

**City of Benton City
Regular Council Meeting Minutes
December 5th, 2017**

CALL TO ORDER Mayor Linda Lehman called the December 5th, 2017 regular Council Meeting at the Community City to order at 7:00 p.m.

PRESENTATION OF THE COLORS Maxine Davis led the Council and audience in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present

Lisa Stade

Mary Lettau

Dave Sandretto

Vanessa Coates

Councilmember Absent

Jake Mokler

City Staff Present

Stephanie Haug, City Clerk/Treasurer

Margaret Dukes, Temporary General Clerk

Kyle Kurth, Maintenance Foreman

Other Professionals Present

Eric Ferguson, City Attorney, Kerr Law Group

Alan Rainey, City Engineer, Spink Engineering LLC

Other Professionals Absent

Cmdr. Law, Benton County Sheriff's Office

Councilmember Lettau: Madam Mayor, I make a motion to excuse Councilmember Mokler from the Council Meeting.

Councilmember Stade: I second the motion.

MOTION #1-C. M. Lettau moved and C. L. Stade seconded to excuse J. M. Mokler from the Council Meeting on December 2, 2018.

VOICE VOTE #1- ALL YEAS. Motion carried.

READING AND APPROVAL OF MINUTES

REGULAR MEETING NOVEMBER 21st, 2017

Councilmember Discussion: Councilmember Sandretto stated that on Page 5 of the Minutes under the Sheriff's Report, Officer Law was recognized as a Lieutenant, rather than a Commander. On Page 6 or 7, Section 2, approximately eight lines down under Discussion Item for Park Fees, the Minutes state that the current park system is approximately 7,200 square feet, and it should reflect that 7,200 square feet is the proposed distance between parks. Ms. Haug stated that the phrase, "current park system" should be removed because that was intended as part of the proposal. On the following page, third line down, the Minutes indicate that "homeowners go to Aaron" and wording should be revised to state that "homeowners go to Howard Amon."

Councilmember Sandretto: Mr. Mayor, I make a motion to approve the Minutes at amended from the November 21st, 2017 regular Council Meeting as presented.

Councilmember Lettau: I second it.

MOTION #2-C. D. Sandretto moved and C. M. Lettau seconded to approve the Minutes of the November 21st, 2017 Regular Council.

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

OPENING REMARKS, "HOUSEKEEPING" ITEMS, EXECUTIVE SESSION REQUESTS, ETC. None

APPROVAL OF AGENDA

Councilmember Sandretto: Madam Mayor, I make a motion to approve the Agenda for December 5th, 2017 as presented.

Councilmember Lettau: I second it.

MOTION #3- C. D. Sandretto moved and C. M. Lettau seconded to approve the Agenda of the December 5th, 2017 Regular Council Meeting as presented.

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

VISITOR COMMENTS None

REGULAR REPORTS

1. EDC REPORT

Councilmember Coates: Councilmember Coates requested that the EDC Report be presented at the second meeting of the month after the new Executive Director is introduced to Council, and Council agreed to the change. Ms. Haug stated that the EDC Report has always been presented at the first meeting of the month and the Sheriff's Report is presented at the second meeting of the month.

2. STAFF REPORTS Stephanie Haug, City Clerk/Treasurer In packets

3. ENGINEER REPORT Alan Rainey, City Engineer, Spink Engineering LLC In packets

4. COUNCIL COMMITTEE REPORTS

Councilmember Discussion: Councilmember Lettau reported on the Tri-Dec Commerce and Industrial Committee Meeting that she attended in November. The 2018 Fabrio-Expo, which is the food and beverage retention and expansion opportunities, and possible trade shows that could come to the Tri-Cities were also discussed.

ITEMS FOR APPROVAL

1. FIRST READING – ORDINANCE – 2018 BUDGET

Councilmember Sandretto: Madam Mayor, I move to approve an Ordinance, on its First Reading, of the City of Benton City, Washington, adopting the budget for the Fiscal Year ending December 31, 2018.

Councilmember Stade: I second.

MOTION #4-C. D. Sandretto moved and C. L. Stade seconded to approve an Ordinance, on its First Reading, of the City of Benton City, Washington, adopting the budget for the Fiscal Year ending December 31, 2018.

ROLL CALL #4-C. D. Sandretto, C. M. Lettau, C. L. Stade, C. V. Coates
Motion carried.

2. FIRST READING – ORDINANCE – 2018 WAGES & SALARIES

Councilmember Discussion: Councilmember Sandretto questioned whether the wage and salary increase being discussed is the standard increase related to the Union Contract. Ms. Haug clarified that the increase is the dollar amount from the pay scale in the Union Agreement, with the exception of the Clerk Treasurer and Part Time Clerk.

Councilmember Lettau: Madam Mayor, I move to approve an ordinance, on its First Reading, approving the salaries and wages to be paid to employees of the City of Benton City, Washington, for the calendar year of 2018.

Councilmember Stade : I second.

MOTION #5-C. M. Lettau moved and C. L. Stade seconded to approve an ordinance, on its First Reading, approving the salaries and wages to be paid to the employees of the City of Benton City, Washington, for the calendar year of 2018.

ROLL CALL #5-C. V. Coates, C. D. Sandretto, C. M. Lettau, C. L. Stade
ALL YEAS. Motion carried.

3. RESOLUTION #2017-39 – DEPARTMENT OF COMMERCE SOLAR GRANT CONTRACT

Councilmember Discussion: Council Member Sandretto asked if the contract is a standard agreement, and Ms. Haug explained that it is the formal agreement for the City to receive funding for the Solar Energy Project Grant.

Councilmember Sandretto : Madam Mayor, I move to approve Resolution #2017-39, authorizing the Mayor of the City of Benton City to sign the Interagency Agreement with the State of Washington Department of Commerce for Grant Funding the solar project at the City's Wastewater Treatment Plant.

Councilmember Stade: I second it.

MOTION #6-C. D. Sandretto moved and C. L. Stade seconded to approve Resolution #2017-39, authorizing the Mayor of the City of Benton City to sign the Interagency Agreement with the State of Washington Department of Commerce for Grant Funding the solar project at the City's Wastewater Treatment Plant.

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

4. RESOLUTION #2017-40 – DEPARTMENT OF COMMERCE ENERGY PROJECT GRANT CONTRACT

Councilmember Sandretto: Madam Mayor, I move to approve Resolution No. 2017-40, authorizing the Mayor of the City of Benton City to sign the Interagency Agreement with the State of Washington Department of Commerce for Grant Funding for City energy and utility conservation projects.

Councilmember Coates: I second.

MOTION #7-C. D. Sandretto moved and C. V. Coates seconded to approve Resolution No. 2017-40, authorizing the Mayor of the City of Benton City to sign the Interagency Agreement with the State of Washington Department of Commerce for Grant Funding for City energy and utility conservation projects.

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

5. RESOLUTION #2017-41 – AGREEMENT WITH U.S. LINEN

Councilmember Stade: Madam Mayor, I move to approve Resolution No. 2017-41, a resolution authorizing the Mayor of the City of Benton City to sign the Mutual Release and Settlement Agreement with U.S. Linen & Uniform for the termination of any and all service agreements between the parties and settlement of all accounts.

Councilmember Coates: I second.

MOTION #8-C. L. Stade moved and C. V. Coates seconded to approve Resolution No. 2017-41, a resolution authorizing the Mayor of the City of Benton City to sign the Mutual Release and Settlement Agreement with U.S. Linen & Uniform for the termination of any and all service agreements between the parties and settlement of all accounts.

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

6. VOUCHERS

Councilmember Lettau: Madam Mayor, I move to approve payment of Claim Checks Numbers 28909, 28918 through 28935 with EFTs as listed in the amount of \$224,256.13 this 5th day of December, 2017.

Councilmember Sandretto: I second.

MOTION #9-C. L. Lettau moved and C. D. Sandretto seconded to approve payment of Claim Check Numbers 28909, 28918 through 28935 with EFTs as listed in the amount of \$224,256.13 this 5th day of December, 2017.

**ROLL CALL VOTE #9-C. D. Sandretto, C. L. Stade, C. V. Coates, C. M. Lettau
ALL YEAS. Motion carries.**

ITEMS FOR DISCUSSION

1. PARK FEE ORDINANCE CHANGES

Councilmember Discussion: Mr. Ferguson reviewed the entire ordinance for the Comprehensive Plan and the Recreation Park Plan. At first, Mr. Ferguson believed that it would be easy to determine alternative spacing between parks, but that thought quickly vanished because that indicated that there would be a choice. The policy choice would be whether to retain the current ordinance that refers to the Comprehensive Plan and the Park Plan that states “shall be used as a basis for determining the location and size of the proposed park site” and two other provisions in the policy that indicate the specific use for each preliminary plat or subdivision.

Based on the current code, it would require an amendment to the Park Plan to state the specific requirement for the number of feet within certain parks because those numbers dictate what is being referenced. Previously, the zoning designation in the Comprehensive Plan and Recreation Park Plan was to be used as a guide, and then further down in the ordinance, a different metric was utilized, and with conflicting information this could open the City up to problems. In reviewing the Park Plan, it could appear as though the 7,200 feet requirement is not in the plan, yet the ordinance states that the Park Plan has to be followed. Based on that assumption, a significant amount of editing to the ordinance would be required if a specific metric refers to the actual locating of the park, and not the Park Fee, whereas the actual dollar amount is left open. It may be easier to revise documents that are typically more malleable and easier to revise than it would be to revise the code so that it would not create vesting and grandfathering issues. The Park Fee has been changed to 10%.

Mayor Lehman inquired whether the only section to be revised is the distance requirement, and Mr. Ferguson explained that the only difference between this document and the draft from Councilmember Sandretto is that the distance requirement between parks was removed. The relationship from park to park may not have any connection whatsoever to the subdivision and/or plat, so that is the reason that the metric is problematic. In other words, a “reasonable relationship” is utilized, as noted in ‘Section B’ that states “the amount and the location of the land to be dedicated or fees to be paid bear a reasonable relationship.” The City would be required to prove that there is a “reasonable standard,” whereas, a park within a certain distance might not be reasonable, so the City could have conflicting portions of the same provision. Therefore, that portion was removed until the dollar amount has been raised. Mr. Ferguson stated that the City could define the Park Plan even further because it is not incredibly specific. Ms. Haug stated that an amendment would be fairly easy because it is not an Appendix to the Comprehensive Plan.

Councilmembers are in agreement that the goal is to ensure that there is a plan for green spaces, and with new developments, zoning is a factor. Rounding Park Fees up to 10% should not be overly restrictive, and on the flip side, not so low that funding for parks is insufficient. Mr. Ferguson explained that it is important for the language in the Park Plan be specific in order to avoid what is referred to as ‘regulatory taking’ which means that a person funds or gives something to the government without receiving just compensation. The reason that the wording “reasonable relationship” should remain in the ordinance is that the ordinance in the Park Plan can be more specific because it is referenced. Ms. Haug stated that the 10% Park Fee change and ideas that are agreed to will return to Council at the next meeting in ordinance form for a vote to amend the code.

2. E.D.C. CONTRACT – 2018

Mayor Lehman: The 2018 Work Plan Tasks, Goals and Reporting document included in Council packets was presented by Mayor Lehman. City Administration is proactively seeking data and metrics for expenditures of public funds, and going forward, it will be necessary to collect data on performance of contractors and support services if the City is to fund the EDC. The plan outlines five “SMART” Goals, defined as S-Specific, M-Measurable, A-Attainable, R-Reasonable, and T-Timely. Goals are comprised of actions and tasks that are broken down into goals and sub-tasks. These goals are not a requirement, but simply attainable. The five goals outlined by the City for the EDC are as follows:
City Goal (1) is to increase the business tax base, with an action to recruit new businesses.

City Goal (2) is to advertise Benton City as an ideal place to live and have a business, with an action to utilize advertising, both printed and web-based.

City Goal (3) is to develop a Five-Year Plan for Economic Development.

City Goal (4) is for the EDC to receive benefits from interaction with other EDCs to develop and hone their skills and determine

City Goal (5) is to help existing businesses

Under each City Goal are tasks and task goals.

Ms. Haug and the Mayor participated in a webinar with "Cleargov," which is a web based design company that provides ways to communicate demographics, budgets and economic information about cities. Under Economic Development, the website featured an icon with an individual who spoke about a city's population, jobs in and around that area, the median income range and housing prices. The website also featured city budgeting that was broken down in pie chart form. This website could be a very useful tool for both the EDC and the City. The web design company updates the program with city financial data annually as new information becomes available. The initial set-up fee is \$1,200, with an annual cost of \$2,500 for the program. It would be very beneficial for the EDC to link to the program so that demographic information with economic factors could be available on their website.

Councilmember Discussion: Ms. Deckert indicated that the only way for the EDC to obtain that type of information would be from the City. Ms. Haug clarified that all of the data is public information available through the State Auditor or the Census Bureau. Most of the information would be relevant to business development for those who plan to open a business in a specific city, and it would be pertinent to learn about demographics, such as how many children or seniors reside in an area. Mr. Sandretto stated that the City, EDC and Chamber of Commerce should all be included and work in conjunction with each other on this effort. In addition, the Mayor requested that the EDC come before Council to discuss fresh ideas because communication is the key to success for both the City and the EDC. Mr. Rouse stated that some of the data would be depend on whether business owners or potential business owners choose to disclose that information. The Mayor concurred that the EDC would not be held responsible for information that is not available.

Mayor Lehman: One of the City Goals for the EDC is to interact with other EDC's to develop and hone new skills. In the past, Mr. Howell stated that he utilized personal funds to interact with Benton and Franklin County's EDC because the BCEDC had no funding to support that activity. The incoming EDC Executive Director questioned whether funding for those types of activities is included in the budget, and Mr. Howell conveyed that it is not, but should be considered when preparing the EDC budget. Mr. Howell suggested that the EDC prepare a proposal for this activity and present it to Council for negotiation as a request for funding.

Another goal discussed for the EDC is to assist existing or new businesses succeed by identifying wants or needs for assistance. And of those businesses, was the EDC able to reach an agreement for the need for help, and then apprise Council of the offer so that Council could provide assistance if requested. Additionally, the City requests that there be a clear distinction between roles and Scope of Work that the EDC provides to the City and that of the Chamber of Commerce so there will be no overlap between organizations.

Councilmember Discussion: In review of the Work Plan Tasks, Goals and Reporting document, Mr. Sandretto commented that Task 1a and Task 2a with the goal for 70% of recruited potential businesses per quarter was too high and should be lowered to 50%. Mayor Lehman stated that 70% is a goal with a stretch and not a requirement, and the EDC can change the percentage. Mr. Sandretto also expressed concern that the timeframe to develop a brochure to advertise Benton City should be changed from May of 2018 to June 2018. Additionally, Mr. Sandretto implied that the wording for Task 4a Goal that states "website revise quarterly" should be changed to "website update quarterly."

Ms. Deckert: Ms. Deckert concluded that the EDC reviewed and accepted the Mayor's recommendations as an Addendum to their 2018 contract with the City. Mrs. Deckert stated that the EDC definitely wants to work with the City, and that communication should work both ways. Ms. Deckert asked that Council keep the EDC apprised of any potential businesses that the City may be aware of opening or thinking about opening in Benton City. Ms. Haug expressed concern because the contact telephone number that the City had for the EDC belonged to Mr. Rutledge, and not the EDC. After Mr. Rutledge left, Ms. Deckert stated that the EDC no longer had a constant presence in the EDC office, so phone messages were only checked approximately three times a week. Mr. Deckert planned to set up a computer and phone line for the new Executive Director of the EDC later in the week.

Councilmember Discussion: Ms. Coates stated that the 2018 Work Plan had been submitted in October, and the first, second and third quarter invoices for 2017 have been paid. At the end of the fourth quarter, that invoice will be submitted to Council. Mr. Ferguson's office is currently preparing the 2018 contract, and asked when the contract needs to be finalized and signed. According to Mayor Lehman, the City and the EDC are still negotiating the contract, so it could be January before the contract is finalized. Councilmember Coates stated that the 2018 contract had been submitted to the Port Authority and Benton County, and the EDC is currently waiting for the City to finalize their contract. Ms. Haug implied that the scope of work to be included in the contract is the holdup. Mr. Ferguson stated that the contract needs to be finalized soon so that his office is not the holdup. Ideally, it would be prudent to finalize the contract prior to the end of 2017. A contract with the City means that the EDC has specific actions to be accomplished for the City that have nothing to do with the Port Authority or Benton County. Councilmember Coates implied that the Executive Board understood that the Mayor expected different deliverables for the City because the City funds a larger portion to the EDC than other entities and because of invoicing issues. Ms. Haug and Mr. Ferguson agreed that the Addendum does not necessarily need to be included in the Work Plan, but it can be referenced in the contract. Councilmember Coates informed Council that the new EDC Executive Director will go above and beyond the Mayor's recommendations because of her knowledge base, contacts, meetings that she participates in, and her plan to attend State Conferences.

Mayor Lehman stated that the EDC has been accomplishing items in the Work Plan, and items have been broken down into measurable tasks with goals that will be in the 2018 contract with the City. The City will pay the EDC for specific measurable tasks.

Councilmember Coates stated that the document presented by the Mayor has been discussed three times, and it makes everyone in the room think that the EDC needs a babysitter for the next year, and those who work with the EDC are volunteers. She implied that helping businesses succeed is the responsibility of the Chamber of Commerce, not the EDC. Mayor Lehman declared that helping businesses succeed is actually in the EDC Work Plan. Councilmember Coates implied that there are items listed in the document that the EDC already does or does not need to be doing, and that the EDC should not be micromanaged nor does it need a specific "to do" list. The EDC provided a seven-page document to Council with their "to do list" for 2018. Mayor Lehman stated that it is an accountability issue because the City has been dinged on the last two audits over the EDC. Councilmember Coates asserted that she will invoice properly next year. She and Ms. Haug discussed the problem and concluded that deliverables should be revised and included in the Work Plan. Councilmember Sandretto indicated that personal feelings have been brought in, but to satisfy an audit, the City requires measurable tasks by line item with accomplishments for the money that is to be paid. He stated that the document is very easy to read and understand with the timeline. Percentages for goals are high, but that is what it is – a goal. He concluded that the auditor needs to be able to see what has been accomplished for the money that was paid by line item, and documentation should be in a certain format so that the City can pay for the work. It has nothing to do with what the EDC is or is not doing; it has to do with what needs to be shown. Ms. Deckert stated that the EDC agrees to the Addendum, and will do their best. Mr. Ferguson indicated that one of the problems with an Addendum to a contract is the enforceability aspect. The Addendum does not need to be a contract provision that will be paid if tasks are not met because that would be a problem. A contract provision is something that has to be fulfilled or it is

breached. Ms. Haug and Mr. Ferguson agreed that tasks need to be included in the contract and clearly define that the enforceable portion of the contract provision is the task, with the understanding that the EDC will show that it is trying to meet the goals. Councilmember Sandretto stated that the EDC has probably met the goals, but the question, what is measurable and how is that defined in an invoice when an auditor comes back with, "the City paid the EDC \$35,000; what did the EDC provide in return?" There has to be accountability for the auditor. Auditors want to know where the money goes, who was paid, why it was paid and what was received in return.

Mr. Howell asked what is meant by "recruit." Mayor Lehman declared that whatever method the EDC utilizes to get businesses in, the City wants to know that the EDC is getting them. Councilmember Coates implied that she was under the impression that those were requirements, and Mayor Lehman explained that they are goals, and not requirements. Mr. Ferguson added, if the contract provision states that the EDC "shall" comply with the goals, it would be a breach if the goals are not met, and the EDC should not be paid. If the contract provision states that the EDC "shall attempt" to attain those goals and show how they are attempting to obtain those goals, then that is fine. According to what was just explained, Ms. Haug implied if the EDC had provided data from the task of why businesses did not open in Benton City, that information could have been invaluable to Council for policy or decision making, land purchase or expansion, or Park Fee changes. It is important to get that type of information before Council, and communication between the EDC and the City is the key.

Mr. Rouse stated that he agrees with the Mayor's plan and scope of work for the EDC. It provides clear direction in black and white so there should be no misunderstanding of what is expected from the EDC in order to be paid by the City. This is a big step forward and the right way to go. Councilmember Lettau implied that Council has come to the understanding that the 2018 Work Plan Tasks, Goals and Reporting document provided by the Mayor cannot be in the contract; however, the EDC will follow it and communicate with Council. Councilmember Stade concluded that the EDC will attempt to follow the plan in each of those categories to the best of their ability, which will be demonstrated through reports submitted to Council. Mr. Ferguson will return to Council at the next meeting with a contract that refers to the 2018 Work Plan Tasks, Goals and Reporting document with a provision that states the EDC shall comply with the tasks as outlined in the Addendum and will show that the EDC is attempting to meet the goals. The contract provision will state that the EDC will receive payment from completed tasks as outlined in the Addendum and not from meeting goals that those tasks and sub-tasks refer to. Ms. Deckert stated that the EDC performs many additional tasks not outlined in the Addendum, and those tasks will be reflected in reports that will be presented to Council.

3. SHERIFF CONTACT FOR CUSTOMER SERVICES CONCERNS – Councilmember Stade

Councilmember Discussion: Councilmember Stade requested that the Sheriff's Department provide the name and phone number of the Deputy who serves this area so that citizens can report concerns to the same person each time an issue occurs so that response time will be reduced. The Mayor stated that she signed up to receive responses from the "NextDoor" Facebook page. She read on NextDoor that there was a hit and run fence accident at Carol Ave. and 7th Ave. Because of the incident, Sheriff's vehicles blocked the entire road at Carol Ave. and 7th St. so Mr. Davis had to travel back to 3rd St. to get home. He stated that the individual who hit the fence took out a guide wire to a power pole, part of a fence and the 25 MPH speed limit sign.

Councilmember Stade asked Mr. Howell if he could share information about the "NextDoor" Facebook website with individuals who plan to attend the Leadership Conference so that people can become more involved with the community.

GENERAL COUNCIL COMMENTS

Councilmember Discussion: Councilmember Stade had a request from the school that water meter readers provide a spotter for their truck when coming in or backing up so that drivers will be aware of

children playing in the area. Mr. Kurth stated that he will have meter readers walk to the meters rather than drive in.

Mayor Lehman: At this point, we will close the Council Meeting and go into Executive Session for 10 minutes, after a 5 minute break.

******* Executive Session begins 8:23 p.m. *******

4. EXECUTIVE SESSION – 42.30.110-1i – Potential Litigation

5. EXECUTIVE SESSION – 42.30.110-1b – Acquisition of Real Estate

******* Executive Session ends at 8:33 p.m. *******

ADJOURNMENT Mayor Lehman

Councilmember Lettau: *I make a motion that we adjourn.*

Councilmember Sandretto: *I second.*

MOTION #6—C. M. Lettau moved and C. D. Sandretto seconded to adjourn the December 5th, 2017 Regular Council Meeting at 8:36 p.m.

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

Meeting adjourned at 8:36 p.m.

Linda Lehman
Mayor, City of Benton City

Stephanie Haug, MMC
City Clerk-Treasurer

Date: 12-19-17