

**City of Benton City  
Regular Council Meeting Minutes  
October 7<sup>th</sup>, 2014**

**CALL TO ORDER** – Mayor Carnahan called the October 7<sup>th</sup>, 2014 Regular Council Meeting to order at 6:00 p.m. (\*Audio recording timer inactive)

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

**ROLL CALL** – (\*)

Council Members Present –	City Staff Present –	Other Professionals Present –
<b>Connie Meredith</b>	<b>Stephanie Haug, CCT</b>	<b>Alan Rainey, Spink Engineering LLC</b>
<b>Mary Lettau</b>	<b>Paula Kauer, GC-Purchasing</b>	<b>Eric Ferguson, Kerr Law Group</b>
<b>Lisa Stade</b>	<b>Kyle Kurth, Maint. Foreman</b>	<b>Larry Howell, Benton City E.D.C.</b>
<b>Michelle McLeod</b>		<b>Randy Rutledge, Benton City E.D.C.</b>
<b>Linda Lehman</b>		

**READING AND APPROVAL OF MINUTES (\*- REGULAR MEETING SEPTEMBER 16<sup>th</sup>, 2014**

**Councilwoman Meredith:** Mr. Mayor, I make a motion to approve the Minutes September 16<sup>th</sup>, 2014.

**Councilwoman McLeod:** I second it.

**MOTION #1-** C. C. Meredith moved and C. M. McLeod seconded to approve the Minutes of the September 16<sup>th</sup>, 2014 Regular Council Meeting as presented.

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

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

(\*) 1. Liquor License Application – BCEDC – Special Occasion

**APPROVAL OF AGENDA (\*)**

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

**Councilwoman Meredith:** Second.

**MOTION #2-** C. M. Lettau moved and C. C. Meredith seconded to approve the Agenda of the October 7<sup>th</sup>, 2014 Regular Council Meeting as presented.

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

**1. VISITOR COMMENTS (\*)**

**Cameron Labelle** – Branch under the light removed – Changed to LEDS – Possibly more lights

**Charles Fox** – Take out some trees – Leaves fall on park area

**Mayor Carnahan** – Get kids and adults to help clean up the leaves

**Rachel Labelle** – Money is allotted for Skate Park – No negative feedback on our Skate Park – Happy City Council is budgeting money

**Dave Berry, Local Business Owner** – Like to be on Agenda next meeting – Weed control on City R.O.W.s - Out of control

**Steve Lee, T.C. Badger Club** – Pending moratorium on marijuana - Big demand in community to embrace new industry – Make fair and balanced rules

**Mayor Carnahan** – On Agenda later

**Heather Duncan, B.C. Chamber of Commerce** – Voter’s Forum – Thursday, October 9<sup>th</sup>, 2014 @ 6 p.m. – High School PAC room – 16<sup>th</sup> & Benton Co. District – Next Thursday, October 16<sup>th</sup> – Luncheon at Legion – KID presenting – Red Mountain Irrigation Project - Open at 11:00 a.m. – Please RSVP

**\*\*\*SPECIAL PRESENTATION – Darrick Dietrich, Ed’s Disposal, Inc.\*\*\***

**Mr. Dietrich** – Spring Clean-up – CPI Change – Natural Gas – SCU – Forego, curbside – Cheaper, SCU – Encourages collection on properties – Direct Mailer – September - Encourages clean-up and curbside – 100% increase the first week

**Councilwoman Lehman** – Household Hazardous?

**Mr. Dietrich** – County has responsibility to collect – Limited at Transfer Station – Facility citing issues – Jurisdiction – CPI change – 1.6% increase – \$0.27/month Residential – Natural Gas Trucks – Successful program – Stable pricing – One more tool to help – Hope by March - One in Benton City

**Councilwoman Stade** – Like the advertising – In City bill as well

**Mr. Dietrich** – March/September – In billing

**Mayor Carnahan** – 100% pick up FYI

## REGULAR REPORTS

### 1. EDC REPORT (\*)

**Larry Howell, President, Benton City E.D.C.**

**Randy Rutledge, Consultant, Benton City E.D.C.**

<<< Written report submitted >>>

### 2. STAFF REPORT (\*)

**Stephanie Haug, City Clerk/Treasurer**

### 3. ENGINEER REPORT (\*)

**Alan Rainey, City Engineer, Spink Engineering LLC - Dale Avenue** – Taking longer – Found building foundations – Fire hydrant – Water ran down 10<sup>th</sup> – Additional costs but still under T.I.B. Budget

**Councilwoman Lehman** – New completion date?

**Mr. Rainey** – Maybe a week – End of October

**Mr. Berry** – What broke hydrant?

**Mayor Carnahan** – Someone ran over it

### 4. COUNCIL COMMITTEE REPORTS (\*)

**Councilwoman Stade** – Benton Franklin Transit – Tulip Road stop – Retreat on Thursday – Reviewing routes – Coordinating with schools – Applied for grants - Fire Meeting – Need for Fire Department to see addresses on buildings – Note in the bills – Addresses up – RV Park – Spot numbers – Map

**Mayor Carnahan** – Scout troops take on as project

## ITEMS FOR APPROVAL: (\*)

### 1. SECOND READING – ORDINANCE 937 – 2014 BUDGET AMENDMENT (\*)

**Councilwoman Lettau:** I move to approve on the Second Reading, Ordinance 937 of the City of Benton City, Washington, amending the 2014 Budget, as adopted by Ordinance 927.

**Councilwoman Meredith:** I'll second.

**MOTION #3-** C. M. Lettau moved and C. C. Meredith seconded to approve on the Second Reading, Ordinance 937 of the City of Benton City, Washington, amending the 2014 Budget, as adopted by Ordinance 927.

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

### 2. SECOND READING – ORD. 938 – CREATING 12.04.015 – PROHIBITING EXCAVATION (\*)

**Councilwoman Lehman:** Mr. Mayor, I move to approve on the Second Reading, Ordinance 938 of the City of Benton City, Washington, creating a new section 12.04.015 "Prohibited Excavation".

**Councilwoman McLeod:** I second it.

**MOTION #4-** C. L. Lehman moved and C. M. McLeod seconded to approve on the Second Reading, Ordinance 938 of the City of Benton City, Washington, creating a new section 12.04.015 "Prohibited Excavation".

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

**3. SECOND READING – ORDINANCE 939 – AMENDING ZONING REGULATIONS – AUTO-ORIENTED USES (\*)**

**Councilwoman Lehman:** Mr. Mayor, I move to approve on the Second Reading, Ordinance 939, of the City of Benton City, Washington, amending Section 20.09.370 “Service Station”; Section 20.33.030 “Conditional Uses” in C-1 Commercial for Vehicle and Equipment Sales; and Section 20.60.040 “Auto Oriented Uses” providing for vehicle and equipment sale uses.

**Councilwoman Meredith:** Second.

**MOTION #5- C. L. Lehman moved and C. C. Meredith seconded to approve on the Second Reading, Ordinance 939, of the City of Benton City, Washington, amending Section 20.09.370 “Service Station”; Section 20.33.030 “Conditional Uses” in C-1 Commercial for Vehicle and Equipment Sales; and Section 20.60.040 “Auto-Oriented Uses” providing for vehicle and equipment sale uses.**

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

**4. RESOLUTION #2014-16 – AUTHORIZING MAYOR TO SIGN AMENDMENT #2 TO DWSRF LOAN PW-00-691-006 (\*)**

**Councilwoman Meredith:** Mr. Mayor, I move to approve Resolution #2014-16, authorizing the Mayor to sign Amendment #2 to DWSRF Loan PW-00-691-006.

**Councilwoman McLeod:** I second it.

**MOTION #6- C. C. Meredith moved and C. M. McLeod seconded to approve Resolution #2014-16, a resolution of the City of Benton City, Washington, authorizing the Mayor to sign Amendment #2 to DWSRF Loan PW-00-691-006.**

**VOICE VOTE #6- C. L. Stade, C. M. Lettau, C. C. Meredith, C. L. Lehman, C. M. McLeod  
ALL YEAS. Motion carries.**

**5. RESOLUTION #2014-17 – AMENDING PETTY CASH & CASH DRAWER POLICY (\*)**

**Councilwoman Meredith:** Mr. Mayor, I move to approve Resolution #2014-17, amending Resolution 2007-03, establishing a Petty Cash Fund and Cash Drawer Fund

**Councilwoman Lettau:** Second.

**MOTION #7- C. C. Meredith moved and C. M. Lettau seconded to approve Resolution #2014-17, a resolution of the City of Benton City, Washington, amending Resolution 2007-03, establishing a Petty Cash Fund and Cash Drawer Fund.**

**VOICE VOTE #7- C. L. Stade, C. M. Lettau, C. C. Meredith, C. M. McLeod, C. L. Lehman  
ALL YEAS. Motion carries.**

**6. WEBSITE CONTRACT – MUNICIPAL CMS (\*)**

**Ms. Haug –** Explanation of website contract process

**Councilwoman Meredith:** Mr. Mayor, I move to approve the contract between Municipal CMS and the City of Benton City for Website Development Services and authorize the Mayor to sign the agreement.

**Councilwoman McLeod:** I second that.

**MOTION #8- C. C. Meredith moved and C. M. McLeod seconded to approve the contract between Municipal CMS and the City of Benton City for Website Development Services and authorize the Mayor to sign the agreement.**

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

## 7. COMMUNITY CENTER FURNITURE (\*)

**Mr. Kurth** – Explanation of Community Center Furniture Purchase Request

**Councilwoman Lehman:** Mr. Mayor, I move to approve the purchase of new garbage cans and outdoor tables from Upbeat and Kirby Built in an amount not to exceed \$5,700 plus WA State Sales Tax and Shipping if applicable.

**Councilwoman Meredith:** I'll second.

**MOTION #9-** C. M. Lehman moved and C. C. Meredith seconded to approve the purchase of new garbage cans and outdoor tables from Upbeat and Kirby Built in an amount not to exceed \$5,700 plus WA State Sales Tax and Shipping if applicable.

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

## 8. VOUCHERS (\*)

**Councilwoman Lettau:** I move to approve payment of Claim Check Numbers 26408 thru 26447 with EFTs as listed in the amount of \$90,645.82 this 7<sup>th</sup> day of October, 2014.

**Councilwoman McLeod:** Second it.

**MOTION #10-** C. M. Lettau moved and C. M. McLeod seconded for the City Council of the City of Benton City, Washington, to hereby authorize payment of Claim Check Numbers 26408 through 26447 and EFTs as listed in the amount of \$90,645.82. These checks are approved for payment this 7<sup>th</sup> day of October, 2014.

**ROLL CALL VOTE #10-** C. M. Lettau, C. C. Meredith, C. L. Lehman, C. L. Stade, C. M. McLeod  
ALL YEAS. Motion carries.

## 9. EXECUTIVE SESSION – R.C.W. 42.30.110(i, iii) – POTENTIAL LITIGATION (\*)

**Mayor Carnahan** – Now we get into, are we, do we need an Executive Session? Okay, do we have this before we have the discussion on the marijuana issue? Okay, there will be any action taken after this or just a discussion? There will be action taken after this, how long of an extension do we need? Ten minutes? Okay, I will at this time, it's 7:44, I will adjourn the Council Meeting to go into an Executive Session to talk about pending litigation on marijuana, so we will be coming back out in ten or fifteen minutes to take action on this one way or the other, so you're welcome to come back or whatever...

\*\*\*\*\* Executive Session begins at 7:44 p.m. \*\*\*\*\*

\*\*\*\*\* Executive Session ends at 7:54 p.m. \*\*\*\*\*

**Mayor Carnahan** – I will close the Executive Session at 7:54 and reopen the Council Meeting at 7:55, so we are moving now into the Resolution 2014-18, I believe, to take action on the, to take action on the Findings and Renewals of the (inaudible)...

## 10. RESOLUTION #2014-18 – MARIJUANA MORATORIUM FINDINGS & RENEWAL (\*)

**Mr. Ferguson** – Public Hearing – No comments either for or against – Initial moratorium – Extend to a year – Expires October 14<sup>th</sup> – Renew – Not Extend – Without Moratorium – Unclear what you can do to regulate

**Councilwoman Lehman** – Badger Club discussion – Don't understand the intent – Think as "ability to smoke" – Much more important than this - Stop Mexican cartels from selling – Law in the State of Washington – This is not supporting the law – Vote for moratorium is vote for cartel – Get over the syndrome – State gets money or Mexicans – Mr. Lee & Mr. Young – State taxes – Cities only get 1% - Of 35 stores currently open – State got \$1.7 million – Have copies of presentations – Big issue – Keeping the gangs out – Our state effort to curb that

**Mr. Ferguson** – Recreational – Based on State and Federal laws – I-502 – Current admin and DOJ

**Councilwoman Lettau** – Take offense to vote for moratorium is vote for cartel – Need to be careful – Need to continue to watch – What's best for kids

**Councilwoman McLeod** – Understand how you feel about moratorium – Wanting to keep it out - No way to stop – Regulate – Can't control what children are doing – Cut down

**Councilwoman Lettau** – Where does it end? Say yes to everything just because – Lots of trouble

**Councilwoman Meredith** – Drugs are here regardless

**Councilwoman McLeod** - Very easy as teenager to get – Still easy – Legal buyers – More regulated – Safe – Age limits – Not going to stop illegal trade

**Ms. Haug** – Moratorium – Has Work Plan – Indicates City working towards developing regulations whether to ban or allow – Not a ban – Giving City time to develop – If moratorium not passed – City would not have any regulations at City level as to where those facilities could be located – Anyone could open business anywhere in City limits

**Mr. Ferguson** – More regulations vs. “state system” – State regulations are still up in the air – Not a well-defined regulation – I-502 – Certain provisions defined buffers – Very squishy as to what it means – People hoping last legislature would clarify

**Councilwoman Stade** – For having renewal – Looking at pending case law – Have a plan to regulate

**Rachel Labelle** – Live at 807 8<sup>th</sup> – Half of Benton City community grows or participates in Medical and Recreational Marijuana – Half of Tri-Cities has ban – Don't worry about stigma – Three bars already – Having marijuana available is better than drinking – Patients can get their medicine locally - If done the proper way – The end of prohibition of marijuana will lead to end of black market for marijuana - Not on Main Street – Unappealing to kids – Will be bringing money to Benton City – Money can be used for streets and schools - Tobacco and alcohol deaths – Not one person has died from cannabis – Benton City known for worse in past - Pregnancy per capita in high school – Meth capital – Here to stay - Use to our benefit – Get rid of negatives – Embrace positives

**Steve Lee** – Supporting the black market – Economic benefits – 1% Sales tax revenue - Jobs \$15/hour – State has regulations – 2.5 years – Wait for State to process – Few places in City to locate within State regulations – Yes or No – Moving forward – Plenty of time - \$2,000 business license fee – Cigarettes and booze license – No black market – No gin stills and bootleg cigarettes - Colorado – Not enough data – Early data – 10.2% lower crime – Lower traffic fatalities – No extra police force – (\*Audio recording ends) *Three billion cartel in Denver – This is happening – Cannabis Industry – Economic benefit – \$1.75 million in August – Not a lot of risks – Liquor Control Board full control*

**Councilwoman Lettau** – *Live in Benton City?*

**Mr. Lee** – *Live in Pasco*

**Steve Rouse** – *Take offense that 50% in Benton City use pot – Roller over to do what King County*

**David Berry** – *Not weighing in either way – Need more time – Get it right – State interest not necessarily our interests*

**James** – *Green collar professional – Father of three – Morals – Money – Children – Never have had an incident of children exposed – Money away from cartel – Not just selling pot – Maybe a job – Legitimate business – Application process worked – Work for a collective – Verification*

**Councilwoman Stade** – *Seattle – People were delivering - Food containing cannabis – Resembles cartel*

**James** – *Implement systems – Filter out people who have wrong purpose – King County is different – Still need to be careful in Eastern Washington – Nobody gets shot – No O.D.*

**Councilwoman Meredith:** *I move to approve Resolution #2014-18, declaring a renewal of the Moratorium established by Resolution #2013-20 and extended by Resolution #2013-26, adopting Findings of Fact and approving an amended Work Plan.*

**Councilwoman Lettau:** *Second.*

**MOTION #11-** C. C. Meredith moved and C. M. Lettau seconded to approve Resolution #2014-18, a resolution of the City of Benton City, Washington, declaring a renewal of the Moratorium established by Resolution #2013-20 and extended by Resolution #2013-26, adopting Findings of Fact and approving an amended Work Plan.

**ROLL CALL VOTE #11-** C. C. Meredith, Yea; C. L. Lehman, Nay; C. M. Lettau, Yea; C. L. Stade, Yea; C. M. McLeod; Nay; MAJORITY YEAS. Motion carries.

Mr. Ferguson – *Explanation of Resolution findings*

**ITEMS FOR DISCUSSION (\*)**

**1. ROUNDTABOUT (Requested by Councilwoman Stade)**

Mayor Carnahan - *On hold – Last meeting – Ideas in signage - EDC/Chamber working on idea?*

Mr. Howell – *Need to speak to Mayor*

Councilwoman Stade – *Lot by – Owned by City?*

Mayor Carnahan – *State regulated*

Mr. Rutledge – *Been addressed – Regulations from state – Electronic sign – Work together – Going to cost money – Changing message – Events*

**GENERAL COUNCIL COMMENTS (\*)**

Mayor Carnahan – *Tennis court – Half use as a tennis court – Other half is not regulation – Mr. Harding has asked – Tennis court has to be fixed – Talk to Engineer – Plan – Tear it up or make basketball – Had x-rayed – Need to decide for next year*

Councilwoman Meredith – *Bring back cost – Tennis court or Basketball court*

Councilwoman Stade – *Need eight tennis courts for tournament? Six at high school – District office court*

**ADJOURNMENT – Mayor Carnahan (\*)**

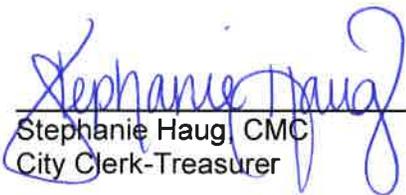
Councilwoman Meredith: *I make a motion we adjourn.*

Councilwoman Stade: *I'll second.*

**MOTION #12-** C. C. Meredith moved and C. L. Stade seconded to adjourn the October 7<sup>th</sup>, 2014 Regular Council Meeting at 8:40 p.m.

**VOICE VOTE #12-** C. L. Stade, C. M. Lettau, C. C. Meredith, C. L. Lehman, C. M. McLeod  
**ALL YEAS. Motion carries.**

Meeting adjourned at 8:40 p.m. (2813/3/256\*)

  
Stephanie Haug, CMC  
City Clerk-Treasurer

  
Lloyd Carnahan  
Mayor, City of Benton City

Date: 10/22/14