

**City of Benton City  
Regular Council Meeting Minutes  
March 19<sup>th</sup>, 2013**

**CALL TO ORDER** – Mayor Carnahan called the March 19<sup>th</sup>, 2013 Regular Council meeting to order at 7:00 p.m. (256/2/014 - Audio recording begins)

**PRESENTATION OF THE COLORS** – Councilwoman Meredith led the Council and audience in the Pledge of Allegiance. (270/3/948)

**ROLL CALL** – (285/2/281) 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**

Other Professionals Present –

**Alan Rainey, City Engineer, Spink Engineering, LLC  
Lee Kerr, City Attorney, Kerr Law Group  
Captain Clay Vannoy, Benton County Sheriff Office  
Larry Howell, President, Benton City E.D.C.  
Randy Rutledge, Consultant, Benton City E.D.C.  
Bea Baker, Vice President, Benton City E.D.C.**

**READING AND APPROVAL OF MINUTES** (295/1/056)

- **REGULAR MEETING MARCH 5<sup>TH</sup>, 2013**

**Councilwoman Johnson:** Mayor, I make a motion that we approve the Minutes for the Regular Meeting of March 5<sup>th</sup>, 2013 as presented.

**Councilwoman Lettau:** I second.

**MOTION #1-** C. H. Johnson moved and C. M. Lettau seconded to approve the Minutes of the March 5<sup>th</sup>, 2013 Regular Council Meeting as typed.

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

**OPENING REMARKS, “HOUSEKEEPING” ITEMS, EXECUTIVE SESSION REQUESTS, ETC. –**  
(304/3/490)

**Mayor Carnahan:** What I would like to do is move the E.D.C. from an Item for Discussion up to an Item for Approval and put it before Number 1, just put it the first thing there on the Action.

**Ms. Haug:** (Inaudible) we don't have the contract in tonight's packet. We only have the work plan.

**Mayor Carnahan:** I know that, well, we're going to work it out until we get a contract. Do we not have to...don't we have to sign this thing tonight, or do we have time?

**Mr. Kerr:** Well, for us to be able to pay them for services they perform, we have to have those perform...those services identified and for us to be able to contractually pay them for services in the future, we need to identify what those services will be and that's what we've been working on.

**Mayor Carnahan:** Okay, now, do we have to have the contract approved tonight, or, I mean, or can we approve it the first meeting in April?

**Mr. Kerr:** I see what you're saying. In other words, can you advance now for services performed up to this point even though we don't have a contract?

**Mayor Carnahan:** Right...right, that's what I'm saying. If we don't have a contract, when we leave here tonight, I want to have a contract.

**Mr. Kerr:** Okay, I gotcha, I gotcha. No, we cannot provide them, we can't pay them for services that we don't have contractually obligated or identified.

**Mayor Carnahan:** Right! That's what we're going to do tonight. Should have a contract before we walk out of here tonight. It may only be on paper and scratched out, but it'll be between their board, that's what they got their people here for. We've got a quorum here tonight, we're going to get a contract tonight. One way or the other. We may stay here until midnight. We're going to get something done. I would like to have Benton City E.D.C. moved to an Action Item on, right at the head of the first thing, right?

**Councilwoman Johnson:** Maybe we should put it at the end of Vouchers since you think we're going to be here until midnight. I mean, I'd like to get everything else and the bills paid.

**Mayor Carnahan:** Well, alright, we can go after Vouchers, I don't care; I want it in the Action Approval, Items for Approval. I don't really care, I just want it done tonight.

#### **APPROVAL OF AGENDA (385/2/024)**

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

**Councilwoman Proctor:** Second.

**MOTION #2- C. C. Meredith moved and C. F. Proctor seconded to approve the Agenda as amended.**

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

#### **1. VISITOR COMMENTS – None (397/4/907)**

#### **REGULAR REPORTS**

##### **1. SHERIFF REPORT – (409/2/382)**

**Captain Clay Vannoy, Benton County Sheriff's Office**

February Report

293 Calls for Service vs. 337 in 2012

29 Case Offenses vs. 35 in 2012

25 Infraction Offenses Issued

16 Arrests Resulting

## 2. STAFF REPORTS – (449/2/257)

**Stephanie Haug, City Clerk/Treasurer**  
Treasurer's Report

## 3. ENGINEER REPORT (456/1/618)

**Alan Rainey, City Engineer, Spink Engineering LLC**

- Sewer Line Repair – Dale Avenue – South from Post Office to Commercial District – Approximately one block then 90 degrees to 9<sup>th</sup> – Historically been an issue – Collapsed/roots – Plans to replace
- Road Work – Chip Seal – Bid packets to go to three companies that do Chip Seal – Same as those that bid Benton County – 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>, Neptune, Thor, Saturn – Overlay would be better, but too much money – Tennis Court parking lot as well – Same as Benton County – Get better deal – Slight chance City could receive STP money from D.O.T. - Work with County (Dale Avenue) - Initiate Environmental – Historical – Archeological - If we get money - Can be reimbursed - Will need to get done regardless of money source
- Tennis Courts finish up next week

## 4. COUNCIL COMMITTEE REPORTS (624/2/134)

**Councilwoman Proctor** – Ben Franklin Transit – April 26<sup>th</sup> – First electric bus – Council invited – Governor also invited – May 5<sup>th</sup> – Take bus to show off

**Councilwoman Lettau** – Pass

**Councilwoman Johnson** – Pass

**Mayor Carnahan** – Real Estate meetings – Secretary – Elected again – Strictly a title

**Councilwoman Meredith** – Benton City E.D.C. – Good information

**Councilwoman Stade** – April 8<sup>th</sup> – Fire Meeting

### ITEMS FOR APPROVAL:

#### 1. SECOND READING – ORDINANCE 920 – EMERGENCY POWERS - (679/3/933)

**Ms. Haug** – Overview of Ordinance Amendments

**Councilwoman Lettau:** I make a motion that we approve the Second Reading, Ordinance 920, an ordinance of the City of Benton City, Washington, amending Section 2.09.010 “Proclamation of Civil Emergency – Emergency Defined”; Section 2.09.020 “Action which may be taken”; and creating Section 2.09.035 “Continuity of Government” establishing the powers and procedures for the declaration of an emergency.

**Councilwoman Meredith:** Second.

**MOTION #3-** C. M. Lettau moved and C. C. Meredith seconded to approve on the First Reading, an ordinance of the City of Benton City, Washington, amending Section 2.09.010 “Proclamation of Civil Emergency – Emergency defined”; Section 2.09.020 “Action which may be taken”; and creating Section 2.09.035 “Continuity of Government” establishing the powers and procedures for the declaration of an emergency.

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

**2. FIRST READING – ORDINANCE AMENDING CODE ENFORCEMENT PROCEDURES –**  
(71773/434)

**Mr. Kerr** – Explanation of Amendment to Code Enforcement Procedures

**Councilwoman Meredith:** I make a motion, Mr. Mayor, that we pass on the First Reading, an ordinance of the City of Benton City, Washington, amending Chapter 9.50 “Nuisance Procedures” clarifying the authority of the Code Enforcement Officer’s procedures for nuisance abatement.

**Councilwoman Stade:** Second, I second.

**MOTION #4- C. C. Meredith moved and C. L. Stade seconded to on the First Reading, an ordinance of the City of Benton City, Washington, amending Chapter 9.50 “Nuisance Procedures” clarifying the authority of the Code Enforcement Officer’s procedures for nuisance abatement.**

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

**3. FIRST READING – AMENDING VEHICLE WEIGHT RESTRICTIONS ON CITY STREETS**  
(95613/189)

**Mayor Carnahan/Mr. Kerr** – Explanation of Amendment for Vehicle Weight Restrictions

**Councilwoman Johnson:** I make a motion that we pass the First Reading, an ordinance of the City of Benton City, Washington, amending Section 10.080.030 “Exceptions” regarding vehicle weight to exclude truck routes.

**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, amending Section 10.080.030 “Exceptions” regarding vehicle weight to exclude truck routes.**

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

**4. FIRST READING – AMENDING CROSS CONNECTION REQUIREMENTS -** (116774/089)

**Mayor Carnahan/Mr. Kerr** – Explanation of Amendment for Cross Connection Requirements

**Mr. Kurth** – Cross Connection procedures and requirements for surrounding cities

**Councilwoman Meredith:** I make a motion, Mr. Mayor, for the First Reading, for an ordinance of the City of Benton City, Washington, amending Section 13A.33.020 “Cross-Connections Prohibited”; Section 13A.33.030 “Discontinuance of Service”; and Section 13A.33.040 “Installation of Back Flow Prevention Assemblies” providing for the removal of existing cross-connections.

**Councilwoman Lettau:** I second.

**MOTION #6-** C. C. Meredith moved and C. M. Lettau seconded to approve on the First Reading, an ordinance of the City of Benton City, Washington, amending Section 13A.33.020 “Cross-Connections Prohibited”; Section 13A.33.030 “Discontinuance of Service”; and Section 13A.33.040 “Installation of Back Flow Prevention Assemblies” providing for the removal of existing cross-connections.

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

**5. RESOLUTION #2013-07 – EMERGENCY READING - (2326/4/664)**

\*\*\*\* Not adopted \*\*\*

**6. SECOND READING – ORDINANCE 921 – AMENDING CROSS CONNECTION REQUIREMENTS - (2334/2/129)**

\*\*\* Next Meeting \*\*\*

**7. VOUCHERS (2336/1/130)**

**Councilwoman Johnson:** Mayor, I move to approve payment of Claim check number 25237 through 25276 and EFTs as listed in the amount of \$32,554.82 and Payroll Checks number 25163 through 25166 and 25208 through 25217 and EFTs as listed in the amount of \$49,873.50 this 19<sup>th</sup> day of March, 2013.

**Councilwoman Meredith:** Second.

**MOTION #7–** C. H. Johnson 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 25237 through 25276 and EFTs as listed in the amount of \$32,554.82 and Payroll Check numbers 25163 through 25166 and 25208 through 25217 and EFTs as listed in the amount of \$49,873.50 this 19<sup>th</sup> of March, 2013.

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

**8. BENTON CITY E.D.C. – (2369/4/632)**

**Mr. Kerr** – Source of problem – Sensitive to concerns of Auditor – Need to show we are securing identifiable services – Contract - Exhibit A – Deficient to previous versions - Item – Refine Deliverables – Good start – Got squishy – Flush out items – Incorporate deliverables as specifics - Make items more objectively identifiable - How to proceed – Adopt as Exhibit A to Agreement – Pass it this evening – Some items will be for the refined – Done on quarterly basis

**Ms. Baker** – 4, 6, 7 and 9 – Take out for year – City and contractors liaison

**Mr. Howell** - Put it in measurable words

**Mr. Rutledge** - Before start construction – Take some heat – Vent – Then deal with staff – Keep hostility from City Hall

**Councilwoman Johnson** – New members on Council – Have a vote – Mayor needs to keep at neutral

**Mr. Howell** – Feedback – From Honda Johnson and City Attorney – Assume work putting out be rewarded – Unless you don’t want an E.D.C. – Tell straight away – Do everything and more – Council needs to give direction – Energy not wasted on something not wanted

**Mr. Kerr** – Currently have mixed bag – Items objectively identifiable and items that are not - Maintain as is – Specifics

**Councilwoman Johnson** – Understand E.D.C. and purpose – How they lie in City – Have Council decide focus quarterly – Be on same page

**Councilwoman Stade** – Meet objectives – Through year

**Ms. Baker** – We are doing that already – Monthly report, quarterly report and Finance – How much more detailed do we need to get

**Mr. Kerr** – Report what you did – Implementing goals – Something more specific

**Mr. Rutledge** – I-82 – Two calls in last week – Language to specify – Sit down with Art Tackett – Define better

**Mr. Howell** – Know how to do – Understand measurables – Meet criteria - Not far apart

**Mayor Carnahan** – Can we approve first quarter payment?

**Mr. Kerr** – Contract must be put together so we have contract to pay on – Under law – Only pay for services provided - First meeting in April

**Councilwoman Johnson** – What does Auditor look at - Itemized billing

**Ms. Haug** – Look at Contract – Look at Invoices – From Quarterly Reports – Have determined what is submitted isn't measurable for Contract – Contract strategic plan – Not specific – Auditor having difficulty identifying this specific activity – How it meets performance of contract

**Mr. Kerr** – Certain degree – Been lucky – Auditor commissioned three years ago to do performance audits – Been unfunded – Now we're going to have to demonstrate deliverables to pass performance audit – Auditor simply has not had capacity to do full performance audits

**Councilwoman Johnson** – Do Quarterly Reports have to be measurable also?

**Mr. Kerr** – Yes – Will have items provided – Billing show we accomplished this – Tie activity with specific deliverable

**Ms. Baker** – Not able to do something – Beyond control – Come back on us?

**Mr. Kerr** – Just demonstrate efforts to accomplish

**Mayor Carnahan** - Bring back April 2<sup>nd</sup>

**Mr. Kerr** – Get me revised deliverables – Every year will get a new list of deliverables – Items not completed in past year – New items

## ITEMS FOR DISCUSSION

1. **TRANSPORTATION BENEFIT DISTRICT** (3224/4/831) – No interest in T.B.D.

2. **BENTON CITY E.D.C.** - Moved to H.8.

**GENERAL COUNCIL COMMENTS – (3230/1/587)**

**ADJOURNMENT – Mayor Carnahan (3233/4/933)**

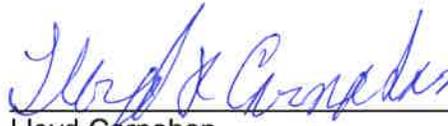
**Councilwoman Johnson:** I make a motion that we adjourn.

**Councilwoman Stade:** Second.

**MOTION #8– C. H. Johnson moved and C. L. Stade seconded to adjourn the March 19<sup>th</sup>, 2013 Regular Council Meeting at 8:39 p.m.**

**VOICE VOTE #8– C. C. Meredith, C. L. Stade, C. H. Johnson, C. F. Proctor, C. M. Lettau  
ALL YEAS. Motion carried.**

Meeting adjourned at 8:39 p.m. (3238/3/247)

  
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Lloyd Carnahan  
Mayor, City of Benton City

  
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Stephanie Haug  
City Clerk-Treasurer

Date: 4/8/13