

**City of Benton City
Regular Council Meeting Minutes
October 1st, 2013**

CALL TO ORDER – Mayor Carnahan called the October 1st, 2013 Regular Council Meeting to order at 6:00 p.m. (392/1/822*)

PRESENTATION OF THE COLORS – (396/1/955*) City Clerk Haug led the Council and the audience in the Pledge of Allegiance.

ROLL CALL – (407/4/701*) Council Members Available –
Lisa Stade
Mary Lettau
Connie Meredith

Council Members Not Available –
Honda Johnson (Excused – Attending conference)
Francisca Proctor (Formal Resignation Pending)

City Staff Available –
Stephanie Haug, City Clerk/Treasurer
Paula Kauer, General Clerk-Purchasing
Kyle Kurth, City Maintenance Foreman

Other Professionals Available –
Alan Rainey, City Engineer, Spink Engineering LLC
Patrick Galloway, City Attorney, Kerr Law Group
Larry Howell, President, Benton City E.D.C.

Councilwoman Stade: I make a motion to excuse two absent council members.

Councilwoman Meredith: I'll second.

MOTION #1- C. L. Stade moved and C. C. Meredith seconded to excuse Councilwoman Johnson and Councilwoman Proctor from the October 1st, 2013 Regular Council Meeting.

VOICE VOTE #1- C. L. Stade, C. M. Lettau, C. C. Meredith
ALL YEAS. Motion carries.

READING AND APPROVAL OF MINUTES (430/2/793*)
- **REGULAR MEETING SEPTEMBER 17th, 2013**

Councilwoman Meredith: Mr. Mayor, I make a motion to approve the Minutes of the Regular Council Meeting Minutes, September 17th, 2013.

Councilwoman Stade: I second.

MOTION #2- C. C. Meredith moved and C. L. Stade seconded to approve the Minutes of the September 17th, 2013 Regular Council Meeting as presented.

VOICE VOTE #2- C. L. Stade, C. M. Lettau, C. C. Meredith
ALL YEAS. Motion carries.

OPENING REMARKS, "HOUSEKEEPING" ITEMS, EXECUTIVE SESSION REQUESTS, ETC. –
None (448/2/688*)

APPROVAL OF AGENDA – (451/3/887*)

Councilwoman Stade: Mr. Mayor, I make a motion to approve the Agenda as presented.

Councilwoman Lettau: I second.

MOTION #3- C. L. Stade moved and C. M. Lettau seconded to approve the Agenda as presented.

VOICE VOTE #3- C. L. Stade, C. M. Lettau, C. C. Meredith
ALL YEAS. Motion carries.

1. VISITOR COMMENTS – (459/2/021*)

Heather Duncan, Benton City Chamber of Commerce & E.D.C.
- General Election Voter's Forum – October 10th, 2013 at 6:00 p.m. at Ki
Be High – Doors open at 5:30 p.m. - School – PAC

REGULAR REPORTS

1. EDC REPORT (494/4/702*)

Larry Howell, President, Benton City E.D.C.
<<< **Written report available for packets** >>>

2. STAFF REPORT (595/1/821*)

Stephanie Haug, City Clerk/Treasurer
- 2014 Budget – Revenue Estimates
- Treasurer's Report

Ms. Haug – Budget Workshop – Reschedule to October 7th or 15th

Ms. Duncan - Councilwoman Johnson not available – Has other meeting scheduled

Councilwoman Lettau: I make a motion that we have our...is it a budget?...Budget Workshop at 7:30 on October 7th.

Councilwoman Meredith: I'll second.

MOTION #4- C. M. Lettau moved and C. C. Meredith seconded to approve rescheduling of Budget Workshop to October 7th, 2013 at 7:30 p.m.

VOICE VOTE #4- C. L. Stade, C. M. Lettau, C. C. Meredith
ALL YEAS. Motion carries.

3. ENGINEER REPORT (815/2/008*)

Alan Rainey, City Engineer, Spink Engineering LLC
- 11th & Hercules – Start date – Moved to Monday, October 7th, 2013

4. COUNCIL COMMITTEE REPORTS (832/3/948*)

Councilwoman Proctor – Absent

Councilwoman Lettau – None

Councilwoman Johnson – Absent

Councilwoman Stade – None

Councilwoman Meredith – None

Mayor Carnahan – Two Benton Franklin Transportation meetings - .10 per gallon gas/tax hike – Need about \$70B dollars over next ten years - Three projects on east side of mountains – Yakima, Red Mountain – Four lanes from Pasco to/from Walla Walla – Looking at how to get the money

ITEMS FOR APPROVAL: (879/1/828*)

***** PUBLIC HEARING – MARIJUANA MORATORIUM *****

Mr. Galloway – I-502 passed in WA – Liquor Board given one year to make rules – Just passed proposed rules – Begins December 1st – Issuing licenses – Now up to cities to develop regulations – How it will fit in with regulations – Groundbreaking nationwide - Lag time between state regulations – Moratorium to have time to research – Determine what to do with zoning code – Law requires Public Hearing – Findings – Give staff consensus on what Council would like to do - End moratorium immediately – Continue for six months as established – Or extend moratorium directing staff to bring back work plan for twelve months

***** Public Hearing opens at 7:19 p.m. *****

Mr. Howell – Does the City have to allow a business if the State allows it?

Mr. Galloway – That is the question – Clear conflict between Federal law and State law – Don't know at this time – Some cities moving forward – No business that violate Federal law – No matter where City falls – It's important to proceed with caution – More likely there will be a lawsuit

***** Public Hearing closes at 7:23 p.m. *****

Mr. Galloway – Report – Lots of moving parts – Look at how we would zone consistent with state law – Need to prepare a map – 1,000 ft. buffer – Public places - Parks, schools and daycares – Attorney and Engineer have not had time – May need to go through Planning Commission - Possibly more Public Hearings – State meeting in January – Make medical marijuana and recreational marijuana laws more consistent to each other - Department of Justice issued a letter – Within upcoming year – May bring significant interpretation of law - Start to see examples and clarifications – Staff to attend meetings – Get more examples – Recommendation of attorney is to extend another twelve months – Bring back work plan activity at the Planning Commission level – At six months – We'll be at forefront – Advisable to take full twelve months and have well thought out plan before going forward

Councilwoman Lettau: I make a motion to extend this moratorium for twelve months...

Ms. Haug: Actually the process will be the attorney will prepare a resolution that will come back before Council at the next meeting that you will vote on.

Council Consensus: Bring back resolution for extending moratorium another twelve months.

1. RESOLUTION #2013-25 – AUTHORIZING MAYOR TO SIGN STATEMENT OF SUPPORT – ESGR – (1227/4/491*)

Councilwoman Meredith: Mr. Mayor, I make a motion to pass Resolution No. 2013-25, a resolution authorizing the Mayor of the City of Benton City, Washington, to sign a Statement of Support Certificate for the Guard and Reserve.

Councilwoman Lettau: I second.

MOTION #5- C. C. Meredith moved and C. M. Lettau seconded to approve Resolution No. 2013-25, a resolution authorizing the Mayor of City of Benton City, Washington, to sign a Statement of Support Certificate for the Guard and Reserve.

VOICE VOTE #5- C. L. Stade, C. M. Lettau, C. C. Meredith
ALL YEAS. Motion carries.

2. ROADSIDE TREE REMOVAL – (1250/3/178*)

Mayor Carnahan – Explanation of issue

Councilwoman Stade: I make a motion that we accept the bid from Top Tree Services for \$2,250 plus WA State sales tax.

Councilwoman Meredith: I second.

MOTION #6- C. L. Stade moved and C. C. Meredith seconded to approve acceptance of the bid for roadside tree removal from Top Tree Service in an amount not to exceed \$2,250 plus WA State sales tax.

ROLL CALL VOTE #6- C. C. Meredith, C. M. Lettau, C. L. Stade
ALL YEAS. Motion carries.

3. CITY PARK TREE PURCHASE – (1335/3/172*)

Councilwoman Stade: Two little contingencies. One, as Councilwoman Meredith stated, something about a guarantee, they'd stand behind it for at least living a year; I mean, it's a considerable price and it's an investment for the City; and the second thing, it's a little, it's a little point but Washington, in Benton City, it's 8.3 sales tax so if they'd honor the Benton City sales tax and not the 8.5 as listed here. It varies in the State of Washington. So it's 8.5; I'd like to it be 8.3. I'm a negotiator! But I think that sounds great, if that's the place where you could get and they're going to install it and set it up...

Mayor Carnahan: Alright, you made a motion with some conditions; alright, you want to, you want to, you want to second it with those conditions.

Councilwoman Meredith: I'll second it with those conditions.

Mayor Carnahan: Alright, and we'll look into those conditions and bring it back to you if they don't meet the conditions.

MOTION #7- C. L. Stade moved and C. C. Meredith seconded to approve the purchase of a 17 ft. Colorado Spruce tree for City Park from Forever Green Tree Farm in an amount not to exceed \$1,720.81 including shipping and handling and Washington State Sales Tax

ROLL CALL VOTE #7- C. C. Meredith, C. L. Stade, C. M. Lettau
ALL YEAS. Motion carries.

4. WELL #5 DRILLING – BID AWARD – (1455/3/697*)

Mr. Rainey – Explanation of Well #5 drilling bid award

Councilwoman Lettau: I make a motion that we award the bid to, which one was it?...Schneider Water Services in the amount of \$146,194.17, which includes 8.3% sales tax.

Councilwoman Meredith: Second.

MOTION #8- C. M. Lettau moved and C. C. Meredith seconded to award the Public Works Contract for the drilling of Well #5 to Schneider Equipment, Inc. with the lowest base bid amount of \$146,194.17.

ROLL CALL VOTE #8- C. L. Stade, C. M. Lettau, C. C. Meredith
ALL YEAS. Motion carries.

5. VOUCHERS (1689/3/835*)

Councilwoman Lettau: Mayor, I move to approve payment of Claim Check Numbers 26...or 25677 through 25690 and EFTs as listed in the amount of \$60,006.13 this 1st day of October, 2013.

Councilwoman Meredith: Second.

MOTION #9- C. M. Lettau moved and C. C. Meredith seconded for the City Council of the City of Benton City, Washington, to hereby authorize payment of Claim Check Numbers 25677 through 25690 and EFTs as listed in the amount of \$60,006.13. These checks are approved for payment this 1st day of October, 2013.

ROLL CALL VOTE #9- C. C. Meredith, C. M. Lettau, C. L. Stade
ALL YEAS. Motion carries.

ITEMS FOR DISCUSSION - (1709/1/889*)

1. FENCE ISSUE – LENA GARZA

Mayor Carnahan – Apologize for two weeks ago

Lena Garza – Thank you – In June – In process of building fence – JB was concerned regarding location – 20 ft. from intersection – Actually 26 ft. from street centerline – Concerned about enforcement – Trying to put up 4 ft. chain link fence – Concerned about consistency of code – If we sign agreement to keep clear – Don't feel the code is clear

Mr. Galloway – No process to grant a waiver – Question about measurement – Consistency – Can re-measure – Or make a legislative change to allow for a non-sight obstructing fence to be taller – Can change code – Bit of process – Go back to Planning Commission – Then back to Council – My concern – Code is clearly prohibiting view obstruction – Isn't excluding chain link

Ms. Garza – My concern – Code is clearly prohibiting view obstruction – Isn't excluding chain link fence

Councilwoman Meredith – Suggest we measure

Councilwoman Stade – Step One is to measure

Mr. Galloway – Property lines and Right-of-Way will have no space – Technically, would need to have it surveyed

Mayor Carnahan – Most Right-of-Ways wider than the blacktop – We measured from the grass

Ms. Garza – Wasn't clear where

Councilwoman Stade – Ambiguous on some things – Bring an amendment or clarify the code

Councilwoman Lettau – We have a letter from Kerr Law Group – Would we need to change the code?

Mayor Carnahan – Yes – There is a new R.C.W. – Requires setbacks on the corners – Have a lot of vines and trees

Councilwoman Stade – I don't see chain link fence as a sight obstruction

Councilwoman Meredith – Would like to measure – Do more research

Mayor Carnahan – If it is 3 ft. – Can do it – 4 ft. – Can do on diagonal

Councilwoman Stade – How much yard would I lose?

Ms. Garza – 20 ft. of my yard - What about a fire hydrant?

Mr. Galloway – Examples of other codes

Mayor Carnahan – Council would like more information before make a decision – Bring back in two weeks – October 15th, 2013 – Information – Items for Discussion

GENERAL COUNCIL COMMENTS – None (2389/3/927*)

ADJOURNMENT – Mayor Carnahan (2393/1/304*)

Councilwoman Lettau: I make a motion we adjourn.

Councilwoman Meredith: I'll second.

MOTION #10– C. M. Lettau moved and C. C. Meredith seconded to adjourn the October 1st, 2013 Regular Council Meeting at 8:07 p.m.

VOICE VOTE #10–C. L. Stade, C. M. Lettau, C. C. Meredith
ALL YEAS. Motion carries.

Meeting adjourned at 8:07 p.m. (2398/2/882*)


Lloyd Carnahan
Mayor, City of Benton City


Stephanie Haug, CMC
City Clerk-Treasurer

Date: 10-16-13