

**City of Benton City
Regular Council Meeting Minutes
May 6th, 2014**

CALL TO ORDER – Mayor Carnahan called the May 6th, 2014 Regular Council meeting to order at 7:00 p.m. (175/2/840*Audio recording begins)

PRESENTATION OF THE COLORS – Ethan Vance Brown, Scout Troop #205 led the Council and audience in the Pledge of Allegiance. (182/1/444*)

ROLL CALL (222/3/293*) Council Members Present –
Mary Lettau
Linda Lehman
Lisa Stade
Mary McLeod

Council Members Absent –
Connie Meredith (Excused)

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

Other Professionals Present –
Lee Kerr, City Attorney, Kerr Law Group
Eric Ferguson, Associate, Kerr Law Group
Larry Howell, President, Benton City E.D.C. (In @ 7:17)
Randy Rutledge, Consultant, Benton City E.D.C.
**Michelle Hoffman, Benton County Aging & Long Term Care
Advisory Council**

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

Councilwoman Lettau: I make a motion we excuse Councilman Meredith.

Councilwoman Stade: I second.

MOTION #1- C. M. Lettau moved and C. L. Stade seconded to excuse Councilwoman C. Meredith from the May 6th, 2014 Regular Council Meeting

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

READING AND APPROVAL OF MINUTES (239/4/481*)
- REGULAR MEETING APRIL 15TH, 2014

Councilwoman Stade: Mr. Mayor, I move to approve the Minutes of April 15th, 2014 as listed.

Councilwoman Lehman: I'll second.

MOTION #2- C. L. Stade moved and C. L. Lehman seconded to approve the Minutes of the April 15th, 2014 Regular Council Meeting as presented.

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

OPENING REMARKS, "HOUSEKEEPING" ITEMS, EXECUTIVE SESSION REQUESTS, ETC. –
(258/1/044*) 1. Liquor License Renewals – Shadow Mtn. Grill
The Palm Bar & Grill

APPROVAL OF AGENDA (263/2/281*)

Councilwoman Lettau: I make a motion that we approve the Agenda as presented.

Councilwoman McCloud: I have seconded.

MOTION #3- C. M. Lettau moved and C. M. McCloud seconded to approve the Agenda of the May 6th, 2014 Regular Council Meeting as presented.

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

1. VISITOR COMMENTS (271/4/855*)

Ann Snyder, 33304 N. 14th St.

First issue – Have had to call ambulance several times – Dispatch unable to find street - 3.5 acres in county – Address given by County – Insisted it is North 14th – Dispatch has not clarified - North because north of county – Not in City - Would like clarified

Mayor Carnahan – Could annex into the City – Easiest and quickest solution to issue

Ms. Snyder - Second issue – County has 14th – Streets from 9th to Babs – From Dale to 13th – East on Babs to 13th – Houses with water/sewer lines – Feel the City got taken on who put them in – Dale down 13th to 14th and Babs – Corner Chris and 14th – Bridge put in for irrigation – Patched when bridge was taken out – All repairs now potholes/dips – Horrible to drive on – Truck route – Fedex and UPS daily – When they drive over patches – Make a loud noise – Rattles house – Asking contractors responsible to fix those low areas – Latest one at 9th and Babs – Temporary fill in – Three weeks

Mayor Carnahan – Homeowner responsible – City must accept - Some are beyond warranty – Hoping to work on those soon

Ms. Snyder – Want to stress – Whoever did it – Did it incorrectly – Bring to your attention

Mayor Carnahan – We have changed our backfill requirement – Check out Benton Irrigation's work

Councilwoman Lettau – Drive the road too – It's awful

Ms. Snyder – The dip is back

Mayor Carnahan – Dale Avenue to be done this summer

REGULAR REPORTS

1. EDC REPORT (603/1/661*)

Randy Rutledge, Consultant, Benton City E.D.C.
Larry Howell, President, Benton City E.D.C.

<<< Written report provided >>>

2. STAFF REPORTS – (946/4/855*)

Stephanie Haug, City Clerk/Treasurer
- Open Government Trainings Act

Mr. Kerr – Overview of Open Government Training Act

3. ENGINEER REPORT - None (1038/4/150*)

4. COUNCIL COMMITTEE REPORTS (1045/3/868*)

Updated Council Committee Assignments

Councilwoman Lettau – None

Councilwoman McLeod – None

Councilwoman Lehman – None

Councilwoman Meredith – Absent

Councilwoman Stade – Benton Franklin Transit – Discussed Batelle needs – Vanpool – General Manager new – Bus decorated by students – Contact with route requests – They track calls – Shift change – Most work Monday thru Friday – 7-8:30 start time or 4-5:30 ending time – Monday thru Thursday – Speaking with Batelle – Green pass - Promotional

Councilwoman Lehman – Looking for other contractors? 4/10s

Councilwoman Stade – Kathy McMullen can help

Mayor Carnahan – Attended several meetings – Benton County Commissioners – Budget workshop at County for Sheriff – Met with lots of meetings with real estate people – Keeping low profile until 20th

ITEMS FOR APPROVAL: (1182/4/114*)

1. PUBLIC HEARING FOR GRACE AVENUE RIGHT-OF-WAY VACATION (1183/4/143*)

Mayor Carnahan: The council meeting is adjourned and we will open up a public meeting on Grace Avenue right-of-way vacation.

****** Public Hearing began at 7:35 p.m. ******

No public comments

****** Public Hearing ended at 7:35 p.m. ******

Mayor Carnahan: I hear none, so I will close the Public Hearing at 7:35 and reconvene the council meeting and now the Council can take action on what they want to do with Grace Avenue on the right-of-way issue.

2. FIRST READING – VACATING A PORTION OF GRACE AVENUE (1225/2/941*)

Councilwoman Lehman: Mr. Mayor, I move to approve the First Reading, an ordinance of the City of Benton City, Washington, vacating a portion of Grace Avenue.

Councilwoman Lettau: I second.

MOTION #4- C. L. Lehman moved and C. M. Lettau seconded to approve on the First Reading, an ordinance of the City of Benton City, Washington, vacating a portion of Grace Avenue.

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

3. RESOLUTION #2014-08 – PROCLAIMING MAY 2014 AS OLDER AMERICANS MONTH
(1242/1/708*) Michelle Hoffman, Benton County Aging & Long Term Care Advisory Council

Ms. Hoffman – Overview of proclamation

Councilwoman Lehman – Just acknowledge or do something?

Ms. Hoffman – Everyone is acknowledging and proclaiming – Makes recommendation for funding to County – Senior nutrition program – Top priority – Sequestration - Lots of senior programs cut by federal government – Nutritional earmarked for funding – Others discretionary

Councilwoman McLeod: I move to approve Resolution #2014-08, a resolution of the City of Benton City, program May 2014 to the Old Americans Month.

Councilwoman Stade: And I second.

MOTION #5- C. M. McLeod moved and C. L. Stade seconded to approve Resolution #2014-08, a resolution of the City of Benton City, Washington, proclaiming May 2014 to be Older Americans Month.

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

4. RESOLUTION #2014-09 – BANK SIGNATORIES (1456/4/952*)

Ms. Haug – Explanation of resolution

Councilwoman Stade: Mr. Mayor, I move to approve Resolution #2014-09, bank signatories, to approve for the Councilwoman Lehman as mayor pro tem, we need an update, an authorized signature for our account.

Councilwoman Lettau: I second.

MOTION #6- C. L. Stade moved and C. M. Lettau seconded to approve Resolution #2014-09, a resolution of the City of Benton City, Washington, designating authorized signatories on the City's bank accounts.

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

5. RESOLUTION #2014-10 – AMENDING 2014 FEE SCHEDULE (1516/2/626*)

Ms. Haug – Explanation of resolution

Councilwoman Lehman: Mr. Mayor, I move to approve Resolution #2014-10, a resolution of the City of Benton City, Washington, amending the City Fee Schedule for city services and charges for the calendar year 2014.

Councilwoman Stade: I second.

MOTION #7- C. L. Lehman moved and C. L. Stade seconded to approve Resolution #2014-10, a resolution of the City of Benton City, Washington, amending the City Fee Schedule for city services and charges for the calendar year 2014.

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

Councilwoman Stade – Cost for Special Event permit – Non-profit exemption – Or business doing free event for benefit of public

6. RESOLUTION #2014-11 – AMENDING MUNICIPAL ADMINISTRATIVE CODE (1630/4/528*)

Mr. Ferguson – Explanation of amendments to Municipal Code

Councilwoman Stade: I'll make a motion that the discussion, I need to approve Resolution #2014-11, a resolution of the City of Benton City, amending the Benton City Administrative Code.

Councilwoman Lehman: I'll second.

MOTION #8- C. L. Stade moved and C. L. Lehman seconded to approve Resolution #2014-11, a resolution of the City of Benton City, Washington, amending the Benton City Administrative Code.

VOICE VOTE #8- C. M. McLeod, C. M. Lettau, C. L. Stade, C. L. Lehman
ALL YEAS. Motion carried.

7. FIRST READING – AMENDING B.C.M.C. – 13A.24 – WATER CHARGES (1787/3/957*)

Ms. Haug – Clarification of ordinance regarding charges for water services

Councilwoman Lehman: Mr. Mayor, I move to approve a First Reading, an ordinance of the City of Benton City, Washington, amending Section 13A.24.020 "Building Waterline Inspection and Approval"; Section 13A.24.040 "Altering Streets Restricted to Authorized Personnel"; Section 13A.24.070 "Connection Permit – Fee – Determination"; and Creating Section 13A.24.170 "Maintenance of Building Waterline and Meter Boxes".

Councilwoman Lettau: I second.

MOTION #9- C. L. Lehman moved and C. M. Lettau seconded to approve on the First Reading, an ordinance of the City of Benton City, Washington, amending Section 13A.24.020 "Building Waterline Inspection and Approval"; Section 13A.24.040 "Altering Streets Restricted to Authorized Personnel"; Section 13A.24.070 "Connection Permit – Fee – Determination"; and creating Section 13A.24.170 "Maintenance of Building Waterline and Meter Boxes".

VOICE VOTE #9- C. M. McLeod, C. M. Lettau, C. L. Stade, C. L. Lehman
ALL YEAS. Motion carried.

8. SCHEDULE COUNCIL TRAINING WORKSHOP (1856/2/327*)

*** Council discussion to schedule training workshop date and time ***

Ms. Haug – First option - June 5th – Second option – June 12th – 6 p.m.

9. VOUCHERS (1978/4/605*)

Councilwoman Lehman: Mr. Mayor, I move to approve payments of claim check numbers 26103 through 26136 and EFTs as listed in the amount of \$54,894.14, this 6th day of May, 2014.

Councilwoman Lettau: I second.

MOTION #10– C. L. Lehman moved and C. M. Lettau seconded for the City Council of the City of Benton City, Washington, to hereby authorize payment of Claim Check Numbers 26103 through 26136 and EFTs in the amount of \$54,894.14. These checks are approved for payment this 6th day of May, 2014.

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

ITEMS FOR DISCUSSION (2008/3/718*)

1. B.C.M.C. 20.60.040 – Review/Discuss existing development requirements for Auto Oriented Uses

Mr. Kerr – Auto oriented uses – Masons' request – What is the service area? Needs to be clarified within the Code – 20.60.040(b) – Should refine Code for multi-use – Council wish to look at this for further use

Councilwoman Stade – Thoughts – Financial hardship can't be exemption – But don't want it to be cost prohibitive – Want City to be well developed and plan for future - Front portion only use – Shouldn't have to pave entire area – Expensive – Some places City required cement skirting – But gravel – Good intentions – Not practical

Councilwoman Lettau – Who do we change for? Do we change for just him or everybody or whoever comes in with request

Mr. Kerr – Ambiguous – Hard to determine service area - Amend this to clarify – If service area consists of entire parcel – Should say so – Or we should identify areas to be excluded as well as landscaping area - Enough direction for future development – Same process as with fence – Reasons for using asphalt or cement – Textual amendment to zoning code – Identify intent – Send to Planning Commission – Planning Commission will give consideration – Public Hearing – Take public input back to Council – Reason why asphalt required – Dust suppression – Weeds – Some considerations can be taken care of by gravel – Need to identify what standards will require

Councilwoman Lehman – What kind of other uses?

Mrs. Mason – Carolyn Mason – Lots 2, 3 and 4 at 1204 Horne – In 1991 started car lot and built mini storage – Modified second lot for office at end – Lot 2 strictly for cars – Do have lease for taco truck – Willing to work with this – Looking at 14,000 square feet on first lot – Second lot almost 25,000 square feet – To pave all that – Could never recoup cost – Never have more than five or ten – Not very often over that —Closed for two years – Codes had been changed – Got drainage – No dust – Don't mind having a disabled parking area – We can work with that – Can work with entire pavement - Still have a

Lets Deal business license for storage – Has been continuous since 1992 - Have approach off Irene – Protect cars with posts and cables – Impound yard – Had special permit for Muffler shop – Modify and amend code to accept part – To just pave off Irene

Councilwoman Stade – Gravel under 10-15 cars for distinction between cars and storage area?

Mrs. Mason – Storage lot is separate

Councilwoman Stade – If amended to allow gravel where cars parked - Way to keep gravel in?

Mrs. Mason – Not at time – However simpler way to do it - Son does concrete – Maybe curb

Councilwoman Stade – Different uses of property – How to make it feasible and still attractive

Mr. Rutledge – Go walk the lot – Add gravel – Create dust – Needed service in town - Won't be selling a 40k car – Good tax base – Been here forever – Larger dealership could afford – By putting a hundred thousand dollar bill in front of them – Just prohibits business

Councilwoman Stade – Walked it – Very firm and compact – Hear Lee saying we can't make exception for who/who – Need to make modification

Mr. Rutledge – Number of cars

Councilwoman Stade – If fifteen or less – How about cement skirting – thoughts?

Mr. Mason – Harold Mason – 118 lbs. blocks – Car lot border – Start implementing asphalt in with gravel – Going to look bad – Chip away – Will look bad in future – Been there 22 years – Gravel is compact – Provide a service in Benton City – Can skirt area with car with blocks – Can also add curbing so gravel won't go all over – Two inch thick blacktop without concrete border – Money is not here – This is Benton City – Last of the old town

Councilwoman Stade – Want to help business – Needs to look attractive

Mr. Mason – Five ft. apron between road and lot – Nice to put shrubs – Trees – Irrigation water now – We want it to look nice – Want people to come in - \$100,000 for asphalt – We can't do that

Mayor Carnahan – Fact finding tonight – Are we changing the ordinance? Has to go back to Planning Commission - Real fact finding will happen at Planning Commission

Councilwoman Stade – City Council can make recommendations – Planning Commission reviews and makes recommendations – Council reviews and adopts

Mr. Kerr – Planning Commission text amendment process – May be another way to address code ambiguity – Particularly in regards to car lots vs. car washes, repair, detailing, etc.

Councilwoman McLeod – Can we look at each individual case by case? Everybody going to have same issues

Mr. Kerr – Have to have enough direction in Code so decision isn't arbitrary – Specifically "Auto Sales" and service areas

Mrs. Mason – I understand – I can sell front lot – They could do whatever they want – Auto sales – Detailing – Services, etc. – Size of business – Not driven - Parked

Mr. Mason – We have never dropped our license for Lets Make a Deal Auto – Only thing we did – Put up LLC for our protection – Good business -

Councilwoman Stade – When you quit using – Distinction between auto sales and service – Numbers of cars – Less than fifteen cars – Can adjust - Entrance skirting – Look attractive

Councilwoman Lehman – Not paving – Spills, gasoline oil, etc. – Gravel filtrates into ground – Under cars to protect

Mrs. Mason – Not going to be an issue – Better in gravel – Won't have car on lot if leaking

Mayor Carnahan – Gas stations must have containment - How is this issue handled in Pasco?

Mr. Kerr – Pasco has Russ Dean – These considerations need to go to Planning Commission – Fifteen or less equals less impact – What needs to be done – Contamination – Gravel kicked onto roadway – No dust, dirt or weeds – Purpose of Planning Commission

Mayor Carnahan – Anything else in code contamination – They're not going to want that to happen – Bad business

Mr. Kerr – Prevention and mitigation – Enforcement issue once goes wrong – Expect to hear from Planning Commission

Mayor Carnahan – County had county sheds – 7th and Dale – When removed – Had to excavate due to contamination – Costly - Giving a history – Want to refer to Planning Commission

Mr. Mason – 40 x 50 shop on his property – Service them there – Then move to lot

Mrs. Mason – We don't get repairs – We don't do service

Councilwoman Lehman – Trying to be flexible – Should be some flexibility in this ordinance – Not suggesting you pave whole lot - Look at environmental aspects – Need to pass back with waste management as criteria

Mayor Carnahan – From questions of Council to Planning Commission – Minutes – You folks need to be at Planning Commission meeting

Councilwoman Stade – Amount of use – Fifteen cars or less - Weeds and dust – Containment - Hazardous waste responsibility

Mayor Carnahan – Consensus to send to Planning Commission

2. E.D.C. Website Proposal – Consider proposal submitted by the Benton City E.D.C. (2999/2/789*)

Mr. Howell – Read it over – Have worked with Chamber and City – Would like to thank Stephanie for her part - Economics to be gained by operating in this fashion – To progress to develop website – put our own money into developing website – Obtained money from Benton REA – Still need \$3,525 to complete the 2014 effort - Hoping City Council will be willing to fund this development – Don't have enough money in budget to cover – Need to partner with City – Also partnering with Chamber of Commerce - Good looking website that will draw people to Benton City

Mayor Carnahan – Think about – Needs to be community wide website – Same website for Chamber and E.D.C. and City

Ms. Haug – Have had several meetings regarding this – We will all maintain separate websites as we are all separate entities – Each have different purposes within community – Will be linked – Go back and for the – Part of effort to say “Who’s doing what?” – Direct them throughout website – Coordinate entities

Mr. Howell – Works better – Links right over to ours or Chambers – Links utilizing best of all worlds – Maintain our focus

Mayor Carnahan – Index will break it down – Chamber covers tourism – E.D.C. covers job applications - City covers building permits – Can bring it up and decide which direction to go

Councilwoman Lehman – Purpose of coordination

Mayor Carnahan – Question at this time – Does City have \$3,500? Not on action item tonight – Bring back to Council in two weeks as action item – Get consensus tonight that Council will do this

Councilwoman Stade – Why wasn’t this on for approval? Why can’t this be an action item?

Ms. Haug – Need to develop contract for services – If Council wishes to move forward – Mr. Kerr will draft up contract for next meeting

Councilwoman Stade – Recognize expense is great – Do you think Red Mountain will help?

Mr. Howell – They’re interested and are watching closely to see what we do

GENERAL COUNCIL COMMENTS – (3272/1/679*)

Councilwoman Stade – Did the Planning Commission meet regarding fencing issue?

Ms. Haug – Have met – On next Agenda

Mr. Kerr – Caution – When you attend Planning Commission meetings - Quasi-judicial – If you want to go – Must be purely legislative – Listening included – Will taint second decision

Councilwoman Stade – Regarding citizen who brought up streets - Who is going to inspect the streets

Mayor Carnahan – Kyle with help of City Engineer

Ms. Haug – Any work done in public right-of-way – Must be licensed contractor – Need to get Street Cut Permit – Schedule with maintenance – Has to be approved by Maintenance or engineer – Also have to include traffic control plan if needed – Coordinate – Do work – Must provide compaction test before inspection – Kyle goes out and does visual inspection

Mr. Kurth – Contractor comes in and digs for water and sewer – City does tapping – When time to backfill - Visual of backfill – Must use 5/8 minus and not native material pulled out – After native material packed and before paving – After Compaction test 98% or better – Must pass before paved

Mayor Carnahan – Babs?

Mr. Kurth – Dragging feet – Don’t have a timeframe – Under new standard of 5/8 inch – Haven’t had issue since made a spec – Contractor on Babs upset

Councilwoman McLeod – Backtracking - Car lot – Overdevelop lot – Third lot could be sold – Limits future businesses - Effect water/sewer, etc.

ADJOURNMENT – Mayor Carnahan (3483/1/045*)

Councilwoman Lettau: I make a motion we adjourn.

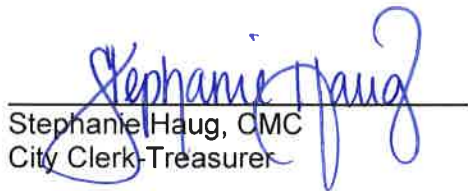
Councilwoman Lehman: I second.

MOTION #11– C. M. Lettau moved and C. L. Lehman seconded to adjourn the May 6th, 2014 Regular Council Meeting at 7:18 p.m.

VOICE VOTE #11–C. M. McLeod, C. M. Lettau, C. L. Stade, C. L. Lehman
ALL YEAS. Motion carried.

Meeting adjourned at 8:51 p.m. (3489/1/588*)


Lloyd Carnahan
Mayor, City of Benton City


Stephanie Haug, CMC
City Clerk-Treasurer

Date: 5/21/14