

**City of Benton City
Regular Council Meeting Minutes
July 15th, 2014**

CALL TO ORDER – Mayor Carnahan called the July 15th, 2014 Regular Council meeting to order at 7:00 p.m. (282/2/000*Audio recording begins)

PRESENTATION OF THE COLORS – Councilwoman Meredith led the Council and audience in the Pledge of Allegiance. (285/2/294*)

ROLL CALL (296/1/541*)

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**

City Staff Absent –

Kyle Kurth, City Maintenance Foreman

Other Professionals Present –

**Lee Kerr, City Attorney, Kerr Law Group
Alan Rainey, Spink Engineering LLC**

Other Professionals Absent –

Capt. Clay Vannoy, Benton County Sheriff's Office (Fire Call)

READING AND APPROVAL OF MINUTES (303/2/453*)

- WORKSHOP MEETING – June 5th, 2014

- REGULAR MEETING July 1st, 2014

Councilwoman Lehman: Mr. Mayor, I move to approve the Minutes of the July 1st Regular Council Meeting as written.

Councilwoman Stade: Second.

MOTION #1- C. L. Lehman moved and C. L. Stade seconded to approve the Minutes of the July 1st, 2014 Regular Council Meeting as written.

Councilwoman Meredith – Page 5 bottom – July 1st meeting – Mr. Ferguson – States you know – Should be now

Mayor Carnahan – Any further corrections? Motion to approve as corrected

Councilwoman Meredith: Mr. Mayor, I make a motion to approve the Minutes as corrected.

Councilwoman Stade: Second.

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

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

Councilwoman Meredith: Mr. Mayor, I make a motion to approve the Minutes of the June 5th, 2014.

Councilwoman Lettau: I second.

MOTION #3- C. C. Meredith moved and C. M. Lettau seconded to approve the Minutes of the June 5th, 2014 Council Workshop Meeting.

VOICE VOTE #3- C. M. McLeod, C. C. Meredith, C. L. Lehman, C. M. Lettau, C. L. Stade

ALL YEAS. Motion carried.

OPENING REMARKS, "HOUSEKEEPING" ITEMS, EXECUTIVE SESSION REQUESTS, ETC.
(360/4/646*) - Liquor Control Board

Councilwoman McLeod – Fence at park – New picnic tables at Skate Park

Mayor Carnahan – Address at end – General Comments section

Councilwoman Stade – Should it be Items for Discussion – Discuss giving you a raise?

Mayor Carnahan – We can discuss that in General Comments also

APPROVAL OF AGENDA (405/3/002*)

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

Councilwoman McLeod: I second it.

MOTION #4- C. C. Meredith moved and C. M. McLeod seconded to approve the Agenda as presented.

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

1. VISITOR COMMENTS (416/3/673*) Heather Duncan, Benton City Chamber of Commerce and E.D.C. - *Voters Forum – Thursday eve – Ki-Be High School Performing Arts Center – Doors open at 6 p.m. – Begins at 6:30 p.m. – Primary forum – ***Chamber Luncheon** – July 17th – Thursday at noon – RSVP - Betty Haimes – Horse Therapy – ***Benton City Daze** – August 2nd – Usual activities – Pancake breakfast - Parade 10 a.m. – Little Miss Pageant at noon – Street dance – Stompin' Ground

Councilwoman McLeod – Street blocked off? Children visible

Ms. Duncan – Vendors in park - Street dance in same place as last year

REGULAR REPORTS

1. SHERIFF'S REPORT (552/3/491*) Sheriff's Report – June 2014 - In Packet

303 Calls for Service vs. 385 in 2013

29 Case Offenses vs. 32 in 2013

22 Infraction Offenses Issued

2. STAFF REPORTS (561/1/052*) Stephanie Haug, Benton City Clerk/Treasurer

- Code Report – In packets

3. ENGINEER REPORT (563/1/951*) Alan Rainey, Spink Engineering LLC - *Dale Avenue – Start August 4th – ***T.I.B. Sidewalk Project** – Around school/Horne – Looking at eligibility – Application due August 22nd

Elaine Coates – Business Owner - Quail Crossing – Kids walking to school - Semis whizzing by – Little old ladies in wheelchairs and walkers – No place for ADA to get on sidewalk at corner – Dangerous – Anyway to make on ramp for handicap there?

4. COUNCIL COMMITTEE REPORTS (637/4/578*)

Councilwoman Stade – Tulip Stop – Cameras in buses – Heighten security - Increase ridership – Improve bus stop appearance

Councilwoman Meredith – None

Councilwoman Lehman – None

Councilwoman Lettau – None

Councilwoman McLeod – None

Mayor Carnahan – Breakfast meeting – Thursday

ITEMS FOR APPROVAL:

1. SECOND READING – ORDINANCE 935 – AMENDING B.C.M.C. 20.51 - FENCING
(664/1/534*)

Councilwoman Lehman: I move to approve on the Second Reading, Ordinance 935 of the City of Benton City, Washington, amending Benton City Municipal Code Section 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 #5- C. L. Lehman moved and C. M. Lettau seconded to approve on the Second Reading, Ordinance 935 of the City of Benton City, Washington, amending Benton City Municipal Code Section 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”.

VOICE VOTE #5- C. C. Meredith, C. L. Lehman, C. L. Stade, C. M. Lettau, C. M. McLeod

ALL YEAS. Motion carried.

2. TENNIS COURT GROUND SURVEY (743/3/643*)

Mr. Rainey – Overview of tennis court ground survey issues

Councilwoman Stade: Mr. Mayor, I move to approve we award the contract to Spink Engineering, and I guess (inaudible) so I’m proposing my own, to Geophysical Survey LLC to perform a ground penetrating radar survey on the tennis courts at Archie Borden Park in an amount not to exceed \$850 plus Washington State Sales Tax (if applicable).

Councilwoman Meredith: I’ll second.

MOTION #6- C. L. Stade moved and C. C. Meredith seconded to approve hiring GeophysicalSurvey LLC to perform a ground penetrating radar survey on the tennis courts at Archie Borden Park in an amount not to exceed \$850 plus Washington State Sales Tax (if applicable).

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

3. WEBSITE DESIGN, DEVELOPMENT, AND HOSTING SERVICES RFP (899/2/494*)

Ms. Haug – Overview of Request of Proposals

Councilwoman Lehman: Mr. Mayor, I move to approve the Request for Proposals for website design, development and hosting services.

Councilwoman Meredith: Second.

MOTION #7- C. L. Lehman moved and C. C. Meredith seconded to approve the Request for Proposals for website design, development and hosting services.

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

4. JONAH AVENUE DESIGN PROJECT (931/4/406*)

Mr. Rainey – Estimate of Jonah Place and Faye Avenue Design Project

Councilwoman Meredith: Mr. Mayor, I make a motion to accept the (inaudible) drain bids for Jonah Place and Fay Avenue Design, Job #10-122.

Councilwoman McLeod: I second it.

MOTION #8- C. C. Meredith moved and C. M. McLeod seconded to accept Jonah Place/Fay Avenue Design Bid, Job #10-122

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

5. VOUCHERS (1066/4/847*)

Councilwoman Lehman: Mayor, I move to approve payment of Claim check numbers 26241 thru 26268 and EFTs as listed in the amount of \$31,304.83 this 15th day of July, 2014; and Payroll check numbers 26216, 26217, 26231 thru 26240, with EFTS as listed in the amount of \$56,600.39.

Councilwoman Meredith: Second.

MOTION #9- C. L. Lehman moved and C. C. Meredith seconded for the City Council of the City of Benton City, Washington, to hereby authorize payment of Voucher Check Numbers 26241 thru 26268 and EFTs as listed in the amount of \$31,304.83 & Payroll check numbers 26216, 26217, 26231 thru 26240, with EFTS as listed in the amount of \$56,600.39 this 15th day of July, 2014.

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

ITEMS FOR DISCUSSION

1. PAPERLESS COUNCIL PACKETS (1107/3/448*)

Ms. Haug – Overview of Paperless Council Packets

Councilwoman Meredith – Leave on back burner – Lot of money

Councilwoman McLeod – Access paperwork on line?

Mayor Carnahan – Table for now

2. PLANNING COMMISSION (1556/4/217*)

Mayor Carnahan – No interest – One vacant position and one pending vacant position

Mr. Kerr – Letter to Mayor - Five options – One is to reduce Planning Commission to three members – Minimal number we could go – Second – Eliminate Planning commission altogether – Council can fulfill those duties – Would assume more responsibility – Third - Combine Planning Commission with another existing board – Only other board on books right now is Park Board – Members would serve on two different capacities with two different functions – Right after other on same night – Various times – Alternating months – Could reduce number of people involved in process – Hopefully make it more attractive and more functional – Fourth – Use Hearing Examiner – Already in use with Board of Adjustment – One single person making recommendations and in some cases making decisions – Only one person makes scheduling easier – Generally professional – Dramatically reduces challenges such as liabilities and lawsuits – Reason we now use Hearing Examiner for Code Violations – Would broaden those – More expensive option – Fifth – Find someone to do it – Combine with County – Similar to other counties – Consolidated into one agency – Work with Benton County – Capacity – Affordable – Re-structuring required – Changes required in zoning code – Just few options other than heavier recruiting

Mayor Carnahan – Nice to have Planning Commission – Cuts back on meetings Council would have to attend – Don't have Park Board – Could we reduce Planning Commission to three? Quorum of two required – Big burden on two people to set policy for City – Haven't had full quorum for several months anyway – What would be required to drop from five to three?

Mr. Kerr – Simple change to Code

Mayor Carnahan – Council would like to consider?

Councilwoman Meredith – Good first place to start

Councilwoman Lehman – Was on Planning Commission for six years – Like idea of five – Another option not discussed – Council members could go out and recruit citizens we think would be qualified

Mayor Carnahan – Don't need to make decision tonight – Would also like to see five – Can't postpone these meetings

Councilwoman Stade – How often do they meet?

Ms. Haug – As needed

Councilwoman Stade – Would like to see good cross-section of citizens on Board – Is it an option to pay people on Planning Commission – A stipend to do it?

Mr. Kerr – Don't know of any Planning Commissions that pay – However not against law to do so

Mayor Carnahan – Lot of reading – Few meetings – Go quickly – With exception of Shoreline Management type issues

Councilwoman Lehman – Can we advertise position in water bills

Councilwoman McLeod – Agree we need more time to find people

3. DNR/BLM LAND (1934/4/848*)

Mayor Carnahan – Status update of DNR/BLM Lane issue

Claude Oliver – Didn't go to DNR in beginning – Listing agreement is 6.5 at the Freeway – Look at how to configure a convenience store/possible motel/eating establishment in conjunction with traffic flow – With Benton City having delivered services over to other side of freeway – Mr. Kerr provided cost impacts City has incurred to prep land thus far – What do we really have with 6.5? Take away railroad right-of-way/dedication/causeway – Quickly 6.5 acres melted down to just under 4 – Lost major marketing opportunity – Start to figure out turn lanes – Get tour buses in – Be able to turn around and service people – All energy went to needing more land – City has expressed would like a park – Would like to have motel with jobs created – Other business amenities – Prepared briefing packet for Council – In context – Snapshot – Have shown site to a significant convenience store/gasoline operator - Met with many parties – Car block owner – Hotel group – Hotel owner – Concern about how to get traffic to south side of freeway – Ensure a profit vs. subsidizing start of business in Benton City – Teamed up with John L. Scott Realty with contacts in business - Met with DNR – Would like \$7.5M for 200 acres - 37,500/acre – Sticker shock – Benton City at point needing to bring in other options for development – Meeting with Mr. Kerr regarding DNR Option Memo – Concerned – Have parties interested – Rather than lock up Benton City's long term interest for an unknown – We believe we should go to Public Land auction of DNR lands – Allows us to test waters – Unknown if DNR will place a minimum value – Still optimistic about project – One developer flew up from Nevada – Local investor willing to team up - Make decisions about what direction based on what is known now

Mr. Kerr – DNR – Large landowner of public Lands – Primary purpose to secure funding for education – Trades for income producing land – Not motivated to sell – Normally based upon appraisal – Potential buyer must secure appraisal thru appraiser provided by DNR – Cost of appraisal is deducted from purchase price in event of sale – Basically upfront commitment from potential buyer – May be able to get Legislature to create bill requiring DNR to sell certain piece of property – Work with DNR to motivate them to sell this particular piece of property – One option – Have City secure option to pay for property with obligation to pay for appraisal – City holds for

certain amount of time – Usually twelve months – For appraisal price plus negotiated amount - Secure right of City to buy that property – City in turn negotiates the option to another buyer – Other buyer exercises City option to purchase land – Probably most viable option available – Most difficult thing probably to motivate DNR to sell property - Interest but not for urban use – Perhaps be able to motivate DNR by de-annexing the property – Leaves DNR with limited uses – Certainly wouldn't foster use for \$37,500 per acre – Only come where access to City utilities – By de-annexing – Would remove from urban area – Would not provide ready availability of City services – At this stage should continue negotiation with DNR – Perhaps use de-annexation card as means to motivate DNR to sell property – Probably come to point where City will secure option – Including securing appraisal on property

Mayor Carnahan – City can also hire appraiser

Randy Rutledge – Dick Pullus – Moses Lake – AgCom - Appraiser - \$3,500 to \$5,000 for appraisal – Difficult to get comps for property - 2009 – Oneza value - \$6,000 –\$37,000 is considered very high

Mr. Kerr – Got comps from Pasco transaction – Not comparable

Mayor Carnahan – If City does hire own appraiser - No guarantee DNR will accept appraisal – Figure out way to put it out for public bids – Said would sell to City for 40%-50% down at 6% interest – If City did sell to developer – DNR wants share of increased cost – Never heard of such a thing – Spoke with Legislator Walsh from District 16 – Wants email and she will start legislation for this – Worst case scenario – City de-annexes – Best – Get DNR to open for public bid – Six or seven different parcels in land – 60 acres could be used for farming – But must be outside City limits to do it – City needs some kind of guarantee by DNR is we do turn around and sell – No additional fees back to DNR – Probably going to end up paying appraisal cost – May not go any further with it - Two year shelf life of appraisal – City purchased original land for \$9,100 – Included right-of-ways – About \$81,000 and additionally cost for leveling and adding water and sewer

*** Discussion on 1-82/DNR Land ***

Councilwoman McLeod – Once all purchased and developed – Who pays utility costs

Mr. Kerr – Developer will pay – Look to see uses available – Still make profit on project

Councilwoman Lehman – Public Auction – Will City have any role in what is done with property?

Mayor Carnahan – City would have no role – Best for us to get it to private people – Will have to match up with zoning – They pay infrastructures – Out of City's hands

Councilwoman Meredith – Would like more research – Public auction might be best

Mayor Carnahan – Would like consensus to get with Mr. Kerr to start looking at process – Already spent money on property – May have to be we'll have to spend money and go forward with it

Councilwoman Stade – Would representative of City be bidding at public auction? See what market bears

Mr. Kerr – One of models used – Advertise property for sale – Seeking sealed bids up to certain date – Open bids – Award highest bid – No distinction between useful entity and private entity – If perhaps they chose to give City advantage – Otherwise no advantage

Councilwoman McLeod – If land auctioned off – What is guarantee land will go towards what City has been planning?

Mr. Kerr – Two issues – De-annexation and auction – De-annexation means outside City limits – City loses control – City can't do zoning/licensing/permitting – Cannot be anything other than rural activity – Orchard/vineyard/field – But not businesses or homes – Cast a die – Inside or outside

City – You are correct about auction – Buyer will be subject to City zoning if inside – Outside in County – No say

Mayor Carnahan – Currently zoned Light Industrial

Councilwoman Stade – Considered Red Mountain AVA? Possibly asking high amount due to nearness to recent million dollar auction in AVA – Would DNR object to de-annexation?

Mayor Carnahan – Protested being in annexation in first place

Ms. Haug – Confusion about current plan

Mayor Carnahan – Should probably go for Public Auction – Takes out of City hands – Still in City limits – Second option is to purchase ourselves – No money – Third option – Just sit on it – Talk of wanting to put in 60 acres grapes on hill – Can't do grapes if not putting in winery – Not enough grapes for winery – Last option – De-annexation – Not attractive – One reason for de-annexation – Several years ago – City tried to include in our Urban Growth Boundary – 700 plus acres - Smith Orchards – County came back with City already has too much open land – Wanted City to de-annex 40 acres with cherries – Leave it in gives us 260 acres not working for City – Consensus – Can try to three options – Best one is public auction – City getting tied up with appraisals not good idea – Mr. Kerr and I will be working on process for public auction

Councilwoman McLeod – My concern – Goes to public auction – “Mr. Smith” buys pieces – Ups value even more to sell it to build

Mayor Carnahan – If goes to public auction – De-annexation not planned – City still have control over zoning – Do I have consensus to look into public auction?

Councilwoman Stade – Is that your recommendation, Mr. Kerr?

Mr. Kerr – Need to continue negotiations with DNR – See what our options are – See if we can convince them to put property up for sale

GENERAL COUNCIL COMMENTS (2929/3/679*)

Councilwoman Stade – When was last time Mayor was given a raise

Mayor Carnahan – Twelve years ago

Mr. Kerr – Couple of issues – Long time since re-consideration – Twelve years ago mayor was proposing position be made full time with considerable cost increase – Council made conscious decision – Not direction to take City – Kept salary low to recognize primarily volunteer effort as opposed to paid effort – Council has capacity to change Mayor's salary – Safer route would be to make effective at beginning of next term

Mayor Carnahan – Increased from \$7,600 to \$9,000 to attract more retired people – Tax reasons

Councilwoman Lehman – Would like to see salary raised to attract younger people – Good to have fresh blood – Nice to offer salary worthwhile for younger people with families

Mayor Carnahan – AWC book for mayor salaries – Should start there to find average - Bring back for next meeting

Mr. Kerr – Many cities our size have a full-time administrator – Need to compare with cities that do not employ administrative – Make that primary distinction

Councilwoman Lehman – Roundabout?

Mayor Carnahan – Spoke with Don Whitehouse – Not sure if or when we'll get the money

Councilwoman Lehman – Passed our design and theme for City – Includes lots of brick - Could we have some elements of design reflected on roundabout

Ms. Haug – Per WSDOT – Anything above design standards will need to be submitted to be approved – City will have to fund – Easy thing may be to hire someone to do drawings or renderings of idea for Council to vote on and get cost estimates to present to DOT – Set money aside then work with DOT on those designs – Will have to get proposal together to send to WSDOT

Councilwoman McLeod – Skate park fence - Children and adults going over the fence – Install gate? Can cause concerns down road - People are trampling fence - Post sign on fence

Councilwoman Lehman – Who is City sponsoring for Dancing with the Stars – Perform with dancing pro or own partner

ADJOURNMENT – (3294/4/887*)

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

Councilwoman McLeod: I second.

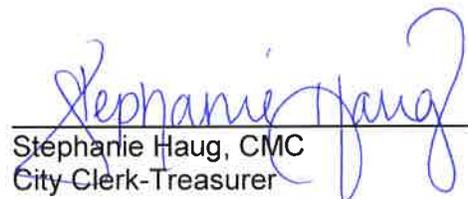
MOTION #10– C. C. Meredith moved and C. M. McLeod seconded to adjourn the July 15th, 2014 Regular Council Meeting at 8:40 p.m.

VOICE VOTE #10– C. C. Meredith, C. M. McLeod, C. L. Stade, C. L. Lehman, C. M. Lettau ALL YEAS. Motion carried.

Meeting adjourned at 8:40 p.m. (3298/2/344*)



Lloyd Carnahan
Mayor, City of Benton City



Stephanie Haug, CMC
City Clerk-Treasurer

Date: 8-6-14