

**City of Benton City  
Regular Council Meeting Minutes  
January 15<sup>th</sup>, 2013**

**CALL TO ORDER** – Mayor Carnahan called the January 15<sup>th</sup>, 2013 Regular Council meeting to order at 7:00 p.m. (107/3/546)

**PRESENTATION OF THE COLORS** – Councilwoman Stade led the Council and audience in the Pledge of Allegiance. (110/2/318)

**ROLL CALL** – (177/2/338) Council Members Present –

**Mary Lettau  
Connie Meredith  
Honda Johnson  
Lisa Stade  
Francisca Proctor**

City Staff Present –

**Stephanie Haug, City Clerk/Treasurer  
Kyle Kurth, City Maintenance Foreman  
John G. Brown, Code Enforcement Officer**

Other Professionals Present –

**Patrick Galloway, City Attorney, Kerr Law Group  
Bob Spink, City Engineer, Spink Engineering LLC  
Capt. Clay Vannoy, Benton County Sheriff's Office**

**READING AND APPROVAL OF MINUTES** (139/2/804)

- REGULAR MEETING DECEMBER 18<sup>TH</sup>, 2012
- WORKSHOP – DECEMBER 18<sup>TH</sup>, 2012

**Councilwoman Johnson:** Mayor, I so move that we approve the Minutes of our regular meeting, December 18<sup>th</sup>, 2012 and the workshop, December 18<sup>th</sup>, 2012 as presented.

**Councilwoman Stade:** I second.

**MOTION #1-** C. H. Johnson moved and C. L. Stade seconded to approve the minutes of the December 18<sup>th</sup>, 2012 Regular Council Meeting and the December 18<sup>th</sup>, 2012 Council Workshop Meeting as presented.

**VOICE VOTE #1-** C. H. Johnson, C. C. Meredith, C. F. Proctor, C. M. Lettau, C. L. Stade  
ALL YEAS. Motion carried.

**OPENING REMARKS, "HOUSEKEEPING" ITEMS, EXECUTIVE SESSION REQUESTS, ETC. –**  
(157/3/123)

**1. Liquor License Renewal**

**APPROVAL OF THE AGENDA** – (164/1/541)

**Councilwoman Johnson:** Mayor, I so move to approve the Agenda for January 15<sup>th</sup>, 2013 as typed.

**Councilwoman Lettau:** I second.

**MOTION #2-** C. H. Johnson moved and C. M. Lettau seconded to approve the Agenda of the January 15<sup>th</sup>, 2012 Regular Council Meeting as presented.

**1. VISITOR COMMENTS – (171/3/605)**

**Heather Duncan, Benton City Chamber of Commerce**

Invitation to luncheon – Thursday, January 17, 2013 at 11:30 – Starts at 12:00 at Community Center – Steve Simmons – Representative – Tri City Legislative Council - WA State legislature this session has impact on business community – Contact Chamber - \$10 per person

**Jim Hodge, Citizen, City of Benton City**

Raised Late Fee – Should be addressed on future bills

**REGULAR REPORTS:**

**1. SHERIFF'S REPORT - (249/1/927)** – Not available

**2. STAFF REPORTS – (251/1/068)**

**Stephanie Haug, City Clerk/Treasurer**

**3. ENGINEER REPORT (253/1/112)**

**Bob Spink, City Engineer, Spink Engineering LLC**

City Hall roof repaired – Waiting on D.O.E. approval – Well #5 - Waiting on Tennis Court contractor – Elston – Did review documents from Assessor's Office – Opinion is it looks like they will be satisfied

**4. COUNCIL COMMITTEE REPORTS – (297/4/204)**

**- Council Committee Selection**

**Councilwoman Johnson** – None – Next month

**Councilwoman Stade** – Went with Mayor

**Councilwoman Proctor** – None

**Councilwoman Meredith** – None

**Councilwoman Lettau** – None

**Mayor Carnahan** – Councilwoman Proctor and Councilwoman Stade went to Ben Franklin Transit Meeting – Attended three Ben Franklin Council of Governments Meetings

**ITEMS FOR APPROVAL:**

**1. CLOSED RECORD HEARING – APPEAL – SITE PLAN – STORAGE UNITS – KENDALL ROAD - (390/1/207)**

**Mr. Galloway** – Explanation of procedures – Administrative Appeals from decisions of Mayor are made in Closed Record Hearing – Argue but no new evidence – City Council role – Like a judge – Quasi Judicial Hearings - Those in favor of appeal – Speak – Normal time maybe five minutes – In favor of application – Record – Application, drawings and information – Appeal information – Can argue but no new evidence

**Councilwoman Johnson** – Council ask questions?

**Mr. Galloway** – Yes

**Councilwoman Johnson** – What about new facts?

**Mr. Galloway** – Ask for clarification of position - Review of Mayor's decision – This meeting is subject to The Open Public Meetings Act – Need to provide opportunity before arguments for any Council Member to disclose any communications they may have had outside of tonight's Closed Records Appeal

**Councilwoman Lettau** – Co-worker – Spoke with about project – Encouraged to come into meeting – Don't believe it will be a conflict

**REGULAR REPORTS (Continued):**

**1. SHERIFF'S REPORT - (686/4/547)**

**Capt. Clay Vannoy, Benton County Sheriff's Office**

December Report

320 Calls for Service vs. 373 in 2012

25 Case Offenses approximately 50% decrease from 2012

Significant arrests in November/December (burgularies)

(Report will submitted at a later date)

**ITEMS FOR APPROVAL (Continued):**

**1. CLOSED RECORD HEARING – APPEAL – SITE PLAN – STORAGE UNITS – KENDALL ROAD - (743/4/668)**

**Jim Hunter, 3416 Kendall Road** – Questions about procedure appeal – Information in packet

**IN FAVOR:**

**Kent Parker, Owner/Developer** – Not going to address concerns – Attorney has addressed concerns in letter to Council - Complied with regulations – Proper zoning – Property divided to create lot – Asking to be allowed to build his project on his property

**OPPOSED:**

**Mr. Hunter** – Everything is already in writing

**Jim Hodge, 503 Paver Court** – Missed any postings about project – Opposed to proximity to housing development

**Mayor Carnahan** – Only required to notify homeowners within 300 feet of project

**Liz Engelke, 35304 Kendall Road** – Live across street – Don't agree with building – Road is country road using for access – Fog lines put in? – Road widen?

**Councilwoman Johnson** – Property in City limits – Roads in County - Will need to meet requirements of County

**Ms. Engelke** – County not aware – Understands Dale Avenue was supposed to be access road – Sole source of traffic

**Mr. Galloway** – Getting off track

**Councilwoman Stade** – Referring to Point #3 – Crime increase

**Councilwoman Johnson** – Also referring to Point #6 – Couple years ago when property was annexed into City and zoned Light Industrial – Understood businesses would be located off Dale Avenue – Did you attend meeting personally

**Ms. Engelke** – Unaware of zoning – Isn't it zoned Light Industrial? – Isn't that manufacturing? Other storage units throughout City have garage sales going on all the time – Will this be the same for this storage unit – Will also bring value down on residences in area

**Mr. Spink** – When I reviewed this site plan for Clerk and made my comments on behalf of City – Did note Kendall Road was county road – Made concerns known safety and location of driveway – Owner did contact County for instructions

**Ms. Haug** – Contacted County – Are reviewing it currently – Have not received anything for County – Dependent upon City's approval – Will require permits at time of development

**Councilwoman Lettau** – Light Industrial – Does it fit?

**Mr. Galloway** – Give everyone opportunity to speak then talk amongst selves before vote

**Ms. Engelke** – Would you like this next to you? Any thefts?

**Doug Hunt, Kendall Road** – Were there when rezone – Intent was to come off Dale Avenue at cul-de-sac – Owner of property – No one talked about sub-dividing and placing businesses across from homes – Garage Sales every weekend like the others Storage Units in town - Not policed like in town – Letter received regarding Appeal stated it was not for public comment

**Councilwoman Johnson** – You were at rezone meeting? – If access off Dale Avenue, would you still be opposed

**Mr. Hunter, 3416 Kendall Road** – Procedural question – Those who submitted written input – Clarification of appeal notice – Who can – Spoke to someone in Public Works – Not aware of project – County approval – Contingent upon City approval

**Mr. Hodge** – Confusion about how letter was presented – Would feel better about project if it came off of Dale Road vs. Kendall

**Mr. Hunter** – Does Port of Benton have anything to do with this project – Comprehensive Plan

**Mayor Carnahan** – At this time, if no one else wants to speak – We will close this Hearing – Have Council Discussion

#### **COUNCIL DISCUSSION:**

**Councilwoman Johnson** – This project is not approved by County yet?

**Ms. Haug** – No response from County yet – Will need to revise his plan if County does not approve

**Councilwoman Meredith** – In the packet

**Councilwoman Lettau** – 20.36.050(d) – Sight obscuring fence requirements

**Councilwoman Stade** – Access is from Kendall

**Mr. Galloway** – Call for vote

**Mayor Carnahan** – Wording – Normal motion

**Councilwoman Johnson:** I make a motion based on all the evidence presented to us, Mr. Parker followed every guideline of our zoning; he filed all the proper papers and based on that piece of property and how it is zoned I say that the City has done everything to approve; they have no reason not to approve this property.

**Councilwoman Proctor:** I second the motion.

**MOTION #3-** C. H. Johnson moved and C. F. Proctor seconded to approve

**VOICE VOTE #3-** C. L. Stade, C. H. Johnson, C. C. Meredith, C. F. Proctor, C. M. Lettau – ALL YEAS. Motion carried.

## 2. CONFIRMATION – NEW CITY EMPLOYEE – JOHN G. BROWN JR. (1785/1/830)

**Ms. Haug** – Introduction of Mr. Brown to Council

**Councilwoman Johnson:** I make a motion that we confirm John G. Brown, Jr. as our Code Enforcement (inaudible)

**Councilwoman Stade:** I second.

**MOTION #4-** C. H. Johnson moved and C. L. Stade seconded to John G. Brown, Jr. as Code Enforcement Officer for the City of Benton City, Washington.

**VOICE VOTE #4-** C. H. Johnson, C. C. Meredith, C. F. Proctor, C. M. Lettau, C. L. Stade ALL YEAS. Motion carried.

## 3. PRESENTATION – TAPTEAL WATER TRAIL DISPLAY BOARD – SCOTT WOODWARD – (1832/1/807)

**Mr. Woodward** – Presentation and explanation of project

**Mayor Carnahan** – Floods regularly – City had to pull benches, etc. – Maybe put closer to the road? Least flood concern

**Councilwoman Meredith** – Brochure doesn't coordinate – Complement

**Mr. Rouse** – How many permits will I be required to have to use this?

## 4. FIRST READING – CABLE FRANCHISE ORDINANCE - (2173/1/716)

**Ms. Haug** – Explanation of Ordinance

**Councilwoman Johnson:** Mayor, I move to approve...that we approve on the First Reading, an ordinance of the City of Benton City, Washington, authorizing the Mayor to sign the Franchise Agreement with Falcon Video Communications.

**Councilwoman Meredith:** I second.

**MOTION #5-** C. H. Johnson moved and C. C. Meredith seconded to approve on the First Reading, an ordinance of the City of Benton City, Washington, authorizing the Mayor to sign the Franchise Agreement with Falcon Video Communications, L.P. d/b/a Charter Communications.

**VOICE VOTE #5-** C. H. Johnson, C. C. Meredith, C. L. Stade, C. F. Proctor, C. M. Lettau  
ALL YEAS. Motion carried.

## **5. VOUCHERS** (2199/1/410)

**Councilwoman Johnson:** Mayor, I move to approve claim checks number 25076 through 25107 and EFTs as listed in the amount of \$82,710.58 and Payroll checks number 25061 through 25074 and EFTs as listed in the amount of \$61,059.13 this 15<sup>th</sup> day of January, 2013 and claim checks number 25108 through 25121 and EFTs as listed in the amount of \$63,605.74.

**Councilwoman Lettau:** I second it.

**MOTION #6-** C. H. Johnson moved and C. M. Lettau seconded to approve payment of voucher check numbers 25076 thru 251074 and EFTs as listed in the amount of \$82,710.58 and Payroll Check numbers 25061 thru 25074 and EFTS in the amount of \$61,059.13; and claim check numbers 25108 through 25121 and EFTs as listed in the amount of \$63,605.74. These checks are approved for payment this 15<sup>th</sup> of January, 2013.

**ROLL CALL VOTE #6-** C. H. Johnson, C. C. Meredith, C. L. Stade, C. F. Proctor, C. M. Lettau  
ALL YEAS. Motion carries.

**ITEMS FOR DISCUSSION:** (2240/3/619)

**GENERAL COUNCIL COMMENTS –** (2246/2/607)

**Ben Franklin Transit** - Councilwoman Proctor – Councilwoman Stade – Alternate  
**Benton County Fire District #2** - Councilwoman Lettau – Alternate

**ADJOURNMENT –** Mayor Carnahan (2293/4/87) Councilwoman Proctor –

**Councilwoman Johnson:** I make a motion that we adjourn.

**Councilwoman Proctor:** I second it.

**MOTION #7-** C. H. Johnson moved and C. F. Proctor seconded to adjourn the January 15<sup>th</sup>, 2013 Regular Council Meeting at 8:13 p.m.

**VOICE VOTE #7-** C. C. Meredith, C. H. Johnson, C. F. Proctor, C. M. Lettau, C. L. Stade  
ALL YEAS. Motion carried.

Meeting adjourned at 8:13 p.m. (2299/2/522)



Lloyd Carnahan  
Mayor, City of Benton City



Stephanie Haug  
City Clerk-Treasurer

Date: 2.6.13