

**City of Benton City  
Regular Council Meeting Minutes  
January 6<sup>th</sup>, 2015**

**CALL TO ORDER** - Mayor Carnahan called the January 6<sup>th</sup>, 2015 Regular Council meeting to order at 7:00 p.m. (176/1/697)

**PRESENTATION OF THE COLORS** - Councilwoman Lettau led the Council and the audience in the Pledge of Allegiance. (182/4/746)

**ROLL CALL** - (195/2/115) Council Members Present

**Michelle McLeod  
Linda Lehman  
Mary Lettau**

Council Members Absent

**Connie Meredith** (Illness)  
**Lisa Stade** (Illness)

City Staff Present –

**Stephanie Haug, City Clerk/Treasurer  
Paula Kauer, General Clerk**

Other Professionals Present –

**Alan Rainey, City Engineer, Spink Engineering LLC  
Lee Kerr, City Attorney, Kerr Law Group  
Larry Howell, President, Benton City EDC**

**Councilwoman Lettau:** I make a motion that we excuse them.

**Councilwoman McLeod:** I second it.

**MOTION #1-** C. L. Lettau moved and C. M. McLeod seconded to excuse Councilwoman Stade and Councilwoman Meredith from the January 6<sup>th</sup>, 2015 Regular Council Meeting due to illness.

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

**READING AND APPROVAL OF MINUTES** (219/4/772)

- **REGULAR MEETING DECEMBER 16<sup>th</sup>, 2014**

**Councilwoman McLeod** – Something I want to change – Page 3 top – Yes vote – Want to say “Nay” on my vote for raising the water 6% and the sewer 2% - Reason I want to take my vote back...

**Mayor Carnahan** – I don't know that you can

**Councilwoman McLeod** – I can't? We have before

**Mayor Carnahan** – I don't think you have – Not after vote taken – It's in record

**Councilwoman McLeod** – Didn't mean it to be a yes – Meant it to be a “Nay”

**Mayor Carnahan** – Don't think we can after we've had the vote – She wants to change her vote from after motion taken – From two weeks ago – She voted one way – Now wants to vote another – Motion over with – Passed

**Mr. Ferguson** – Were the Minutes adopted from that meeting

**Councilwoman McLeod** – We haven't adopted anything – That's why I want to take it back

**Ms. Haug** – Even if you do change it – Doesn't change the outcome

**Councilwoman McLeod** – Know that – For record – Don't want Benton City to think I raised the water and sewer 28% - 23% - Asking if I can do that

**Mr. Ferguson** – Key distinction – Best description – Is it recorded wrong or did you not...?

**Councilwoman McLeod** – I think that I said "Nay" but when I read it – It said "Yea" - Perhaps I made an error – I'm not certain – Realize it won't change vote – Won't overturn anything

**Councilwoman Lettau** – We had to individually say "Yea" or "Nay"

**Mr. Ferguson** – What you could do – Note your objection for the record for these Minutes – You can say that was your intention – Going back – Retrospectively – Mayor's right – Can't go back now if that's not what you said

**Mayor Carnahan** – Could possibly go back and verify on tape – Not sure it's worth that much effort

**Mr. Ferguson** – I would make a record for this hearing

**Councilwoman McLeod** – Okay – Just a record of the fact I meant "Nay" and I might have said "Nay" – Sorry for that – Wouldn't have changed the vote anyway – Would have passed anyway

**Councilwoman Lettau** – Can we bring item back up?

**Mayor Carnahan** – You would have to get someone that voted against it

**Councilwoman McLeod** – We did – The interim Mayor did vote against it

**Councilwoman Lettau** – You had the nerve to say that – I reread through some stuff – I probably would have voted...

**Councilwoman McLeod** – Would like to explain why if okay – Strong feeling against 22% - All agreed on 11% - Wanted 10% - Then changed our minds when you informed us of importance of holes in the sewer and the water system – Then decided okay – 22% - When normally we only up it 1% a year – Is that correct?

**Ms. Haug** – That's the cap we're allowed to raise it

**Councilwoman McLeod** – Right – Guess what we really wanted for City – Need to help City – But when you add the 6% on water and 2% on sewer – We come out with a 28% and a 23% raise

**Mayor Carnahan** – Can't look at it in that respect for City – Have to take each individual account into prospect – Can't do that – City has to have each individual account

**Councilwoman McLeod** – Know that – Did overturn 11%

**Mayor Carnahan** – We did that on two different motions on two different nights

**Ms. Haug** – That was an ordinance – Changed on Second Reading – With ordinances – More time to think about it or decide – With resolutions – Once passed – Put in effect – No waiting period – That Fee Schedule has already been entered for the fees for this year – Why it's adopted in December – Give us time to do what we need to do

**Councilwoman McLeod** – In December – We didn't know it was adopted – Came up for vote – No real thought on the matter from council people that voted

**Councilwoman Lettau** – You would be able for next year when it comes up again – Don't raise it – Probably only alternative

**Mayor Carnahan** – Any discussion on the Minutes? Hearing none – Would like to have a motion on the Minutes as presented

**Councilwoman Lehman:** Mr. Mayor, I move to approval the Minutes as written, Minutes for the December 16<sup>th</sup>, 2014 Regular Council Meeting.

**Councilwoman Lettau:** I second.

**MOTION #2-** C. L. Lehman moved and C. M. Lettau seconded to approve the minutes of the December 16<sup>th</sup>, 2015 Regular Council Meeting as presented.

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

**OPENING REMARKS, "HOUSEKEEPING" ITEMS, EXECUTIVE SESSION REQUESTS, ETC. –**  
None (424/2/756)

**APPROVAL OF AGENDA – (430/1/015)**

**Councilwoman Lettau:** I make a motion to approve the Agenda as presented.

**Councilwoman McLeod:** I second it.

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

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

#### **1. VISITOR COMMENTS – (437/3/549)**

**Heather Duncan, Benton City Chamber of Commerce** - Thursday, January 15<sup>th</sup> – Luncheon – Hanford Speakers' Bureau – Hanford History – Wednesday, January 21<sup>st</sup> - Public Forum at PAC, Ki-Be High School – 7 p.m. – School levy election presentation

**Jack Davis** – 506 Carol – Windstorm yesterday – Problem with neighbor to east – Metal roofing slamming up and down – Imaging tin hitting my vehicle parked outside in front of my house – Can we have Health Department inspect? Think it's uninhabitable – Need to do something to protect citizens of this town

**Mayor Carnahan** - Will speak with attorney and get back to you

#### **REGULAR REPORTS**

01-06-2015

### 1. EDC REPORT (531/4/749)

Larry Howell, President, Benton City EDC < Written report not provided >

### 2. STAFF REPORTS – (747/1/745)

Stephanie Haug, City Clerk/Treasurer - Chamber use of Community Center – Follow up

**Ms. Haug** – Reason we cannot allow private or community groups to use Community Center for storage – State considers that gifting of public resources – If we let Chamber use it – Would have to let everyone use it – No fairness – Gifting public resources for private purposes

**Mr. Ferguson** – Sounds like conundrum – City can receive gifts but cannot give them – Allowed as Municipal Corporation to receive donation of lands and other things – Certain considerations apply – If any resources or anything that could be consider resource is giving – Has to be a corresponding way to be able to do so – Not in this particular case

**Mr. Davis** – Anyway Chamber could build a small addition onto Community Center at own expense and use it for their

**Ms. Haug** – No – In park – Public land – Essentially be allowing private use of public land – Be same situation – Use of real estate or space

**Ms. Martin** – We pay \$100 to use the building – If it's not clean – Deduct that from \$100 – If clean – We get \$100 back – Would that have anything to do with it?

**Mr. Ferguson** – Would have to be negotiated – One of those things where not a gift if some kind of Consideration taken for storage of it – Would have to be included as part of the contract for the services to also include that – Doesn't sound like that's the case

**Ms. Haug** - \$100 paid – Anyone who uses building pays the \$100 as cleaning deposit – Anyone who uses it who follows the Facility Use Agreement – Chamber is exempt under our regulations for having to pay rental fee due to being used for community purposes – As opposed to private use like a birthday party – Have to pay rental fee – But \$100 deposit is to insure if there is damage or cleaning City has to do – Use to cover cost of that – What \$100 is for – Charged to everyone

### 3. ENGINEER REPORT (890/2/236)

Alan Rainey, City Engineer, Spink Engineering LLC - Closer to end of Dale – Lights – Ready for PUD to energize – Street signs to be put up

Mayor Carnahan – Temporary one up - Have to use wood – Insurance company requirements

### 4. COUNCIL COMMITTEE REPORTS (919/1/066)

Councilwoman McLeod - None

Councilwoman Lettau – None

Councilwoman Lehman – None

Councilwoman Meredith – None

Councilwoman Stade – None

**Mayor Carnahan** – Most meetings cancelled – Called BLM regarding 72 acres across river – Future gravel pit – Called them – Put out for lease – A&B got lease – A&B sold – Released the lease – BLM – Will have to go back through process – Once mined – Will become a park – 10 acre pond in middle– 72 acre park – Starting over to get land leased again for mining

**ITEMS FOR APPROVAL:**

**1. VOUCHERS - (1004/1/232) - 2014 Year End (1)**  
**- January 1<sup>st</sup>, 2015 – January 6<sup>th</sup>, 2015**

**Councilwoman Lettau:** I move to approve payment of Claim check numbers 26594 thru 26619 and EFTs as listed in the amount of \$50,757.90 this 6<sup>th</sup> day of January, 2015.

**Councilwoman Lehman:** Second.

**MOTION #5- C. M. Lettau moved and C. L. Lehman seconded to approve payment of Claim check numbers 26594 thru 26619 and EFTs as listed in the amount of \$50,757.90 this 6<sup>th</sup> day of January, 2015.**

**ROLL CALL VOTE #5- C. M. Lettau, C. M. McLeod, C. L. Lehman**  
**ALL YEAS. Motion carried.**

**Councilwoman Lehman:** Mr. Mayor, I move to approve the payment of Claim check numbers 26620 thru 26624 with EFTs as listed in the amount of \$8,029.95 this 6<sup>th</sup> day of January, 2015.

**Councilwoman Lettau:** I second.

**MOTION #6- C. L. Lehman moved and C. M. Lettau seconded to approve payment of Claim check numbers 26620 thru 26624 and EFTs as listed in the amount of \$8,029.95 this 6<sup>th</sup> day of January, 2015.**

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

**ITEMS FOR DISCUSSION (1050/2/950)**

**1. TENNIS/BASKETBALL COURT**

**Mayor Carnahan** – Try to fix tennis courts – Would like consensus to have engineer cut out section – Compact and vibrate down – Put in a mat – Stop expansion of cracks - Will keep courts separate – Basketball and Tennis Courts – Safety issue - Upgrade basketball courts at Legion Park – Keep two tennis courts for school tournaments - Will look into costs and bring back

**Councilwoman Lehman** – What are chances of finding problem?

**Mr. Rainey** – Don't know – Did survey – Found nothing conclusive – Dig out crack – Will find out underneath

**Mayor Carnahan** – Don't know how well it was compacted – Get a bobcat with hoe – See what comes up – Gamble – Poles starting to fold in – Needs work anyone – Take look at basketball courts in Legion – What needs to be done there – Would like to get consensus to get started – Will talk to Mr. Harding – Tennis Coach – Spring tournaments coming up

**GENERAL COUNCIL COMMENTS – (1219/4/781)**

**Councilwoman Lehman** – Scheduling questions - Master Plan comes up for review this year?

**Ms. Haug** – The major overhaul has been – State has given us extra time – County is overhauling their Comprehensive Plan this year - City piggybacking on their changes

**Mayor Carnahan** – We're going to be working on it - Don't have to do it until '19

**Councilwoman Lehman** – Wondering about piece we're working on with revitalization – Design – Where that fits in – When we get guidelines – How soon before they would get adopted into the Comp Plan

**Ms. Haug** – Are you talking about Design Standards – That would be in the Municipal Code – Not within Comp Plan – Wouldn't need to go through

**Councilwoman Lehman** – Talking to Steve Zetz about it – Said had to have guidelines first – Would have to be in Plan before it could be adopted in Code

**Ms. Haug** – Think we have enough policies and goals within our Comp Plan – Would cover those types of development standards – Just have to be consistent – Typically Comp Plan is generalize goal for what want to do – “Promote economic development” would be in Comp Plan – Code itself would be actual requirements to bring us to that goal

**Councilwoman Lehman** – If I get this to you within three months as guidelines...?

**Ms. Haug** – It would go to Planning Commission – Would be within zoning information – Go before Planning Commission – Have hearing there – Then recommendation to Council

**Councilwoman Lehman** – Second question – Talked about moratorium for marijuana – Said at one point we would come back in and try to do our own regulations – Can we do something stricter than state law

**Mr. Ferguson** – Moratorium okay where we're at now – Work plan – Look at those things – Pros and cons – Still up in air at State level – Headed to State Supreme Court whether allowed to ban

**Councilwoman Lehman** – Obligation for looking at work plan? What's our schedule for that

**Mr. Ferguson** – Up to Council – Can take by step-by-step manner – Discussion - Assign out – Council has to take lead

**Councilwoman McLeod** – See people doing it – Any regulations in order – 35 ft. away from businesses

**Mr. Ferguson** – Shouldn't see anyone doing it – City can ban regards to businesses – Can't ban private use – State law has passed and allowed to do – Can enforce in areas City controls

**Councilwoman Lehman** – When does this moratorium end?

**Ms. Haug** – Passed in October – Should end in May

**Mr. Ferguson** - Legislature going to have to do something this session – All kinds of laws around state – Mess – Either pass a law that allows local jurisdictions to ban or not – Should get some direction pretty quick – Medical marijuana even bigger mess – Will have to figure out some way to combine two – Doing nothing at this point probably best thing

**Councilwoman Lehman** – Fear – Get hit with this in May – Haven't had any time to research and know what's going on

**Mr. Ferguson** – Not much you can do – Pretty narrow – If ban allowed but don't want it – Still limited in what you can allow in certain areas – Initiative very specific – Not specific enough for our likely – Could still have two pot stores next to each other on Dale – We would address problem in zoning way – Baseline starting point – Definitely want to pass some zoning – Limits – Specific stuff – Wouldn't have to reinvent the wheel

**Mayor Carnahan** – The little circles on map set up to cover schools, churches – Porn – Ordinance passed several years ago

**ADJOURNMENT** – Mayor Carnahan (1605/1/177)

**Councilwoman Lettau:** I make a motion we adjourn.

**Councilwoman Lehman:** Second.


**MOTION #7**– C. M. Lettau moved and C. L. Lehman seconded to adjourn the January 6<sup>th</sup>, 2015 Regular Council Meeting at 7:47 p.m.

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

Meeting adjourned at 7:47 p.m. (1614/3/578)



Lloyd Carnahan  
Mayor, City of Benton City



Stephanie Haug, CMC  
City Clerk-Treasurer

Date: 1-22-15