

**City of Benton City
Regular Council Meeting Minutes
October 15th, 2013**

CALL TO ORDER – Mayor Carnahan called the October 15th, 2013 Regular Council meeting to order at 7:00 p.m. (348/1/232*Audio recording begins)

PRESENTATION OF THE COLORS – Councilwoman Johnson led the Council and audience in the Pledge of Allegiance. (355/3/633*)

ROLL CALL – (367/2/451*) Council Members Present –
Mary Lettau
Connie Meredith
Honda Johnson
Lisa Stade

Council Members Absent –
Francisca Proctor (Formally Resigned)

City Staff Present –
Stephanie Haug, City Clerk/Treasurer
Kyle Kurth, City Maintenance Foreman

Other Professionals Present –
Patrick Galloway, City Attorney, Kerr Law Group
Capt. Clay Vannoy, Benton County Sheriff's Office

Other Professionals Absent –
Alan Rainey, City Engineer, Spink Engineering LLC

READING AND APPROVAL OF MINUTES (382/2/140*)
- **REGULAR MEETING OCTOBER 1ST, 2013**

Councilwoman Johnson: Mayor, I make a motion that we approve the Regular Meeting Minutes of the October 1st, 2013 as presented.

Councilwoman Meredith: I second.

MOTION #1- C. H. Johnson moved and C. C. Meredith seconded to approve the Minutes of the October 1st, 2013 Regular Council Meeting as presented.

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

OPENING REMARKS, "HOUSEKEEPING" ITEMS, EXECUTIVE SESSION REQUESTS, ETC. –
(393/1/462*)

Ms. Haug – Councilwoman Proctor's Letter of Resignation submitted for acceptance

Councilwoman Stade: Mr. Mayor, I make a motion to accept the resignation of Mrs. Proctor.

Councilwoman Meredith: I'll second it.

MOTION #2- C. L. Stade moved and C. C. Meredith seconded to accept Councilwoman Proctor's resignation from the City Council for the City of Benton City.

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

APPROVAL OF AGENDA – (420/2/138*)

Councilwoman Stade: Mr. Mayor, I make a motion to approve to...move to approve the Agenda of October 15th as listed.

Councilwoman Johnson: I second it.

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

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

1. VISITOR COMMENTS – None (451/4/028*)

REGULAR REPORTS

1. SHERIFF'S REPORT - (460/1/225*)

Capt. Clay Vannoy, Benton County Sheriff's Office

September 2013: 342 Calls for Service v. 401 in 2012
34 Case Offenses v. 39 in 2012
27 Infraction Offenses Issued

2. STAFF REPORTS – (502/2/876*)

Stephanie Haug, City Clerk/Treasurer

Treasurer's Report – In packets

3. ENGINEER REPORT (509/1/480*)

4. COUNCIL COMMITTEE REPORTS (516/4/256*)

Council Position Vacancy

Councilwoman Lettau – None

Councilwoman Johnson – Mosquito Control Convention – Trying to reach younger generation – Reach out to media – Don't say "No comment" – Going to meeting – Contact back

Councilwoman Meredith – None

Councilwoman Stade – None

Mayor Carnahan – Benton Franklin Council of Governments – Lane miles vs. road miles – Money distributed by 50% road miles and 50% population

ITEMS FOR APPROVAL: (598/1/778*)

***** PUBLIC HEARING – AD VALOREM TAX AND REVENUE ESTIMATES *****

Ms. Haug – Explanation of ad valorem tax and revenue estimates

***** Public Hearing begins at 7:10 p.m. *****

No Comments

***** Public Hearing is closed at 7:10 p.m. *****

1. RESOLUTION #2013-26 – MARIJUANA MORATORIUM - (791/4/549*)

Councilwoman Johnson – Why are we waiting?

Mr. Galloway – Broad range of city activity – Against Federal Law – Current Administration sent letter of standing – Administratively changing banking regulations – Some cities delaying - Time to research

Councilwoman Johnson – Shouldn't Council have Plan of action for when moratorium is lifted?

Mr. Galloway – Moratorium requires work plan – Extend for twelve months – Let issues settle - Need to prepare a map – What locations even available - 1,000 ft. buffer from places where children gather – Schools, playgrounds, etc.

Councilwoman Johnson – Planning Commission review?

Mr. Galloway – Additional Public Hearings with Planning Commission – Report back to Council – Draft proposals for implementation

Mayor Carnahan – Council makes final decision

Councilwoman Johnson – Planning Commission presentation to Council or joint workshop with Council and Planning Commission?

Mr. Galloway – Council could direct Planning Commission – Can spend as much time as would like on issue

Councilwoman Meredith – Possibility to review other cities – What they're doing – Direct – Update on other cities – Examples

Mr. Galloway – Good if Staff could get direction from Council – Seattle has zoning regulations already in place – Recreational marijuana – Agricultural production – Factory level processing – Retail sales

Mr. Kurth – Thought purpose of moratorium was to wait to see what other cities are doing

Mr. Howell – Missing an economic development opportunity

Councilwoman Stade: Mr. Mayor, I make a motion that we adopt Resolution No. 2013-20...

Ms. Haug: 26.

Councilwoman Stade: This one says 26 and this says 20.

Councilwoman Stade: Okay, I went for this one; it's actually 26.

Councilwoman Meredith: Second.

MOTION #4- C. L. Stade moved and C. C. Meredith seconded to approve Resolution No. 2013-26, a resolution of the City of Benton City, Washington, extending the moratorium established by Resolution No. 2013-20, adopting Findings of Fact and approving a work plan.

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

2. VOUCHERS – (1052/3/270*)

Councilwoman Johnson: Mayor, I move that we approve payment of claim check number 25702 thru 25730 and EFTs as listed in the amount of \$28,558.34 & Payroll checks number 25675, 25676, and 25691 thru 25701 and EFTs as listed in the amount of \$54,300.99 this 15th day of October, 2013.

Councilwoman Lettau: I second.

MOTION #5- C. H. Johnson moved and C. M. Lettau seconded to approve payment of voucher check numbers 25702 thru 25730 and EFTs as listed in the amount of \$28,558.34 & Payroll check numbers 25675, 25676, and 25691 thru 25701 and EFTs as listed in the amount of \$54,300.99 this 15th day of October, 2013.

ROLL CALL VOTE #5- C. C. Meredith, C. H. Johnson, C. M. Lettau, C. L. Stade
ALL YEAS. Motion carried.

ITEMS FOR DISCUSSION – (1077/3/568*)

1. FENCE ISSUE – LENA GARZA

Mr. Galloway – Lots of examples from other cities – Large variety - Some prohibit, some restrict to height – Sight obscuring – State regulations – WSDOT Design Manual – Our law is consistent with keeping triangle space at intersection visible – No obstructions – No clear definition of fencing – Local issue to decide – Administrative decision made – Garzas disagreed - Appeal to Hearing Examiner – May have come to lobby to change code change – Separate from appealing Administrative decision -

Councilwoman Johnson – My concern – We make/pass ordinances – Don't know how they will affect residents – Was told as Council Member we should only look at situation as a whole but not individual – Need to know when it affects individuals – Needs to be brought to Council when citizen has issue with ordinance – See if we can simplify code - That's what we're here for – Went and looked at variance of setbacks – Safety in location – Cars block view – Don't see where it's going to cause an issue

Councilwoman Lettau – What are our options? How do we just allow them to use cyclone fence without slats?

Mr. Galloway – Two paths – Disagreed with Administrative decision – Garzas can appeal to Hearing Examiner – Council can't waive decision on situation – Can make legislative change to ordinance – Anything in middle probably crosses line of what are duties and responsibilities and powers of City Council

Councilwoman Meredith – Drove around and look at some of fences in town – Some fences too tall or solid – Did they get permits? Were processes followed to put up fences?

Mayor Carnahan – Don't know what requirements were

Ms. Haug – No permit for fence required unless over 8 ft. tall – No specific permits – Only way to regulate is to encourage citizens to contact us for information or thru patrols – Educating on codes

Councilwoman Stade – Only based on if citizen comes forward or in more visible location and seen by Code Enforcement?

Councilwoman Johnson – Went to see this property and fence - Big fence is 4 ft. from stop sign – Measured site in picture – We have Code Enforcement – No up to other citizens to report other homes – On Angeline - Fence is 6 ft. tall

Mayor Carnahan – Want to change the ordinance or leave it? Can't finish fence until ordinance is changed – Opening can of worms – Can't build an ordinance to fit everybody – Good ordinance as far as I am concerned - Do the same thing with 4 ft. fence – Can't build an ordinance to fit every situation

Councilwoman Stade – Ordinance needs to be clarified – Don't want to change ordinance to react – So much discussion – Very vague - Interpretive – Don't disregard city but is it clearly – Does it reflect what we want it to say? Evaluate what other cities are doing

Mayor Carnahan – Bring back – vague to clarify – Bring back for review or leave way it is

***** Council consensus to bring back for review *****

Mayor Carnahan - Consensus of Council to bring back ordinance – Choice now – Either build fence according to current ordinance or wait until new ordinance is finished – Could take month or more

GENERAL COUNCIL COMMENTS – (1522/4/719*)

ADJOURNMENT – Mayor Carnahan (1528/2/664*)

Councilwoman Johnson: Mayor, I make a motion we adjourn.

Councilwoman Meredith: Second.

MOTION #6– C. H. Johnson moved and C. C. Meredith seconded to adjourn the October 15th, 2013 Regular Council Meeting at 7:39 p.m.

VOICE VOTE #6– C. H. Johnson, C. L. Stade, C. M. Lettau, C. C. Meredith
ALL YEAS. Motion carried.

Meeting adjourned at 7:39 p.m. (1535/1/627*Audio recording ends)


Lloyd Carnahan
Mayor, City of Benton City


Stephanie Haug, CMC
City Clerk-Treasurer

Date: 11/6/13