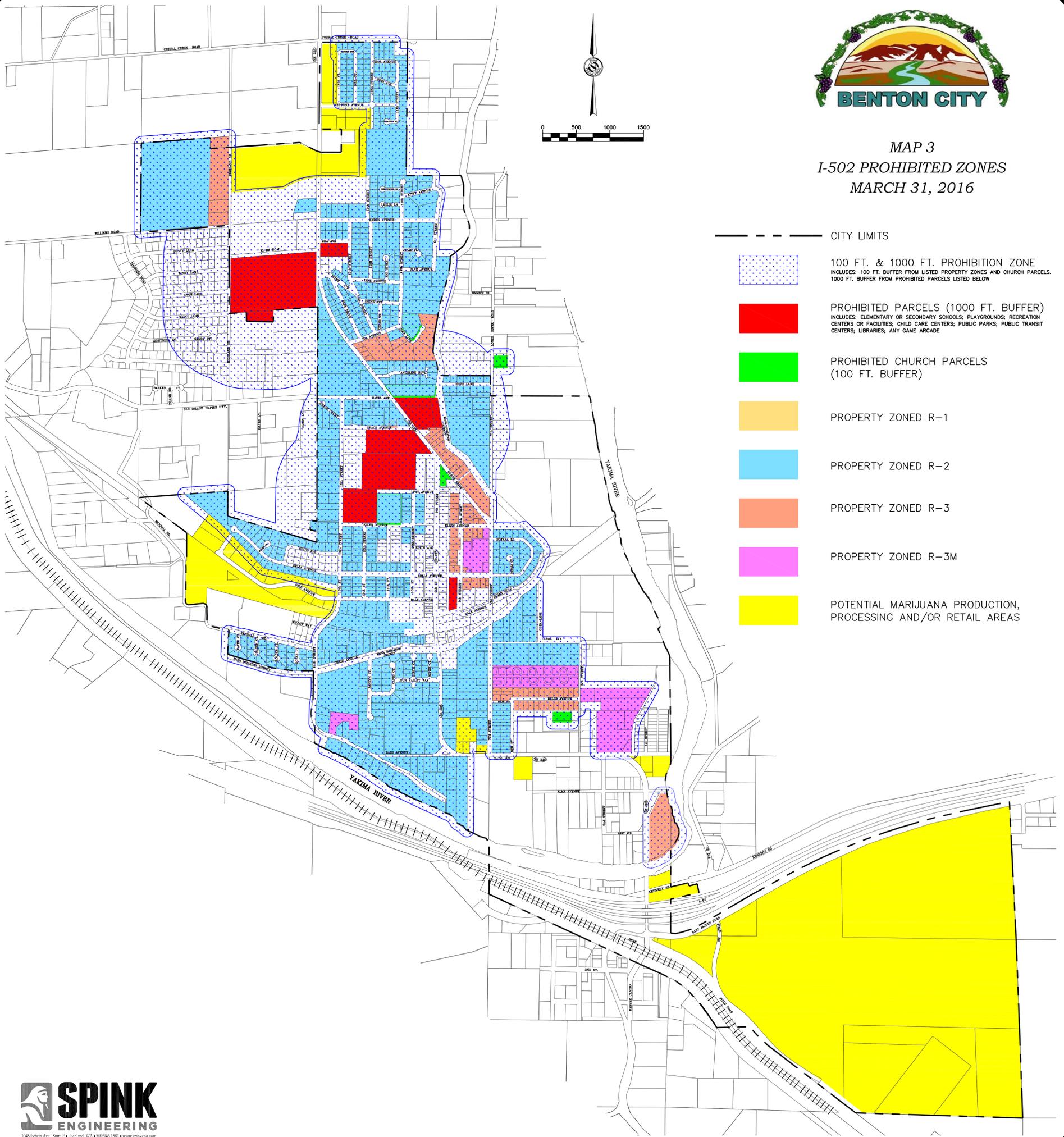
1. Nothing in this code section is intended to be, nor should be considered to be, an allowance for less restricted activity that is permitted by State law and the rules and regulations of the Washington State Liquor and Cannabis Board.
2. Nothing in this code section is intended to be, nor should be considered to be, a limitation on the City from protesting the granting of a permit(s) or the renewal of a permit(s).
3. No part of this Ordinance is intended to or shall be deemed to conflict with federal law, including but not limited to, the Controlled Substances Act, 21 U.S.C. Section 800 *et seq.*, the Uniform Controlled Substances Act (chapter 69.50 RCW) nor to otherwise



MAP 3
I-502 PROHIBITED ZONES
MARCH 31, 2016



-  CITY LIMITS
-  100 FT. & 1000 FT. PROHIBITION ZONE
INCLUDES: 100 FT. BUFFER FROM LISTED PROPERTY ZONES AND CHURCH PARCELS.
1000 FT. BUFFER FROM PROHIBITED PARCELS LISTED BELOW
-  PROHIBITED PARCELS (1000 FT. BUFFER)
INCLUDES: ELEMENTARY OR SECONDARY SCHOOLS; PLAYGROUNDS; RECREATION CENTERS OR FACILITIES; CHILD CARE CENTERS; PUBLIC PARKS; PUBLIC TRANSIT CENTERS; LIBRARIES; ANY GAME ARCADE
-  PROHIBITED CHURCH PARCELS (100 FT. BUFFER)
-  PROPERTY ZONED R-1
-  PROPERTY ZONED R-2
-  PROPERTY ZONED R-3
-  PROPERTY ZONED R-3M
-  POTENTIAL MARIJUANA PRODUCTION, PROCESSING AND/OR RETAIL AREAS



**City of Benton City
Planning Commission Board Meeting Minutes
March 30th, 2016**

CALL TO ORDER – (00:08:00*Audio recording begins) Commission Chair Allen called the March 30th, 2016 Planning Commission Board Meeting to order at 6:00 p.m.

ROLL CALL – (00:08:03*) **Commissioners Present:**
Commissioner Jeanne Wallace
Commissioner Gary Robins
Commission Chair Don Allen
Commissioner Steve Zetz
Commissioner Michelle McLeod

City Professionals Present:
Stephanie Haug, Clerk of Board
Paula Kauer, General Clerk

Other Professionals Present:
Eric Ferguson, City Attorney, Kerr Law Group

PLEDGE OF ALLEGIANCE TO THE FLAG/U.S. – Commission Chair Allen lead the Board and audience in the Pledge of Allegiance - (00:08:20*)

APPROVAL OF MINUTES FOR FEBRUARY 24TH, 2016 PLANNING COMMISSION BOARD MEETING
(00:08:50*)

Commissioner Robins: I make a motion that we approve the Minutes from last meeting.

Commissioner McLeod: I second it.

MOTION #1 - Commissioner G. Robins moved and Commissioner M. McLeod seconded to approve the Minutes of the February 24th, 2016 Planning Commission Board Meeting as presented.

VOICE VOTE #1 –C. D. Allen, C. G. Robins, C. S. Zetz, C. M. McLeod, C. J. Wallace
ALL YEAS. Motion carried.

ZONING TEXT AMENDMENT – MARIJUANA ESTABLISHMENT REGULATIONS - (00:09:26*)

A. Staff Report – Eric Ferguson, City Attorney, Lee Kerr Group

Changes– Three critical issues – HB2136 passed combining recreational and medical marijuana retail – Buffers lowered - Allowed ordinances to reduce buffers except elementary school and playgrounds – All else allowed to be reduced from 1,000 ft. buffers down to 100 ft. buffers – Referred back to Planning Commission for three reasons – 1) Look at 100 ft. buffer opportunity – 2) Look at difference between using Planning Commission for the Conditional Use Permit vs. Hearing Examiner –Conditional Use Permits in Benton City currently go through Planning Commission – Means we need to decide if that’s something we would like to retain for Conditional Use Permit processing – Then recommend to Council either for or against issue – Other option – Hearing Examiner – In ordinance – Hearing Examiner would essentially do the administrative function of hearing evidence then issue permit – Key difference – Appeal process for Hearing Examiner if permit denied and challenged – Immediately goes to Superior Court – Currently have with Planning Commission system – Planning Commission makes recommendation after hearing evidence to Council – Council not bound to recommendation – Planning Commission makes Findings of Fact - Then recommendation to Council – Council can either follow recommendation or can make their own Findings of Fact – Council would have to have a Closed Record Appeal – Council essentially do same hearing but on their own – Benefit of that structure – Gives a Permit Applicant ability to come to Council – Make their case – Talk to Planning Commissioners – More educated on land use issues – Planning Commission gets to make recommendation on whether or not to permit should be issued – If Permit Applicant does not agree with Planning Commission recommendation – Can go to Council – Essentially have their appeal through Council – Council wanted Planning Commission to take a look at current process and decide how to continue – 3) Regarding buffers and exemptions and Conditional Use Permits – What would that mean in terms of “stores” – Way it is currently written – Doesn’t look like we would have any places in town where processing and manufacturing could be inside City limits – Would be only retail stores – One of the issues – If we set the

zones and buffers – Can there be two to three stores right beside each other? Can we have a retail store row? Nothing currently to prevent such concentration – Council wanted Planning Commission to decide if there is a way to limit how much of this City is being exposed to in terms of how many stores – Walla Walla example – Very specific – Allow maximum of two business license holders under their regulations at any given time – Frankly don't recommend that – Potentially problematic – Which two get to be the license holders? City picking winners and losers – Don't want to do that – Nothing necessarily wrong with limiting license holder but could be more difficult to defend – Solution - Limit the distance between applicants – If want to go with 1,000 ft. between stores – Only two zones – Still going to end up with two stores – Will be able to limit that through zone – Allowed to make own zoning decisions – City not placed in position of picking winners and losers – Two different zones available – Ability to zone marijuana – Whatever particular use is – Retail – Industrial – Manufacturing process – Also same land use goes with that particular zone – Agricultural – Industrial – Commercial – Based on way current map is with “bubbles” put around everything – Only zones available in City limits that would qualify for those particular things – Others (growing and manufacturing) didn't qualify

Commissioner McLeod – Referring to stores – Town is very small

Commissioner Robins – Trying to limit to just stores – Not growing or processing – Leaning more towards retail – Look at maps – Buffers for Residential and parks -

Commissioner Zetz – Initially required that the production of marijuana be done indoors if done in City limits – Growers most likely to go out in county where they don't have those requirements

Commissioner Wallace - What is basis for that? Didn't understand it

Commissioner Zetz – Any city under GMA should be looking at things like density – Don't want to carve out section of City and make an exception for farming

Commissioner Wallace – Look at marijuana from agricultural perspective – Woman in agriculture - “Farm to table” – Small niche growers – Basically put all Agriculture areas off limits for production – Think it's very unrealistic if someone's got a twenty acre plot – Have to build a building – Speak from couple of perspectives – One as farmer – Other as environmentalist – Going to drive up the use of resources – Electricity – Concrete – Think an adequate fence limitation and security and cameras – Don't see the problem personally with growing outside – Grow hops, grapes – All of which go into intoxicants – Why do they not have the same restrictions on ag products?

Commissioner McLeod – True – Many people in town growing marijuana already – Machines to absorb odors – Lots and lots of people

Commission Chair Allen – Colorado?

Mr. Ferguson – Not heard a lot – Oregon having some issues – From state perspective – More lawsuits gone through process – In favor of local ordinances to ban – Much of it still tracking toward Supreme Court - Co-operatives are taking place of Collective Gardens – Part of HB2136 to begin merging

Commission Chair Allen: We're going to close that meeting, okay, then we're done...

Mr. Ferguson: Start the Public Hearing.

Commission Chair Allen: We'll do the Public Hearing.

B. Public Hearing

*** Public Hearing begins at 6:21 p.m. ***

Ms. Haug – With City Council – Typically have three minute time frame for speaking – Would Planning Commission would like to utilize that or leave open? Three minutes per speaker

Commission Chair Allen – Let's do five minutes – Everybody that wants to speak will get their five minutes – At end when Public Hearing is closed – No more comments will be allowed

Daryl Heinburger, Lower River Road/7th Street – Thanks for taking this up – Financial/Personal – Been to Altitude Store in Prosser – Make a day of it – Includes going out to eat – Visiting wineries – Point is am spending other money in town - Looking at bubbles – Push outside – Not doing right by other businesses – Once out of car – Getting bite to eat – Going to Branches & Vines – Really want them to do that – Think that’s really where your focus should be – Bringing back in and accepting it – Making it good for all the businesses

Steve Lee, Representative, Alliance for a Safer Benton City, Kennewick – Wife and I have been working with Benton City Council for last two and half year – Painting a picture of legalization – Own a medical collective currently located in Finley – Transitioning to I-502 in next 90 days – Retail application for Benton City in the proposed acceptable zone – Will bring consistent tax stream into City – Minimum estimate one retail store advantageously placed in community – Current 1% sales tax – Could generate \$15-\$20K/month in take home revenue for Benton City – With changes to law in coming years could increase to 4-5% - HB2136 – Have financiers in Tri Cities – Ready to help develop property – Build buildings if necessary – Invest money in community to make building happen that’s safe and meets community’s values – Clarify – State law requires minimum 1,000 ft. – Most City can do is 500 ft. – State legislates number of stores – City can only tamp down on number – With size of Benton City – Cap out legally at two – Two is maximum for Benton City – Current Resolution in packets today well put together – Doesn’t leave any room for producers and processors in City limits – Reduces nuisances – Benton County where producers and processors should be housed – Farms can’t currently exist in City limits even if desired by Council – Based on State legislation of 1,000/500 ft. rule and prohibited properties are located – Purple properties on your map are prohibited by State – Basically nixes out entire downtown center regardless – Only leaves two or three spots that could be available – One of which is fully developed as a storage unit complex – Other as a multi-business park not interested in participating – Leaves only two very undeveloped sites for industry to participate – Excited to jump over whatever hurdles thrown at us to be part of industry – Help bring this industry to this great community – Know it won’t be easy – Need develop system from scratch for this great opportunity – Here and ready – Waiting for long time – Thank Benton City – Here to answer any questions you might have – Ten year experts in industry – Do consultations and advocacy all over state -

Commissioner Wallace – 100 ft. distance depicted on map vs. text – R.C.W. 69.50.331 – Justification for 100 ft. distance

*** Council Discussion ***

Peggy Higham, 717 12th Street – 20 year resident - Concerned – City has always had problem with reputation for drugs – Destroying reputation by adding marijuana sales to town – Compiled information for Colorado - Rocky Mountain High Intensity Drug Trafficking Area – Have been consolidating information for last three year - 2014 – First year of legalization - 32% increase in marijuana traffic deaths in one year– Marijuana related traffic deaths increased 92% from 2010 – During same time – Number of traffic deaths that occurred for reasons other than marijuana only increased 8% - 2014 – THC results for primarily DUI up 45% - Increase in the youth accidental ingestion – 29% increase in number of marijuana related ER visits – 38% increase in marijuana related hospitalizations – 46% in hospitalizations related to marijuana – Report in packet – Under Limitations – Page 8 – Journal of Local Drug Policy and Practice – Federal law still prohibits recreational use of this substance – Illegal under Federal law – Is subject to Federal prosecution – Have not been prosecuting but can change their minds at any time – Anybody assisting with any aspect of marijuana trade – By allowing something illegal by federal law into our community – What are we telling our kids? Telling them to pick and choose which laws to obey – Marijuana is a Schedule 1 Controlled Substance – Shown to have high potential for abuse – Causes lung problems – Smoking household – Fear for the children in homes where we’re assisting them in obtaining marijuana – Second-hand smoke – Constantly being wooed with tax money – Don’t have police department – Takes long time for Sheriff to respond to our concerns – Will increase traffic especially near schools – Other is near Fire Station – Abuts Residential areas – Don’t need this in our town – Shown

increase in costs offset tax revenue received – Don't want it in our town – Can't afford it – Let them put it where they live – Not where we live

Cindy Delour, Ki-Be Sentinel – Regarding teaching our kids – Already many laws in place that everyone bends - Not intended to be bent – Example underage kids buying cigarettes or alcohol – Not rules or laws anyone in right mind intends to be bent but does happen - National Institute of Health notes slight increase in drug use among kids despite marijuana being legalized in several states – Increased from 5.5% to 6% since legalization – Regarding damaging community image – Why would this be damaging to our community yet our schools not meeting state standards year after year would not be considered damaging our image. People don't want to move here due to being unwilling to put their kids in a school that can't meet state standards – Issues why they can't meet state standards – Spoke with principal regarding reasons – Tax money could help them to meet state standards – More people might want to move here – Place their children in our schools – Then will have more taxes that won't revolve around marijuana – Will revolve around community that takes care of each other – Wanted to present something to counter false information you were just given

Commissioner McLeod – Could 1% increase be caused by kids being more apt to tell truth

Cindy Delour, Ki-Be Sentinel – Only increased by half percent – With legalization – Kids are being more open about it – Instead hiding from parents – Now can talk to parents about it – Not hiding from anyone – High school seniors will not be able to buy from Prosser or locally - Not 21 – It's a given that kids shouldn't be around any of it – Responsibility of raising kids belongs to parents – Not city – City shouldn't be held responsible for that – If kids in home where being exposed to it – Then neighbor or other citizen should step up and say something – Draw attention to it – Parents responsibility to raise their child – Not the City

Brandon Wright, Kennewick – Partners with Steve and Jesse Lee – Wanted to introduce myself – Thank you for all the work you've done towards this - Excited for opportunity – Increase revenue and brighten future – Business

Commissioner McLeod – Business and permits – Serviced medical people in Benton City?

Mr. Wright – Business has services Mid-Columbia region or Finley for last four years - Has Benton City customers

Commissioner McLeod – Been doing this long time – Now we would be making tax money off of it – Is that what I'm hearing?

Mr. Lee – Currently pay tax money to state – Would now be paying it to Benton City as well – Last month we paid State \$35,000 – Would pay City those taxes instead – Currently service four to five hundred patients with Benton City addresses – Have been servicing patients for four years – Currently we pay State about \$30,000 per month in sales tax – As an I-502 retail store – Our tax burden would increase from 8% currently pay to 37.5% plus 8% - Would see a 42% retail sales tax of which City would get 1% from our 8% - In next year would see 3-5% of 37% - At current rate would be doing very well as compared to most business in City downtown district – For tax revenue generation – Forecast store in Benton City could bring in \$10 million a year in revenue if located in right area

Commissioner McLeod – What do you consider the right area?

Mr. Lee – City has selected two areas – One by new roundabout development – South – Currently have an outstanding application filed today just before this meeting for the parcel City currently owns – Just south of new roundabout development – Zoned correctly – Hoping to work with the City to open a store – Hope to meet everybody's values along the way – Technically in Kiona – Land City has annexed and zoned accordingly – People going to store would never even have to drive into the City – City would still see direct tax revenue generation from that property

Tynan Bender, Pendleton Road, Benton County – We're just one of those patients using Green-To-Go for years – Medical reasons – Probably spend around \$400-\$500/month on prescriptions – Have to drive to Finley to do so – Just to give an idea estimate is probably low-balled

Commission Chair Allen: Would there be anybody else that would like to make any comments or have anything to say? Okay, I find this Public Hearing is now closed. There will be no more comments, no more speaking out or anything else from this point on. Now I'd like for us, I'd like to see who is here for and who is against and so I'll say who's for this? Please show your raise of hands (13) – Who's not? (1)

**** Public Hearing ends at 6:46 p.m. ****

C. Findings of Fact

Commissioner Zetz – 1000 ft. buffer for Residential – Conservative approach – Council rejected even at 1,000 – Council wanted us to look at separate between businesses – Any other legally licensed business that have to be x-number of feet from another business

Mr. Ferguson – Adult entertainment – Adult entertainment vs. marijuana – Is a Constitutional protection of First Amendment for adult entertainment – Can zone to certain areas or keep dispersed in certain ways – Have to have reasonable ability for people to engage in that particular business activity on a constitutional basis – Restriction does not apply to marijuana – There is no constitutional right to sell or purchase marijuana – Don't have same level of restrictions – Key to getting away from number thing – Little more difficult – May be effect – If City expands – Other things go on – If Council or Planning Commission want to adjust – Makes it easier to do while using zoning regulation vs. using number – Only two in town – Office discussions – Determined probably better based on Walla Walla's ordinance to limit space between stores -

Commissioner Robins – Population limit? Number of stores?

Mr. Ferguson – Not that I'm aware of

Commission McLeod – Alcohol and cannabis – Same board in charge of alcohol are now in charge of marijuana regulation

Commissioner Zetz – Attorney will bring back to Council whatever results of meeting are – Don't have to accept this – Can modify numbers as recommendation – Only three of us – Conservative approach – Still didn't pass Council – Ultimately Council can modify decision we send to them

D. Recommendation of Planning Commission

Mr. Ferguson – Fife case – Not clarified – But not?

Commissioner Robins – 1,000 – Push where least impact – Remove (i), (j) and (k) – 100 ft. buffer for churches and Residential – Church 100 ft. – Residential zone 100 ft. – Other establishments 100 ft.

Commissioner Wallace – Cite R.C.W. for 100 ft. justification

Commissioner Zetz: My recommendation on this one, I mean, there's, is to send it back as I-502 is written but with the, but if the Council has some sort of reasoning to add additional restrictions, let them do it.

Commissioner Robins: I'll second that.

Commissioner Zetz – Things that occurred in Sunnyside – Familiar with that – Sky did not fall – Crime did not increase – Businesses didn't stop coming because they didn't want to be a (inaudible)

Mr. Ferguson – Did you mean Prosser? You said Sunnyside.

Commissioner Zetz – Yes – Messaging more a concern for elected officials – No so much for us – Need to let the elected officials deal with the messaging – Statistics – Pros and cons to both sides – Leary of statistics – Prosser as example – Had 200% increase last year in burglaries because they had two burglars – Federal pre-emption – Nobody raised that challenged yet.

Mr. Ferguson – Was raised then wasn't addressed – Able to do backup argument – Judge ruled City of Fife had ability to regulate so pre-emption issue never came up – Did say he didn't feel like this would be a federal pre-emption issue – Complicated test to determine federal pre-emption – Looked into it – Have my doubts

Commissioner Robins – Page 7 – (G.3) – 1,000 ft. buffer – How would this affect Benton City?

Commissioner Zetz – My recommendation would be to strike (J) – Not I-502 requirement

Commissioner Wallace – (I) (J) and (K) don't not appear to be consistent with Regs – Church for 1,000 ft. buffer – (I) and (J) were added in addition to State Regulations – Don't understand justification for 1,000 ft.

Commissioner Zetz – Recommendation – Council will have option – Will see what's been added or taken out - Public Hearing?

Mr. Ferguson – No Public Hearing – Can take public comment but not required to hold Public Hearing

Commissioner Wallace – State law 1,000 ft. for certain areas – (i) (j) and (k) were added – In particular last two – Just for discussion – Could we consider reducing for those two particular things – Residential and churches – Consider revision or reducing buffer to 100 ft. – More than adequate

Commissioner Robins – Kick out (k) too, saying you can't have one store next to other?

Commissioner Wallace – Don't like that one – Number 3

Commissioner Zetz – Certainly leave buffer between stores at 1,000 ft.

Commissioner Robins – City has three bars within spitting distance – Take out (k) as well

Commissioner Zetz – Fine with that

Commissioner McLeod – City has more alcohol now than has ever been allowed

Commission Chair Allen – Hearing you don't want to change this

Commissioner Zetz – Consensus is keeping 100 ft. buffer from churches and Residential zones

Commissioner McLeod – What do we consider recreational facilities?

Commissioner Wallace – Defined in State Regs.

Ms. Haug – Description of recreational facilities

Commissioner Zetz – No option to change that

Commissioners Wallace – All Residential zones had 1,000 ft. buffer – Recommending that be reduced to 100 ft. – Part of concern – Medical marijuana patients – Some people have to grow own – Can't drive to Prosser or Finley to get it – Think we're squeezing some of these people out

Mr. Ferguson – Current interpretation of the State law for medical or qualified patients – Possessing Medical Marijuana card – Current consensus – Cities can't prevent qualified patients from growing own marijuana in "housing units" – Open question – Does it include back porch? Front yard? States cannot be seen with unaided vision or smelled – Small plot in back yard – Fencing ordinances – Question about growing outdoors – Nothing to stop qualified patients from growing inside their homes – What you do here will not have any bearing on whether somebody can grow in their homes

Commissioner Wallace – Know patients in that grew outside in yards – Approved in other cities in Tri Cities – Don't want to make it so...

Commissioner Robins – Want to put that in this ordinance?

Commissioner Wallace – Why I question marijuana production – Have to mind both the Commercial and Medical at this point – People out there truly need this

Commissioner Zetz – Difference between processing it professionally to sell at store vs. somebody growing for own medical use at home – Must have state license to grown commercially

Mr. Ferguson – Big distinction – One requires business license – There other doesn't – Don't get to mess with those not requiring Business License

Commissioner Wallace – Request we make clarification in this ordinance – Does not apply to Medical Marijuana patients – Didn't really understand when I read this – Understand State law combines – Seems like everybody in same boat and making regs for everybody – Wasn't clear to me

Commissioner Zetz – Distinction done at State level

Mr. Ferguson – Distinction – Talking about regulation is for business – Have to go thru certain processes – Area zoned for certain business – Go thru process – Would then be able to receive City business license to be in business – Nothing in State Law that would make a qualified patient apply for business license to comply with law – This regulation is for zoning of business activities – Retail, Industrial and Agricultural – In order to change to agricultural – City would have to change underlying zone of city to agricultural

Ms. Haug – No zones within City zoned for Agriculture – Prohibited within the Growth Management Act – Do have Agricultural Suburban – Has light agricultural trending towards more urban use – Also have some existing agricultural uses not zoned for that but currently grandfathered for that – GMA does not allow us to have agriculture use in City limit – Intent of City be urban development – Not rural farm land

Commissioner Wallace – How ever I got into City limits – To me this a taking – If I were a producer – Land owner – No matter what City does – Still my land – Been there longer than most

Commissioner Robins – Back to Comprehensive Plan

Commissioner Zetz – Consensus on separation?

Commissioner Robins – Page 7 – (i) Church – 100 ft. buffer on that – Any property zoned R-1, R-2 or R-3 – 100 ft. on that – Omit (k) any other recreational marijuana producer, processor or retail outlet

Commission Chair Allen – Eliminate (k)?

Ms. Haug – State no longer limiting how many licenses can be issued in any area

Commission Robins – Page 7 Article G – 1,000 footers

Commission Chair Allen - (a) thru (h)

Commissioner Robins – Down to church or property R-1, R-2 or R-3 – 100 ft. buffer – Item (k) – Omitted

Commissioner Zetz – Just wanted to be clear what not having that restriction might look like – For industry – Want to leave room for other businesses – Maybe have some sort of minimal separation – Benton City very close to Tri-Cities – All other cities have moratoriums – Lot of folks going to be looking for licenses – Whether State gives them now or doesn't – Eventually State will relax that – Many legal questions will be answered – Would like to put something in there – Even if 100 ft. – Minimal - Place holder – Won't have to revisit it again

Commission Chair Allen – Go ahead with way written now – (a) thru (h) would be 1,000 – (i) thru (j) would be 100 and (k) would be omitted

Commissioner Robins – Like what Commissioner Zetz is saying – Modify (k) to 100 as well

Commissioner Wallace – Note – 100 ft. justification for reduction – Should capture a reference or site to the R.C.W. 69.50.331 – Justifies this reduction to 100 ft.

Commissioner Zetz: I will make a motion to approve the ordinance as drafted to include the changes in Section G., Items (i) thru (k), changing that to a one hundred foot restriction and leaving

Items (a) thru (h) at 1,000 ft.

Commissioner Robins: I second the motion.

Mr. Ferguson – For the record it was considered. Is the Planning Commission saying they don't want to look into the Hearing Examiner function? Process for going to Superior Court in this situation would be different than if marijuana ban or moratorium was challenged – Would be a LUPA Claim – Expedited process – Can appeal land use issues – Much smaller, less expensive process – Most people affected by it don't have money to fight City hall – Wouldn't be as expensive – Going to be defending it

Ms. Haug – Flip side of utilizing Hearing Examiner – Would have attorney very familiar with laws – Review applications – Applying Benton City Codes and State Laws – More protection in that

Mr. Ferguson – Planning Commission only gets to determine if applicants meet criteria – Not as legally Defensible – Council would be liable – Appearance of Fairness doctrine

Commission Chair Allen – Like idea of keeping it in house – Do we want to keep this in house in regards to the Planning Commission?

Commissioner Robins – I say yes * **Council Consensus** *

Ms. Haug: The motion actually still on floor. Sounds like you're not wanting to amend that motion with any changes to the Conditional Use Process so we have the First by Commissioner Zetz and the Second by Commissioner Robins, so if you want to take a vote on it, you can.

MOTION #2 - Commissioner S. Zetz moved and Commissioner G. Robins seconded to recommend approval of the ordinance as drafted to include the changes in Section G., Items (i) thru (k), changing that to a one hundred foot restriction and leaving Items (a) thru (h) at 1,000 ft.

**VOICE VOTE #2 – C. D. Allen, C. G. Robins, C. S. Zetz, C. M. McLeod, C. J. Wallace
ALL YEAS. Motion carried.**

UPDATE 2017- COMPREHENSIVE PLAN PERIODIC UPDATE - (01:49:13*) Consultant **Stephanie Haug, Clerk of Board – Consultant** – Received one proposal – No interviews – Proposal looks good – Negotiating contract with that consultant – Hoping to have something in place by mid-April – Anchor QEA – Oneza and Ben Floyd – First meeting for Comp Plan most likely in May – Last Wednesday of month - 27th April – 25th May

GENERAL COMMISSION COMMENTS - (01:51:37 *)

ADJOURNMENT (01:51:51*)

Commission Chair Allen adjourned the March 30th, 2016 Planning Commission Board Meeting at 7:44 p.m.

Planning Commission Meeting ended at 7:44 p.m. (01:51:58*Audio recording ends)

Don Allen, Commission Chair
Planning Commission Board

Stephanie Haug
Clerk of the Board

Date: _____

permit any activity that is prohibited under either Act, or any other local, state or federal law, statute, rule or regulation. Nothing in this Ordinance shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of medical cannabis or recreational marijuana in any manner not authorized by chapter 69.51A RCW or chapter 69.50 RCW. Nothing in this Ordinance shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or that creates a nuisance, as defined herein.

Section 5. Applicability. The revisions contained herein shall apply to future development and building permit applications.

Section 6. Severability. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 7. This Ordinance shall be effective five (5) days after passage, approval 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 _____, 2016.

Linda Lehman, Mayor

Attest:

Approved as to Form:

Stephanie Haug, CMC
City Clerk-Treasurer

Kerr Law Group
City Attorney

CITY OF BENTON CITY

City Council Agenda Item



PROCESS INFORMATION

SUBJECT: Engineering Task Order: Water

DATE/ITEM: 04-05-16- H 3

BUDGET INFORMATION

DEPT: Water

BUDGETED? ✓

FUND: Water

EXPENDITURE: 10,000

DESCRIPTION/SUMMARY

ACTION

Consideration of approval of Task Order 2016-01, authorizing the City Engineer to perform Water Plan pre-planning and water system investigation.

HISTORY

The City's Engineering Services Agreement with Spink Engineering calls for the execution of Task Orders for specific phases of work.

The City is due for its Water Plan Update in 2017 (a state requirement). This task order authorizes the City Engineer to pre-plan with City staff for the update and also to improve our understanding of our water system by updating maps, etc. closer to what exists in the field.

ATTACHMENTS

1) Task Order 2016-01

3)

2)

4)

RECOMMENDED ACTION/SAMPLE MOTION

I move to approve Task Order 2016-01, authorizing the City Engineer to perform Water Plan pre-planning and water system investigation.

City of Benton City
Engineering Services Agreement
TASK ORDER NO. 2016 - 1

PROJECT: Water Plan Update Preplan Meeting & Water System Investigation

Submitted to: Linda Lehman
Mayor
City of Benton City

Re: "2015 Engineering Services Agreement Update" between City of Benton City
(Owner) and Spink Engineering (Engineer), City Resolution NO. 2015 - _____.

Upon execution of this Task Order by the Owner and the Engineer in the space provided below, this Task Order will serve as authorization for the Engineer to carry out and complete the services set forth below in accordance with the referenced agreement between the Owner and Engineer.

1. Scope of Services:
Meet with Department of Health for Preplan Meeting to determine requirements of water plan update.

Investigate Water System with Public Works personnel and outside contractors to test leaking flow control valves at all well heads, inspection of "PRV/altitude" valve between upper and lower pressure zones and Booster Station operation.

2. Time for Performance of Services:

Service will be provided through December 2016.

3. Fees for Services: SPINK ENGINEERING shall be paid on a "Time-plus-expense" basis for the performance of services under this agreement using the rates indicated in the attached fee schedule, dated March 31, 2016, included as part of this agreement.

The maximum compensation shall be Ten Thousand Dollars (\$10,000), or such greater amounts when authorized by written notice from the Owner.

ENGINEER:
Spink Engineering, LLC

OWNER:
City of Benton City

By Alan Rainey

By: Linda Lehman

Signed: _____

Signed: _____

Title: Principal Engineer

Title: Mayor

Date: 4/5/16

Date: 4/5/16
(Authorization Date)

Effective March 31, 2016

FEE SCHEDULE

Principal Engineer	\$100/hour
Project Engineer II	\$95/hour
Design Engineer	\$90/hour
Engineering Technician	\$90/hour
CAD Draftsman	\$75/hour
Secretarial/Clerical	\$ No Charge
Mileage Rate	\$0.50/mile

CITY OF BENTON CITY

City Council Agenda Item



PROCESS INFORMATION

SUBJECT: Engineering Task Order: Wastewater Treatment System **DATE/ITEM:** 04-05-16- H 4

BUDGET INFORMATION

DEPT: Sewer

BUDGETED? ✓

FUND: Sewer

EXPENDITURE: 10,000

DESCRIPTION/SUMMARY

ACTION

Consideration of approval of Task Order 2016-02, authorizing the City Engineer to evaluate existing wastewater treatment plant operations with City personnel, develop option for influent bypass options to bypass oxidation tank and clarifier, and perform initial evaluation of City's lift stations and develop outline for engineering report.

HISTORY

The City's Engineering Services Agreement with Spink Engineering calls for the execution of Task Orders for specific phases of work.

ATTACHMENTS

1) Task Order 2016-02

3)

2)

4)

RECOMMENDED ACTION/SAMPLE MOTION

I move to approve Task Order 2016-02, authorizing the City Engineer to evaluate existing wastewater treatment plant operations with City personnel, develop option for influent bypass options to bypass oxidation tank and clarifier, and perform initial evaluation of City's lift stations and develop outline for engineering report.

City of Benton City
Engineering Services Agreement
TASK ORDER NO. 2016 - 2

PROJECT: Wastewater Treatment System

Submitted to: Linda Lehman
Mayor
City of Benton City

Re: "2015 Engineering Services Agreement Update" between City of Benton City
(Owner) and Spink Engineering (Engineer), City Resolution NO. 2015 - _____.

Upon execution of this Task Order by the Owner and the Engineer in the space provided below, this Task Order will serve as authorization for the Engineer to carry out and complete the services set forth below in accordance with the referenced agreement between the Owner and Engineer.

1. Scope of Services:
Evaluate existing WWTP operation with City personnel.
Develop options for influent bypass option to bypass oxidation tank and clarifier.
Initial evaluation of City's lift stations and develop outline for engineering report.
2. Time for Performance of Services:

Service will be provided through December 2016.
3. Fees for Services: SPINK ENGINEERING shall be paid on a "Time-plus-expense" basis for the performance of services under this agreement using the rates indicated in the attached fee schedule, dated March 31, 2016, included as part of this agreement.

The maximum compensation shall be Ten Thousand Dollars (\$10,000), or such greater amounts when authorized by written notice from the Owner.

ENGINEER:
Spink Engineering, LLC

OWNER:
City of Benton City

By Alan Rainey

By: Linda Lehman

Signed: _____

Signed: _____

Title: Principal Engineer

Title: Mayor

Date: 4/5/16

Date: 4/5/16
(Authorization Date)

Effective March 31, 2016

FEE SCHEDULE

Principal Engineer	\$100/hour
Project Engineer II	\$95/hour
Design Engineer	\$90/hour
Engineering Technician	\$90/hour
CAD Draftsman	\$75/hour
Secretarial/Clerical	\$ No Charge
Mileage Rate	\$0.50/mile

CITY OF BENTON CITY
Voucher Summary Sheet

March 16 - April 5, 2016

FUND NAME	FUND NO.	PAYROLL	CLAIMS	TOTAL
CURRENT EXPENSE	001		29,007.61	29,007.61
CITY STREET	101		10,210.55	10,210.55
ARCHIVE	103			0.00
PARK & RECREATION CAPITAL IMPROVEMENT	302			0.00
I-82 BUSINESS PARK	350			0.00
WATER	401		4,851.49	4,851.49
SEWER	402		10,417.47	10,417.47
W/S CAPITAL IMPROVEMENT	406			0.00
W/S CAPITAL MAINTENANCE	407			0.00
'82/97 W/S BOND REDEMPTION	409			0.00
'82/97 W/S BOND RESERVE	410			0.00
TOTALS		0.00	54,487.12	54,487.12

I, Stephanie Haug, Audit Officer for the City of Benton City, hereby submit for approval vouchers as listed below and recommend these vouchers to be authorized for payment this 5th day of April, 2016.

VOUCHER APPROVAL

I move to approve payment of Claim check numbers:

27547 thru 27574 with EFTs as listed in the amount of \$ 54,487.12
 this 5th day of April, 2016.

 COUNCIL MEMBER

 COUNCIL MEMBER

 COUNCIL MEMBER

 CITY CLERK/TREASURER

CHECK REGISTER

City Of Benton City
MCAG #: 199

03/16/2016 To: 04/05/2016

Time: 13:05:31 Date: 03/31/2016

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
1268	03/16/2016	Claims	1	EFT	WA St Dept of Revenue	3,242.70	Feb. Excise
1519	04/05/2016	Claims	1	EFT	Benton PUD	13.06	Acct No. 1628300000
1520	04/05/2016	Claims	1	EFT	Benton PUD	403.37	Acct No.6958300000
1521	04/05/2016	Claims	1	EFT	Benton PUD	2.36	Acct No. 4708300000
1522	04/05/2016	Claims	1	EFT	Benton PUD	6,577.25	Acct No. 8297300000
1523	04/05/2016	Claims	1	EFT	Home Depot Credit Services	846.16	Acct No. 6035 3220 2492 1912
1524	04/05/2016	Claims	1	27547	Ace Sales & Service, Inc	276.00	Acct No. CITYOFBENT/Inv No. A-30375
1525	04/05/2016	Claims	1	27548	Benton Co. Sheriff Office	25,807.88	2016 Contracted Law Enforcement Svcs - March
1526	04/05/2016	Claims	1	27549	Benton Franklin Counties	380.00	Acct No COBC/Inv No. 4651
1527	04/05/2016	Claims	1	27550	Benton REA	514.92	Group No. 602
1528	04/05/2016	Claims	1	27551	City of Kennewick	149.47	Acct No. 5334
1529	04/05/2016	Claims	1	27552	Columbia Pumping & Construction	3,475.20	Inv No. 16132
1530	04/05/2016	Claims	1	27553	Crop Production Services, Inc.	1,928.09	Inv No. 29125769
1531	04/05/2016	Claims	1	27554	Department of Retirement Systems	25.00	Syst. Plan A4/Acct No. 000000058/Inv No. 1155924
1532	04/05/2016	Claims	1	27555	Elevator Manufacturing LLC.	540.00	Inv No. 1620
1533	04/05/2016	Claims	1	27556	G & R Ag Products, Inc.	199.77	Inv No. 2161403.01; Acct No. 03450/Inv No. 2161671-01
1534	04/05/2016	Claims	1	27557	Brenda Garibay	100.00	Community Center Deposit Refund
1535	04/05/2016	Claims	1	27558	Grainger Inc	318.35	Acct No. 832445266/Inv No. 9049445522
1536	04/05/2016	Claims	1	27559	HD Supply Waterworks, LTD.	488.28	Acct No. 110448
1537	04/05/2016	Claims	1	27560	Hach Company	250.75	Acct No 154853/Inv No. 9840755
1538	04/05/2016	Claims	1	27561	Stephanie Haug	279.18	Travel Reimbursement WMCA Conference
1539	04/05/2016	Claims	1	27562	Irrigation Specialist Inc	60.70	Acct No. BENT33/Inv No. 1169779-01
1540	04/05/2016	Claims	1	27563	Kiona-Benton Sentinel	200.00	Acct No. BCH01/Inv No. 110
1541	04/05/2016	Claims	1	27564	Karen Medina	100.00	Community Center Deposit Refund
1542	04/05/2016	Claims	1	27565	Mount's	311.25	Inv No. 210567; Inv No. 210948
1543	04/05/2016	Claims	1	27566	Pavement Surface Control	1,597.50	Inv No. 26013-01
1544	04/05/2016	Claims	1	27567	Premier Power Sports	533.39	Contact ID 4097/Inv No. 14719
1545	04/05/2016	Claims	1	27568	Jose Pablo Quiroa	100.00	Community Center Deposit Refund
1546	04/05/2016	Claims	1	27569	Tacoma Screw Products, Inc.	37.73	Acct No 136802/Inv No. 22139109
1547	04/05/2016	Claims	1	27570	Top Tree Service	5,131.35	Inv No. 3330; Inv No. 3394
1548	04/05/2016	Claims	1	27571	Tri-City Sign & Barricade	90.47	Acct No. 43/Inv No. 7730
1549	04/05/2016	Claims	1	27572	U.S. Cellular	360.44	Acct No. 952635344/Inv No. 0126246572
1550	04/05/2016	Claims	1	27573	WA Finance Officers Assn.	125.00	Registration ID 90998348/Inv No. 1817337-90998348
1551	04/05/2016	Claims	1	27574	WA St. Dept. of Labor & Industries	21.50	Inv No. 267826/No. 08044-06W

001 Current Expense Fund	29,007.61
101 City Street Fund	10,210.55
401 Water Fund	4,851.49
402 Sewer Fund	10,417.47

Claims: 54,487.12
 54,487.12

Real Estate Questions

1. We own the approximately 6.5 acres located south of the freeway, but how much did we pay and when?
2. If the offer was representative, would we have re-couped the balance of our investment which is price of land, price of water and sewer, grading and 10K appraisal? Over what period of time can this be realized utilizing some realistic parameter estimates, i.e., gas and sales tax, other?
3. Given the monetary outlays so far by the City, was the offer sufficient?
4. What are the benefits or negatives in leasing the balance of the approx. 4 acres owned by the City rather than selling it? How do we best diversify the City's land portfolio?
5. What types of restrictions would the Council like to make on its land as part of a sales agreement? For example any restrictions as to following: town themes, or types of building materials, other. What about lighting? Consideration should be given to surrounding community that could be affected by high intensity lighting.
6. Do we need to adopt any policies/procedures for future offers?