

**City of Benton City
Regular Council Meeting Minutes
September 3rd, 2013**

CALL TO ORDER – Mayor Carnahan called the September 3rd, 2013 Regular Council Meeting to order at 7:00 p.m. (14/1/043*Audio recording begins)

PRESENTATION OF THE COLORS – Councilwoman Johnson led the Council and audience in the Pledge of Allegiance. (29/1/700*)

ROLL CALL – (34/3/859*) Council Members Present –
Lisa Stade
Mary Lettau
Connie Meredith
Francisca Proctor
Honda Johnson

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

Other Professionals Present –
Patrick Galloway, City Attorney, Kerr Law Group
Larry Howell, President, Benton City E.D.C.

READING AND APPROVAL OF MINUTES (42/1/369*)
- **REGULAR MEETING AUGUST 20th, 2013**

Councilwoman Stade: Mr. Mayor, I move that we approve the Minutes as written...of August 20th.

Councilwoman Meredith: I second.

MOTION #1- C. L. Stade moved and C. C. Meredith seconded to approve the Minutes of the August 20th, 2013 Regular Council Meeting as presented.

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

OPENING REMARKS, “HOUSEKEEPING” ITEMS, EXECUTIVE SESSION REQUESTS, ETC. –
None (57/2/117*)

APPROVAL OF AGENDA – (62/1/490*)

Councilwoman Johnson: Mayor, I make a motion that we approve the Agenda of September 3rd, 2013 as presented.

Councilwoman Meredith: I second.

MOTION #2- C. H. Johnson moved and C. C. Meredith seconded to approve the September 3rd, 2013 Agenda as presented.

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

1. VISITOR COMMENTS – (71/1/481*)

Lena Garza,

- Trying to put up fence – Long story – Did what we had to do

Mayor Carnahan – Interrupting you - Taken care of month ago – Met with attorney – Discussed with City Council

Ms. Garza – Not invited

Mayor Carnahan – Were invited – Told two weeks before Council Meeting you would be on Agenda

Ms. Garza – You told me it would not be unless I pursued it – City didn't respond to my attorney

Mayor Carnahan – Would you like to be on future Agenda?

Councilwoman Meredith – Concern – Can't she finish speaking, please?

Mayor Carnahan – Not the place for it

Councilwoman Stade – Remember thinking about it – Did she get letter stating date she would be on Agenda?

Mayor Carnahan – Do you want to be placed on the Agenda again?

Ms. Garza – Please – Would like my side to be presented

Mayor Carnahan – Two weeks from tonight – You will be on Agenda

Randy Rutledge – Will E.D.C. be on Agenda tonight?

Ms. Haug – Not on Agenda – Last minute

Councilwoman Stade – Amend Agenda for E.D.C.?

Mayor Carnahan – Already approved Agenda

Councilwoman Johnson – Items for Discussion?

Ms. Garza – I'm sorry – Can we reschedule? Not available in two weeks

Mayor Carnahan – On Agenda 10/1/13

***** Special Presentation – Darrick Dietrich, Ed's Disposal *****

Mr. Dietrich – Propose C.P.I. Increase – Mild – 1.6% - Take 90% of 1.6% - Net change 1.4% - Residential \$16.46 to \$16.70 - \$.24 per month – Seniors – Up \$.14 to \$10.04 - Meeting the City's needs – Any questions?

Councilwoman Lettau – Last Increase?

Mr. Dietrich – Last year – Annually – Use C.P.I. to accommodate inflation – Transfer Station – Had to do rate increase

REGULAR REPORTS

1. **STAFF REPORT** – (345/4/398*) None
Stephanie Haug, City Clerk/Treasurer
2. **E.D.C. REPORT** – (348/2/772*)
Larry Howell, President, Benton City E.D.C.
<<< Written report not provided >>>
3. **ENGINEER REPORT** – (553/4/313*) None
4. **COUNCIL COMMITTEE REPORTS** (558/2/717*)

Councilwoman Lettau – None

Councilwoman Procter – None

Councilwoman Johnson – Mosquito Control Board Meeting– 9 Testing of West Nile in State – 1 – On person

Mayor Carnahan – None

Councilwoman Stade – Benton Franklin Transit – Planning – Public Comment on bus routes – Extended hours – Dial-a-Ride prior reservations – All four Transit drivers in rodeo took 1st thru 4th in Spokane – Get to go to Nationals

Councilwoman Meredith – None

ITEMS FOR APPROVAL:

1. **SECOND READING – ORDINANCE #924 – UPDATING INTERNATIONAL BUILDING CODES -**
(623/3/041*)

Councilwoman Johnson: Mayor, I move that we approve Ordinance No. 924, an ordinance of the City of Benton City, Washington, amending Section 15.08.010 “Adoption of Building Codes” adopting the 2012 International Codes by reference, and providing for the adoption of future amendments on the Second Reading.

Councilwoman Stade: Second.

MOTION #3- C. H. Johnson moved and C. L. Stade seconded to approve on the Second Reading, Ordinance No. 924, an ordinance of the City of Benton City, Washington, amending Section 15.08.010 “Adoption of Building Codes” adopting the 2012 International Codes by reference, and providing for the adoption of future amendments.

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

2. **FIRST READING – 2013 BUDGET AMENDMENTS -** (644/2/721*)

Ms. Haug – Explanation of 2013 Budget Amendments

Councilwoman Stade: I so make a motion that we accept the 2013 Proposed Budget Changes ordinance of the City of Benton City, Washington, amending the 2013 Budget, as adopted by Ordinance 913.

Councilwoman Meredith: I second.

MOTION #4- C. L. Stade moved and C. C. Meredith seconded to approve on the First Reading, an ordinance of the City of Benton City, Washington, amending the 2013 Budget, as adopted by Ordinance 913.

ROLL CALL VOTE #4- C. C. Meredith, C. M. Lettau, C. L. Stade, C. F. Procter, C. H. Johnson
ALL YEAS. Motion carries.

3. RESOLUTION #2103-21 – AUTHORIZING MAYOR TO SIGN T.I.B. AGREEMENT – STREET LIGHT FEASIBILITY STUDY - (835/1/094*)

Councilwoman Meredith: Mr. Mayor, I make a motion that we pass Resolution No. 2013-21, a resolution of the City Council of the City of Benton City, Washington, authorizing the Mayor to sign the Solid State Streetlight Demonstration Project Agreement between the City and the State of Washington Transportation Improvement Board.

Councilwoman Stade: Second.

MOTION #5- C. C. Meredith moved and C. L. Stade seconded to approve Resolution No. 2013-21, a resolution of the City of Benton City, Washington, authorizing the Mayor to sign the Solid State Streetlight Demonstration Project Agreement between the City of the State of Washington Transportation Improvement Board.

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

4. RESOLUTION #2013-22 – AUTHORIZING THE MAYOR TO SIGN SOLID WASTE MANAGEMENT INTERLOCAL AGREEMENT – (914/1/005*)

Councilwoman Johnson: Mayor, I move that we approve Resolution No. 2013-22, a resolution authorizing the Mayor to sign the Solid Waste Management Interlocal Agreement with Benton County, Richland, Kennewick, West Richland and Prosser.

Councilwoman Procter: I second.

MOTION #6- C. H. Johnson moved and C. F. Procter seconded to approve Resolution No. 2013-22, a resolution authorizing the Mayor to sign the Solid Waste Management Interlocal Agreement with Benton County, Richland, Kennewick, West Richland and Prosser.

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

5. RESOLUTION #2013-23 – AUTHORIZING THE MAYOR TO SIGN BENTON COUNTY FRANCHISE AGREEMENT - (938/4/666*)

Ms. Haug – Explanation of Benton County Franchise Agreement

Councilwoman Lettau: I make a motion that we approve Resolution No. 2013-23, a resolution authorizing the Mayor of the City of Benton City to sign the Agreement for non-exclusive Franchise between Benton County and the City of Benton City.

Councilwoman Procter: I'll second.

MOTION #7- C. M. Lettau moved and C. F. Procter seconded approve Resolution No. 2013-23 authorizing the Mayor of the City of Benton City to sign the Agreement for non-exclusive Franchise between Benton County and the City of Benton City.

VOICE VOTE #7- C. H. Johnson, C. F. Procter, C. C. Meredith, C. L. Stade, C. M. Lettau
ALL YEAS. Motion carried.

6. VOUCHERS (991/2/578*)

Councilwoman Johnson: Mayor, I move to approve payments of Claim check numbers 25627 thru 25641 and EFTs as listed in the amount of \$42,870.48, this 3rd day of September, 2013.

Councilwoman Procter: I'll second.

MOTION #8- C. H. Johnson moved and C. F. Procter seconded for the City Council of the City of Benton City, Washington, to hereby authorize payment of Claim Check Numbers 25627 thru 25641 and EFTs as listed in the amount of \$42,870.48, this 3rd day of September, 2013.

ROLL CALL VOTE #8- C. H. Johnson, C. C. Meredith, C. L. Stade, C. F. Procter, C. M. Lettau
ALL YEAS. Motion carries.

ITEMS FOR DISCUSSION - (1011/1/506*)

1. MARIJUANA MORATORIUM - (1012/3/431*)

Patrick Galloway, City Attorney, Kerr Law Group

Mr. Galloway - Changes in laws – October 1st, 2013 date of Public Hearing – Date of Public Hearing – Memo from U.S. Attorney General's Office – Current policy laid out for enforcement against WA/CO Marijuana – Low priority in federal stance – Impact – Some level of comfort when issuing business licenses for marijuana friendly communities

Councilwoman Johnson – How does this effect City? Still federally illegal

Mr. Galloway – Memo from before regarding Medical Marijuana – Government aiding and abetting – This indicates new policy – No guarantee they won't be prosecuting

Councilwoman Johnson – Can we deny someone a license?

Mr. Galloway – That's the question – State could begin issuing licenses as early as November 2013 – Moratorium – No licenses issued – The legal question – Where cities stand – Goal – Not be the City in the lawsuit – Planning issues even if ignore conflict between State and Federal Law – Regulating locations – Proceed with caution

Councilwoman Meredith – Any other cities with regulations? Anything we could look at?

Mr. Galloway – Yes and No – Cities on West side favorable to new laws – Liquor Control Board proposing changes to rules to clarify – There are examples - Longer we wait – More examples

GENERAL COUNCIL COMMENTS – (1315/4/775*)

Councilwoman Stade – Positive things that happen – As a Council – Give highlights of things we've done – Promote things going well – Couple of highlights on water bill

Mayor Carnahan – In paper- Had City Corner in old paper

Councilwoman Meredith – Would like to know about bench

Ms. Haug – Waiting on plaque

Mayor Carnahan – Bollards – Will need to put up fencing – Catch them

ADJOURNMENT – Mayor Carnahan (1402/4/505*)

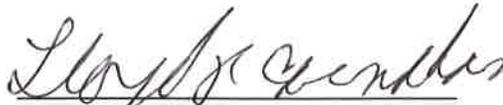
Councilwoman Johnson: Mayor, I make a motion we adjourn.

Councilwoman Proctor: I'll second.

MOTION #9– C. H. Johnson moved and C. F. Procter seconded to adjourn the September 3rd, 2013 Regular Council Meeting at 7:47 p.m.

**VOICE VOTE #9– C. C. Meredith, C. H. Johnson, C. F. Procter, C. L. Stade, C. M. Lettau
ALL YEAS. Motion carried.**

Meeting adjourned at 7:47 p.m. (1407/1/710*)



Lloyd Carnahan
Mayor, City of Benton City



Stephanie Haug, CMC
City Clerk-Treasurer

Date: 9/18/13