

**City of Benton City  
Regular Council Meeting Minutes  
December 3<sup>rd</sup>, 2013**

**CALL TO ORDER** – Mayor Carnahan called the December 3<sup>rd</sup>, 2013 Regular Council Meeting to order at 7:00 p.m. (505/4/765\*Audio recording begins)

**PRESENTATION OF THE COLORS** – Councilwoman Johnson led the Council and audience in the Pledge of Allegiance. (510/2/538\*)

**ROLL CALL** – (520/3/410\*) Council Members Present –  
**Honda Johnson**  
**Mary Lettau**  
**Lisa Stade**

Council Members Absent –  
**Connie Meredith** (Excused)  
Council Vacancy

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

Other Professionals Present –  
**Patrick Galloway, City Attorney, Kerr Law Group**  
**Randy Rutledge, Consultant, Benton City E.D.C.**

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

**Councilwoman Stade:** Mr. Mayor, I would like to make a motion to excuse Councilwoman Meredith due to the birth of her grandson.

**Councilwoman Johnson:** I second.

**MOTION #1-** C. L. Stade moved and C. H. Johnson seconded to excuse Councilwoman Meredith from the December 3<sup>rd</sup>, 2013 Regular Council Meeting due to new grandson being born.

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

**READING AND APPROVAL OF MINUTES** (545/4/141\*)  
- REGULAR MEETING NOVEMBER 19<sup>TH</sup>, 2013

**Councilwoman Lettau:** I make a motion that we approve the Minutes from November 19<sup>th</sup>, 2013.

**Councilwoman Stade:** I second.

**MOTION #2-** C. M. Lettau moved and C. L. Stade seconded to approve the Minutes of the November 19<sup>th</sup>, 2013 Regular Council Meeting as presented.

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

**OPENING REMARKS, “HOUSEKEEPING” ITEMS, EXECUTIVE SESSION REQUESTS, ETC. –**  
None (559/4/326\*)

**APPROVAL OF AGENDA – (576/1/675\*)**

**Councilwoman Johnson:** Mayor, I make a motion that we approve the Agenda of December 3<sup>rd</sup>, 2013 as presented.

**Councilwoman Lettau:** I second.

**MOTION #3- C. H. Johnson moved and C. M. Lettau seconded to approve the Agenda of the December 3<sup>rd</sup>, 2013 Regular Council Meeting as presented.**

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

**1. VISITOR COMMENTS – (587/2/051\*)**

**Jim Ellswood, 906 Chris Avenue**

- Rude what the City does to people in this town – Letter from credit union
- Debit card hacked – City still shut off – Beyond my control

**Mayor Carnahan –** We'll talk about that – Probably won't be any change to system

**Councilwoman Lettau –** What happened?

**Mr. Ellswood –** Yoke's – Card tampered with – Card shut off immediately – Couldn't pay water bill – Out of town when found out

**Councilwoman Lettau –** Water got shut off? Charged late fee?

**Mr. Ellswood –** Here Monday morning 7:30 to pay with cash – Still got popped for reconnect fee – Should be exception when beyond our control

**Councilwoman Stade –** Did you call City Hall to leave a message?

**Mr. Ellswood –** Tried to call but only got answering machine

**Councilwoman Johnson –** Is there something we can do? People were told not to use their cards – We should not penalize our citizens when out of their control

**Councilwoman Stade –** We probably added that caveat to our ordinance – We have cut off date – In ordinance – No exception included – City Hall does not have ability to address exceptions - Brought up something that wasn't considered when ordinance was written – Would like to have some discussion about that

**Mayor Carnahan –** Will look into – That's an administrative decision presently – Will take it back to office tomorrow – Look into it and bring it back up for discussion if we can do it

**Councilwoman Stade –** What are some options we may have?

**Ms. Haug –** City Hall perspective – How played out in office – Cut off day for payments for everyone was last business day of month – Did not receive any payments – If payment not made by last working day by 4:00 as ordinance states – Scheduled for shut off - \$30 reconnect fee due – 27<sup>th</sup> – Last working day of month – Same as every month – No attempts to pay that account with that card – We have ability to check system – No phone calls or attempted payments

**Mayor Carnahan** – Kind of missing the point – Bills go out no later than 8<sup>th</sup> of the month – Have from 8<sup>th</sup> or month to 20<sup>th</sup> to pay their bill –

**Councilwoman Lettau** – Pay the last of the week – Most people do – I do – Not going to bank on card not being able to use – Excellent point we need to consider

**Councilwoman Stade** – How were you paying?

**Mr. Ellswood** – Shut off on the 26<sup>th</sup> – Usually call each month – Out of town – Trying to get gas – Bank called me while I was trying to call them

**Councilwoman Stade** – How do you normally pay your bill?

**Mr. Ellswood** - With my debit card – I call City Hall – Debit card on file – Call and tell them I'm making my payment – I'm out of town – Can't get to bank to get money to get to City Hall by 4:00 p.m. – Wednesday the 27th

**Ms. Haug** – We were open on the 27<sup>th</sup>

## **REGULAR REPORTS (831/2/020\*)**

### **1. EDC REPORT - (833/2/811\*)**

**Randy Rutledge, Consultant, Benton City EDC**

**\*\*\* Written report not provided \*\*\***

**Mayor Carnahan** – Water Rights – City well preserved with Water Rights - Cutting back on water Usage due to Benton Irrigation District – We're in good shape

**Councilwoman Stade** – Forward thinking – Heard back from WSDOT – Options for signage – What we may want it to say – January 2014 – Signage – What would allow

**Mayor Carnahan** – “Welcome to Benton City” – “Gateway to Red Mountain”

**Heather Duncan, Chamber of Commerce** – Winterfest – Saturday, December 14th – 1k/5k Run – Breakfast at High School – Christmas Bazaar – 60 or more vendors - Gym at High School – Reading Corner – Santa in town for day - 5 p.m. – Annual Lighted Parade – 8-10 or more Semis from up the valley – Local participants - Lighting of tree to follow – Will be there until 6:15 – Convoy up to Prosser

**Councilwoman Stade** – Prosser Hospital – Asked about Winterfest – Maybe for next year – Invite PMH participation

### **2. STAFF REPORTS – (1433/3/363\*)**

**Stephanie Haug, City Clerk/Treasurer**

Treasurer Report – In Council Packet

### **3. ENGINEER REPORT (1436/2/948\*)**

### **4. COUNCIL COMMITTEE REPORTS (1437/4/872\*)**

**Council Vacancy**

**Councilwoman Lettau** – None

**Councilwoman Johnson – None**

**Mayor Carnahan** – City got Dale Avenue grant \$485,000 – Well – Down 200+ feet before Thanksgiving – Had to add conduit to stop sloughing – 12 ft. to put in – Welding machine had been stolen Monday – Dale may have water costs and sewer relocation costs – From 9<sup>th</sup> to 13<sup>th</sup> – Sidewalks – We have 10 ft. safety walkways

**Councilwoman Meredith – Absent**

**Councilwoman Stade – None**

**ITEMS FOR APPROVAL:**

**1. FIRST READING – ORDINANCE – ADOPTING 2014 BUDGET - (1602/3/521\*)**

**Councilwoman Johnson:** Mayor, I make a motion that we pass an ordinance of the City of Benton City, Washington, adopting the Budget for the fiscal year ending December 31, 2014.

**Councilwoman Lettau:** I second.

**MOTION #4-** C. H. Johnson moved and C. M. Lettau seconded to approve on the First Reading, an ordinance of the City of Benton City, Washington, adopting the budget for the fiscal year ending December 31, 2014.

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

**2. FIRST READING – ORDINANCE - 2014 WAGES AND SALARIES - (1619/2/777\*)**

**Councilwoman Stade:** Mr. Mayor, I make a motion to approve an ordinance of the City of Benton City, Washington, approving the salaries and benefits to be paid to employees of the City of Benton City, Washington, for the calendar year of 2014.

**Councilwoman Johnson:** I second.

**MOTION #5-** C. L. Stade moved and C. H. Johnson seconded to approve on the First Reading, an ordinance of the City of Benton City, Washington, approving the salaries and benefits to be paid to employees of the City of Benton City, Washington, for the calendar year of 2014.

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

**8. VOUCHERS (1687/2/848\*)**

**Councilwoman Johnson:** Mayor, I move to approve payments of Claim checks numbers 25801, 25809 thru 25820 and EFTs as listed in the amount of \$218,872.17 this 3<sup>rd</sup> day of December, 2013.

**Councilwoman Lettau:** I second.

**MOTION #6–** C. H. Johnson moved and C. M. Lettau seconded to approve payment of Claim check numbers 25801, 25809 thru 25820 and EFTs as listed in the amount of \$218,872.17 this 3<sup>rd</sup> day of December, 2013.

**ROLL CALL VOTE #6– C. H. Johnson, C. M. Lettau, C. L. Stade**  
**ALL YEAS. Motion carries.**

**ITEMS FOR DISCUSSION**

**1. BENTON CITY MUNICIPAL CODE FENCING REQUIREMENTS - (1706/4/010\*)** - Draft in Council Packet

**Mayor Carnahan** – Discuss tonight – Check it out and bring it back in two weeks – Is this the complete draft - Should have R.C.W. in front of this for comparison – Can't go any less than R.C.W. but can go stronger – Probably should have Commercial too

**Mr. Galloway** – We could speak with Engineering – Lee issued letter regarding specific regulations in state law – Not found – Need to stay within boundaries of state law - We can't be less restrictive but don't believe there is a specific restriction

**Mayor Carnahan** – Need to define – A little more white – A little less black - Cyclone fencing issue

**Councilwoman Stade** – Did good job defining obstruction

**Mayor Carnahan** – Should be defined as edge of City R.O.W. – New construction - Consideration

**Councilwoman Stade** – Reasonable and logical – Not just ideal – Look at practicalities of setback regulations

**Mayor Carnahan** – Bring back on 17<sup>th</sup>

**Councilwoman Johnson** – We don't require a permit – We don't define what a fence is – Few years back – Trashy fence

**Councilwoman Stade** – Make it enforceable – Make it consistent - People get a permit – Ask defined

**Councilwoman Lettau** – Don't want permit fees

**Councilwoman Johnson** – We don't have to charge for permits

**Mayor Carnahan** – Need to consider zoning codes of area – Farm – Don't need cyclone fence

**Councilwoman Johnson** – Don't want car hoods as fence

**Mayor Carnahan** – Bring back comments in two weeks – Come up with ordinance

**GENERAL COUNCIL COMMENTS – (1982/1/080\*)**

**Councilwoman Lettau** – Jim's issue – Put item on Agenda – Can't help him with fee

**Mayor Carnahan** – What will be discussed?

**Councilwoman Lettau** – What can we do when those situations come up? What can we do for him? We can't act on it tonight – Just hear story – Would like it on Agenda so we can do something about it

**Mayor Carnahan** –The only thing we can do is change the policy

**Councilwoman Lettau** – We can't help him for the fee he was charged – We need to change

**Councilwoman Johnson** – Fraud like that - We need to adjust it

**Councilwoman Stade** – Literally the only time that hacking would have been a problem was on the 26<sup>th</sup> from 8 o'clock to 4 o'clock – Only time he could have paid or tried to pay or called – Could have called – Did not – City Hall was open – So last working day was 26<sup>th</sup> – However on 26<sup>th</sup> when due you didn't call – The only thing fraud did as far as City Hall – Know it was a hassle, inconvenient and not just – But from 8 o'clock to 4 o'clock you weren't able to pay with your credit card – Was at very least, the very last moment and no phone call made – Sympathize and empathize with hacking – Once notified you were not able to use credit card – Would have known needed to pay bill that day – Would have called to explain but didn't

**Councilwoman Lettau** – Bill could have been paid on 27<sup>th</sup> – City Hall was open – 26<sup>th</sup> or 27<sup>th</sup>

**Councilwoman Johnson** – If he had called – City Hall would have still said our ordinance says we have to have the payment here by 4 p.m. – So people can't call and say I can't pay my bill - With credit card fraud and people cannot pay – Need to look at our ordinance – How do we handle this in the future – Are other cities addressing this

**Councilwoman Stade** – It's a 24 hour window that it occurred – Talking about 26<sup>th</sup> and 27<sup>th</sup>

**Councilwoman Lettau** – Need to be flexible – Not so hard line – It's a small town

**Mr. Ellswood** – Twenty-one years ago – Benton City nice city – Now it's East Pasco

**Mayor Carnahan** – We can discuss in two weeks – December 17<sup>th</sup> – Been through this so many times – What make it right is everybody has the same cycle – Each has so many days to pay that bill

**ADJOURNMENT** – Mayor Carnahan (2147/3/128\*)

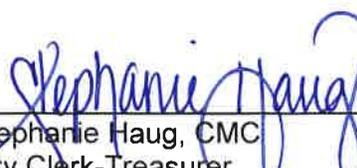
**Councilwoman Johnson:** I make a motion we adjourn.

**Councilwoman Stade:** Second.

**MOTION #7– C. H. Johnson moved and C. L. Stade seconded to adjourn the December 3<sup>rd</sup>, 2013 Regular Council Meeting at 7:54 p.m.**

**VOICE VOTE #7– C. H. Johnson, C. M. Lettau, C. L. Stade**  
**ALL YEAS. Motion carried.**

Meeting adjourned at 7:54 p.m. (2152/14/235\*Audio recording ends)

  
Stephanie Haug, CMC  
City Clerk-Treasurer

  
Lloyd Carnahan  
Mayor, City of Benton City

Date: 12-18-13