

**City of Benton City
Regular Council Meeting Minutes
July 1st, 2014**

CALL TO ORDER – Mayor Carnahan called the July 1st, 2014 Regular Council meeting to order at 7:00 p.m. (190/1/575)

PRESENTATION OF THE COLORS – City Clerk/Treasurer Haug led the Council and audience in the Pledge of Allegiance. (194/4/279)

ROLL CALL (205/2/083) Council Members Present –

**Michelle McLeod
Connie Meredith
Linda Lehman
Mary Lettau
Lisa Stade**

City Staff Present –

**Stephanie Haug, City Clerk/Treasurer
Paula Kauer, General Clerk-Purchasing
Kyle Kurth, City Maintenance Foreman**

Other Professionals Present –

**Alan Rainey, City Engineer, Spink Engineering LLC
Eric Ferguson, City Attorney, Kerr Law Group
Larry Howell, President, Benton City E.D.C.**

READING AND APPROVAL OF MINUTES (212/3/887)

- **REGULAR MEETING JUNE 17TH, 2014**

Councilwoman Meredith: Mayor, I make a motion to approve the Minutes June 17th, 2014.

Councilwoman Lehman: I second.

MOTION #1- C. C. Meredith moved and C. L. Lehman seconded to approve the Minutes and the June 17th, 2014 Regular Council Meeting as presented.

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

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

(225/2/495) - Department of Ecology WWTP Award

APPROVAL OF AGENDA (273/2/411)

Councilwoman Stade: I move to approve the Regular City Council Minutes as written, Agenda as written on July 1st, 2014.

Councilwoman Meredith: Second.

MOTION #2- C. L. Stade moved and C. C. Meredith seconded to approve the Agenda of the July 1st, 2014 Regular Council Meeting as presented.

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

1. VISITOR COMMENTS (282/4/826)

Heather Duncan, Benton City Chamber of Commerce - 4th of July – Friday – Pancake Breakfast at City Park – 7 a.m. - Flag Raising in Park – 9 a.m. – Kid’s Parade – 11 a.m. – 9th St. - 4 p.m. - Lions Club – BBQ, old-fashion games – Fireworks at dusk

Don Allen, 1001 7th Street – Website for Benton City – Not really been updated in a while – Really beneficial to update – Come up with many ideas – Make it user friendly – Tools to make things happen

Kathy Roberts, Elm Grove RV Park – Forced to live the “people” that aren’t qualified – Bullied and harassed – Don’t know where to go – Altered documents

Mayor Carnahan – Refer back to Sheriff’s Department

REGULAR REPORTS

1. EDC REPORT (467/1/381) Mr. Howell in transit – Move to end of Regular Reports

2. STAFF REPORTS - None (473/1/714) **Stephanie Haug, City Clerk/Treasurer**

3. ENGINEER REPORT (474/3/304)

Alan Rainey, City Engineer, Spink Engineering LLC - Pre-Con with Inland Asphalt next week – Dale Avenue -Tuesday, July 8th, 2014 at 9:00 a.m. – Work to start Monday, July 14th, 2014

Councilwoman Stade – Regarding procedure – When visitor comments – council not to make any decisions – Why are we not able to comment to visitor regarding what’s in our packets

Mayor Carnahan – Where it belongs – Staff – Could be legal issue

Councilwoman Stade – Why are we unable to respond?

Mr. Ferguson – Visitors Comments - Not on Agenda – Clarifying appropriate – Avoid “Fact Finding” – Could look like Public Hearing – Be very careful not to conduct hearing

Councilwoman Stade – Giving information?

Mr. Ferguson – Start a dialogue – Now having Public Hearing - Not a procedure

1. EDC REPORT (592/1/406)

Larry Howell, President, Benton City E.D.C. – Written Report Not Provided

4. COUNCIL COMMITTEE REPORTS (952/3/539)

Councilwoman Stade – None

Councilwoman Meredith – None

Councilwoman McLeod – Mosquito info - Unofficial

Councilwoman Lettau – None

Councilwoman Lehman – Made contact to Red Mountain – Met with Events Committee

Mayor Carnahan – Regular meetings – Nothing to report – Roundabout – Park turning green – Looks good – Tennis Courts

ITEMS FOR APPROVAL:

1. FIRST READING – ORDINANCE ADOPTING THE 2014 COMPREHENSIVE PLAN AMENDMENT (1028/1/850)

Mayor Carnahan – Update information

Councilwoman Meredith: Mr. Mayor, I move to approve on the First Reading, an ordinance of the City of Benton City, Washington, adopting the 2014 Comprehensive Plan, including the land use map.

Councilwoman McLeod: Second.

MOTION #3- C. C. Meredith moved and C. M. McLeod seconded to approve on the First Reading, an ordinance of the City of Benton City, Washington, adopting the 2014 Comprehensive Plan, including the land use map.

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

2. FIRST READING – ORDINANCE ADOPTING AN AREA-WIDE REZONE (1076/2/053)

Mayor Carnahan – Brief explanation of current status

Councilwoman Lettau: Mr. Mayor, I make a motion to approve on the First Reading, an ordinance of the City of Benton City, Washington, amending the zoning designation map of the City of Benton City.

Councilwoman Meredith: I'll second.

MOTION #4- 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 the zoning designation map of the City of Benton City.

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

3. FIRST READING – ORDINANCE ADOPTING A ZONING TEXT AMENDMENT – MANUFACTURED DISTRICTS (1111/2/849)

Councilwoman Meredith: Mr. Mayor, I move to approve on the First Reading, an ordinance of the City of Benton City, Washington, amending Section 20.06.010 "Classifications of Zone"; Section 20.09.295 "Modular Home"; Section 20.15.070 entitled "Additional Requirements"; repealing Chapter 20.26 "R-1M Residential Low Density Manufactured Home District"; repealing Chapter 20.27 "R-2M Residential Medium Density Manufactured Home District"; amending Section 20.30.010 "Permitted Locations"; and Section 20.60.260 "Adult Entertainment".

Councilwoman McLeod: I'll second it.

MOTION #5- C. C. Meredith moved and C. M. McLeod seconded to approve on the First Reading, an ordinance of the City of Benton City, Washington, amending Section 20.06.010 "Classifications of Zone"; Section 20.09.295 "Modular Home"; Section 20.15.070 entitled "Additional Requirements"; repealing Chapter 20.26 "R-1M Residential Low Density Manufactured Home District"; repealing Chapter 20.27 "R-2M Residential Medium Density Manufactured Home District"; amending Section 20.30.010 "Permitted Locations"; and Section 20.60.260 "Adult Entertainment".

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

4. FIRST READING – AMENDING B.C.M.C. 20.51 - FENCING (1172/4/508)

Councilwoman Lehman: Mr. Mayor, I move to approve on the First Reading, an ordinance of the City of Benton City, Washington, amending Benton City Municipal Code 20.51.050 "Fences, Hedges, Walls - - Height Requirements"; amending Section 20.51.060 entitled "Frontage Setback - - View Obstruction Prohibited"; and creating Section 20.51.065, entitled "Fence Location Diagram".

Councilwoman Lettau: I second.

MOTION #6- 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 B.C.M.C. 20.51.050 "Fences, Hedges, Walls - - Height Requirements"; amending Section 20.51.060 entitled "Frontage Setback - - View Obstruction Prohibited"; and creating Section 20.51.065, entitled "Fence Location Diagram".

Councilwoman Stade – Barbed wire – Should have for security – Atop 6 ft. fence

Councilwoman McLeod – Did make comment – Car parts shop – Bent down – Electrical wire – Animal Control – Not hurt people

Councilwoman Stade – Deterrent – Not 100% - Do we want to remove option

Councilwoman Meredith – Barb leans in – Should not eliminate for Commercial

Councilwoman Stade – One to three strands should be allowed over six feet

Mr. Ferguson – Corrections – Is not allowed

Councilwoman Stade – Page 2 – Height – Barbed wire prohibited – Want to remove prohibited – Use allowed

Mr. Ferguson – Way currently stated – Barbed/razor wire – Prohibited in Residential districts – Barbed wire up to three strands atop six foot fences allowed – In Commercial and Industrial – Razor wire is prohibited

Mayor Carnahan – Ag Suburban – Doesn't hurt to have six foot fence

Councilwoman Stade – Strike B – Non issue

Mr. Ferguson – Risky – Should leave it at six – Avoid 10 ft. fence

Councilwoman Stade – Change five to six

Mr. Allen – Field fence – Mesh smaller at bottom – Bigger at the top – Heights of 36" to 48" – Some people will string barbed wire at bottom – Field fence and runners at top – Behind that could be hot wire – T-posts come in two sizes – Limited how high fence can go

Ms. Duncan – Council comment – We don't want any electric fence in City – Recommend allowed in Ag Suburban

Ms. Haug – Electric fences regulated in nuisance code

Mr. Ferguson – Would allow in Residential as secondary fencing as drafted – Mr. Kerr – Recommended some form of permitting involved – Being able to check placement – Avoid expense down road – Downside – Have to send someone out to locate

Councilwoman Stade – Permit – Ask citizen to pay \$10 – Get packet with information – Fence line – Check and balance – Sign something showing receipt of information

Ms. Haug – Current code – Handout given to those contacting City Hall – Fencing ordinance

Mayor Carnahan – Not a permit though?

Councilwoman Stade – What is allowed – Wasn't clear before – make sure citizen received information

Mr. Ferguson – Diagram Page 3 – Helpful – Key – How much of a process do you want – Permit to be informational or placement – Location of property lines – whether citizen receives packet or not – They have to know regardless

Councilwoman Stade – Come in for information – Date/signature

Councilwoman McLeod – could be similar to Yard Sale Permit – No charge – Just information

Mr. Ferguson – Not just for information – City has knowledge – Being able to enforce equally – Stuck with enforcement mechanism – If do permit – Need to make sure it's enforced

Councilwoman McLeod – City did go around and enforce Yard Sale permits

Mr. Ferguson – Can't go halfway

Councilwoman McLeod – Defeats purpose of ordinance – The whole thing was getting a permit

Councilwoman Stade – New city website – FAQs for fencing

Mr. Ferguson – Customer Service – Not legal obligation – They're responsible for compliance – Another level of enforcement

Councilwoman Meredith – His perspective – City should require permit?

Mr. Ferguson – His point – Do permit thing – Cut down on problems in future

Councilwoman Stade – Could be expensive to find property lines

Councilwoman Meredith – City of Kennewick Fencing Standards – Very helpful – Maybe put in water bill

Ms. Lena Garza – My opinion as a citizen – Called City before starting fence – What do I do? I live at X – I have a contractor – I have plans to put up 4 ft. fence – Call the Benton County Auditor – Called city – Who did you speak to? In favor of permit – Could have been protected ability – Left with her interpretation of City Code

Councilwoman Lettau – Needed information – Didn't get information you needed up front

Ms. Garza – Went online – Got Code – Interpreted it probably differently than others – Have guidelines

Councilwoman Lettau – Would a permit alleviate issue

Mr. Ferguson – Permit – Information – They have the information – Code Enforcement – Reactive – Covers but adds layer of bureaucracy – Locating – Liability – Information

Ms. Garza – Lawyer – If you had a permit – Proceed with fence – From my standpoint – I could protect myself as citizen

Mr. Ferguson – Clarity in the Code – Solve issue of interpretation – Permit would require City's "blessing"

Ms. Garza – If clarity on Code – Will be resolved

Mayor Carnahan – We can pass on First Reading – Bring back for Second Reading – Informational Permit

Councilwoman Stade – I think we need to get permit – As much or more important than Yard Sale Permit

Ms. Haug – How is Informational Permit any different than handing out information packet? Issue might not seem unclear now – But in future – Someone could find it unclear – How is that different from where we are now?

Mr. Ferguson – Down side – Distinction – By creating permit process – Making mandatory – If folks don't do it – Enforcement issue – Other side – Get permit – Not saying – If given permit – Not saying fence is within Code – Still able to provide information – Fine line – Providing information on fences – Permit essentially making sure information given – Code Enforcement still in charge of enforcing ordinance – Not blessing plans prior to fence being built

Ms. Haug – My concern – If someone comes in to get fence permit – Will think what I'm going to do is okay because I got a permit

Mr. Ferguson – IRS example – Call all day but whatever information provided will not necessarily keep you out of trouble – Can put disclaimer on packet – Not saying plan okay – Saying you now have requirements – On your own to follow Code

Councilwoman Stade – I do want to force the informational part

Councilwoman Lehman – Don't agree – Think it opens can of worms for enforcement – Can obtain Code – Go on line – See the information

Councilwoman Stade – Our population 67% poverty – Some college – To expect informational level from people may not have internets or computers – ESL – Not saavy with country's legislation – Internet great way to go – Needs to be accessible to all not just those with internet access

Councilwoman McLeod – Needs to be available in packet paper and internet once updated – People need to be able to walk in to get information – Or find on internet

Mr. Ferguson – To Ms. Lehman's point – Can of worms – Sounds great to make informational – If mandatory – What to do if someone doesn't get one – Downside if don't – Code Enforcement aspect

Councilwoman Meredith – Do we make a motion amending this?

Karen Gary – Instead of permit – Call verification packet – That way they verify they know what ordinance is – If anything goes wrong - It's on them to pay for changes – Would save City issues – City has verification that they received information

Ms. Haug – Could City Hall just keep record of citizens that request information – Keep log

Mayor Carnahan – Everybody's happy with last concept? We can make a motion tonight on the First Reading as corrected

Ms. Haug – Already motion on floor to approve it as presented – Need to make motion to amend it – Will need to be approved – Then original motion as amended

Councilwoman Lettau: Mr. Mayor, I make a motion to amend the motion for the fencing that already, as written originally

Ms. Haug: You need to identify what changes you are amending to the original – Basically what changes to that ordinance you are making

Councilwoman Lettau: All right, so, I am making, okay, the changes that we are making would be to C.2., we are going to...it's going to be barbed wire and razor wire fencing is allowed, is that correct?

Mr. Ferguson: No, it's barbed wire and razor wire is prohibited in all Residential Districts.

Councilwoman Lettau: Okay, barbed wire and razor wire is prohibited in all Residential Districts. Okay, that's the one correction... and then...

Mr. Ferguson: Period, period. Barbed wire will be allowed in Commercial and Light Industrial, up to three strands on the top of a six foot maximum high fence, to that essentially.

Councilwoman Lettau: Okay, what he said, okay, exactly what he said...and then A.2.b...

Mr. Ferguson: The last part, sorry, sorry, the last part; we do need to; we're not totally done with that. The last part is that razor wire will be, will not be permitted in any Residential or Commercial zones

Mayor Carnahan: Just say any zone.

Councilwoman Lettau: Okay, any zones, there you go, okay. And also in the A.2.b, we're going to have field fences and the height not to exceed six feet.

Councilwoman Stade: Second.

MOTION #7- C. M. Lettau moved and C. L. Stade seconded to approve on the First Reading, an ordinance of the City of Benton City, Washington, amending B.C.M.C. 20.51.050 "Fences, Hedges, Walls - - Height Requirements"; amending Section 20.51.060 entitled "Frontage Setback - - View Obstruction Prohibited"; and creating Section 20.51.065, entitled "Fence Location Diagram", as amended to include changes to Paragraph C.2 regarding the allowance of barbed wire in Commercial and Light Industrial zones; and the prohibition of razor wire in every zone; and additional changes to Paragraph A.2.b., field fences not to exceed six feet in height.

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

5. RESOLUTION #2014-14 – SIX-YEAR STREET PLAN (2647/1/305)

Councilwoman Meredith: Mr. Mayor, I move to approve Resolution #2014-14, a resolution amending the Comprehensive Transportation Program from the years 2014 to 2019 for the City of Benton City, Washington.

Councilwoman McLeod: I'll second it.

MOTION #8- C. C. Meredith moved and C. M. McLeod seconded to approve Resolution #2014-14, a resolution of the City of Benton City, Washington, amending the Comprehensive Transportation Program from the years 2014 to 2019 for the City of Benton City, Washington.

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

6. WELL #5 COVENANT (2659/1/479)

Mr. Rainey – Explanation of Well #5 Covenant

Councilwoman Lehman: Mr. Mayor, I move to approve the Mayor to sign the Declaration of Covenant for the Well #5 large reservoir property to protect the Well #5 water supply.

Councilwoman Lettau: I second.

MOTION #9- C. L. Lehman moved and C. M. Lettau seconded to approve the Mayor to sign the Declaration of Covenant for the Well #5 large reservoir property to protect the Well #5 water supply.

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

7. VOUCHERS (2732/2/443)

Councilwoman Lettau: I move to approve payment of Claim checks numbers 26218 thru 26230 with EFTs as listed in the amount of \$62,471.25 this 1st day of July, 2014.

Councilwoman Lehman: I second.

MOTION #10- C. M. Lettau moved and C. L. Lehman seconded to approve payment of Claim Check numbers 26218 thru 26230 with EFTs as listed in the amount of \$62,471.25, this 1st day of July 2014.

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

ITEMS FOR DISCUSSION (1995/3/825)

Councilwoman Lehman – Event November 1st, 2014 – Benton City Thinks We Can Dance – Like to have City Government representative – Someone like to participate – Staff?

GENERAL COUNCIL COMMENTS (2146/1/612)

Councilwoman Stade – Other cities do “Nicest Lawn” contest – Notoriety to nicest lawn – Cleanest place – Wouldn’t take much – Be an area of focus

Councilwoman McLeod – Yard of the Month

Councilwoman Meredith – Any information regarding going paperless for Council meetings?

Ms. Haug – Continuing to work on it

ADJOURNMENT – Mayor Carnahan (2177/1/643)

Councilwoman Meredith: Mr. Mayor, I make a motion that we adjourn.

Councilwoman Lehman: Second.

MOTION #11- C. C. Meredith moved and C. L. Lehman seconded to adjourn the July 1st, 2014 Regular Council Meeting at 8:28 p.m.

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

Meeting adjourned at 8:28 p.m. (2844/4/275)

Lloyd Carnahan

Lloyd Carnahan
Mayor, City of Benton City

Stephanie Haug

Stephanie Haug, CMC
City Clerk-Treasurer

Date: 7/16/14