

**City of Benton City
Regular Council Meeting Minutes
October 6th, 2015**

CALL TO ORDER – Mayor Carnahan called the October 6th, 2015 Regular Council Meeting to order at 7:00 p.m. (01:06:25*Audio recording begins)

PRESENTATION OF THE COLORS – (01:06:08*) Councilwoman McLeod led the Council and the audience in the Pledge of Allegiance.

ROLL CALL – (01:05:45*)

Council Members Present – City Staff Present –

Michelle McLeod

Connie Meredith

Linda Lehman

Mary Lettau

Lisa Stade (In at 7:04)

Stephanie Haug, CCT

Other Professionals Present –

Alan Rainey, Spink Engineering LLC

Eric Ferguson, Kerr Law Group

Randy Rutledge, Benton City E.D.C.

Other Professionals Absent –

Larry Howell, Benton City E.D.C.

Councilwoman Meredith: Mr. Mayor, I make a motion to excuse Lisa Stade from the meeting tonight.

Councilwoman McLeod: I second it.

MOTION #1- C. C. Meredith moved and C. M. McLeod seconded to excuse Councilwoman Stade from the October 7th, 2015 Regular Council Meeting.

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

READING AND APPROVAL OF MINUTES (01:05:05*) - REGULAR MEETING SEPTEMBER 15th, 2015

Councilwoman Lettau – One correction - Page 4 – Nicely should be wisely

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

Councilwoman Lettau: I second.

MOTION #2- C. C. Meredith moved and C. M. Lettau seconded to approve the Minutes of the September 15th, 2015 Regular Council Meeting as corrected.

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

OPENING REMARKS, “HOUSEKEEPING” ITEMS, EXECUTIVE SESSION REQUESTS, ETC. –
(01:04:18*)

1. Liquor License Application – The Wild Boar Grill

Councilwoman Meredith – Would like to talk about moving recycle bins – Items for Discussion

APPROVAL OF AGENDA (01:03:58*)

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

Councilwoman Meredith: And I'll second.

MOTION #3- C. M. Lettau moved and C. C. Meredith seconded to approve the Agenda of the October 6th, 2015 Regular Council Meeting as presented.

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

VISITOR COMMENTS (01:03:38*)

Heather Duncan, Benton City E.D.C./C.O.C. – Voters' Forum – Doors open at 6:00 p.m. – Starts at 6:30 p.m. – Those participating be there at 6:00 p.m. – City Council, Mayor, School Board

Councilwoman Lehman – Order you will be doing it in?

Ms. Duncan - City Council, Mayor, School Board – Fire Commissioners running unopposed but will be given their five minutes if they show – Haven't had very good luck with Prosser Hospital Commission positions participating in past but will be given time if they show

(Lisa Stade in at 7:04 p.m.)

***** SPECIAL PRESENTATION – Darrick Dietrich, Ed's Disposal, Inc. *****

Mr. Dietrich – Residential extra pick up unlimited provisions in contract — Plus CPI notice – 52 weeks to do so – Encouraging people to put out at curb this month - Hard to measure but went up 30-40% - CPI – No CPI increase this year – No change in rates

Councilwoman Stade – Appreciate full pick up – Great service! Invaluable – Encourages keeping things neat – Thanks for no increase

Councilwoman Lettau – Family in Richland are jealous

Mr. Dietrich – Unlimited collection equals code enforcement issues – Bag/box/bundle – Can dedicate more service

REGULAR REPORTS

1. EDC REPORT (00:55:55*) Randy Rutledge, Consultant, Benton City E.D.C.

<<< Written report not provided >>>

2. STAFF REPORT (00:53:17*) Stephanie Haug, City Clerk/Treasurer

3. ENGINEER REPORT (00:53:15*) Alan Rainey, City Engineer, Spink Engineering LLC – City Park Project Update – Archie Borden Park - Start Monday on the drainage – Done next week – Diagram of stage in packets with breakdown of estimate – Prices are as is contractor was doing work - Another group involved in that but not sure where it stands at this time

Councilwoman Lehman – This isn't exactly the design we had envisioned – Got it going straight back – We had envisioned more stadium seating – You have a row and then another raised row going back – Might not have that much volume - Earl Norman to do the excavation – More of concern to E.D.C. was are there any water sprinklers or anything needing relocated to get that cost

Mr. Rainey – Are certain they will need to be lowered – Don't know exactly where sprinklers on diagram

Mayor Carnahan – At this time – Can't afford to go through with it – Think we're spending our \$5,000 unwisely

Councilwoman McLeod – Was my daughter's wedding – Do need to think about some repairs – No water spigot anymore – When we're renting the park – Perhaps we should consider having cement sprayed off – Did a great deal of cleaning - Should have been power washed for amount it was costing us – If we're going to do anything with it – Need to consider sprinkler system so there's a spigot to clean it off for people who rent it – Cement cracked

Mayor Carnahan – Put in 2016 Budget – Next year project

Councilwoman Lehman - Intent was not to charge the City – Thinking of other ways to raise money – Mormon Church willing to do most heavy work – Had asked Stephanie what would be cost to move sprinklers – Not necessarily have City pay

Mayor Carnahan – Might have problem with whether it's legal for City have other people come in on volunteer basis to do work for us in City Park without being contract type thing

Mr. Ferguson – Are ways for City to accept services like this – Need to be careful and make sure waivers signed – Typically with Parks – Recreational Immunity Statute – Every time in park and something happens – Hurt yourself – Not able to sue City – Not the case here – Not there to play at park – There to work at park – Need to be careful with whatever requirements are – Not uncommon – Could make sure there's a way to do it

Councilwoman Stade – Citywide clean up – Flat Top Park – Seen other places

Mr. Ferguson – Whatever we do – Defect after – Prevailing wages, etc. – We can get there

Mayor Carnahan – If you want to start into a project like that – Need to do Public Hearing – Get input from public – Maintenance to maintain – More time to work through the shelves – Possibly have to hire another person in summertime – More money we don't have

Mr. Ferguson – One of legal issues would have to get straight – Is this an Administrative function or a Legislative – If Resolution or Ordinance Council would like to pass – Sounds more like an Administrative function of City – Mayor in charge – Essentially Mayor would utilize administrative function to handle project vs. going forward with process creating legislation – Mayor would then be responsible for – Making sure there was input with Council

Councilwoman McLeod – Good idea - Didn't realize how much it would cost to upgrade park – If made changes – Would be able to sell more permits – Activities and bands – Can make money off rentals – Community friendly activities – Make more money in long run – If we put more money to park – More beautiful – Would be able to sell to community for functions – Would make money off that

Mr. Ferguson – Can report back

Mayor Carnahan – E.D.C. Project – Can get grant money City can't – Time consuming thing - Need to hear from public – What community wants to do

Ms. Haug – We do have Volunteer Waiver Forms for people to sign when they do work on bike path – Typically when we do Public Works Project which this would be even though being done by volunteers – Everything is inspected to ensure it is meeting specs of the City – Would have a cost regardless of who does it – For inspections

Councilwoman Meredith – Nice to get pro's and con's – Do have a budget - More information for budget

Mayor Carnahan – May have to take serious look at this – Find out if people - Draw up the terrace – If you want to go that far in expansion - Hold a Public Hearing – If they want to change – Problems with tree roots and irrigation - Maintenance of Park – Lot of parks in town now – Much of it will be handwork vs. machine – Postpone this until we get some schematic ideas on what we're doing – Then E.D.C. or City can go out to see if we can get grants – As Stephanie said – Skate Board Park was built on this type of project – Volunteer help – Had to do so much match work then volunteers came in

Ms. Haug – Would volunteers be doing work by hand or equipment

Councilwoman Lehman – Earl Norman has equipment – Not really thinking of doing grants for this – Thinking more like fundraisers

Mr. Ferguson – Just to be clear – Now talking about doing it administratively – Not legislatively – Will be able to parse out what those different things are – We can know what different options are

Councilwoman Lehman – Think it's important to get Engineer's perspective on terracing and difference in volume – Kyle also – Mowing eight foot wide strip vs. going across

Councilwoman Stade – Citizens not buying permits – Add to the functionality and beautification – Upgrading way City looks and shows City pride

Mayor Carnahan – Need to redo the stage – If we're going to do that much – May just as well make it a project - Need to do in steps

4. COUNCIL COMMITTEE REPORTS (00:37:51*)

Mayor Carnahan – Roundabout Maps – Call for bids due November 5th – Should start November or December – As soon as contractor is able to get started - Meetings starting tomorrow – Mostly budget - Solid Waste and Hazardous Waste

Mr. Dietrich – Update – Finally have traction to move into new facility - Benton County without facility four years since fire – Much needed and vital service

Mayor Carnahan – Figuring out how to make it even

Mr. Dietrich – Equalize that contribution – Different funding mechanism

**** CBA Negotiations Committee Assignment ****

Councilwoman Meredith – Would like to volunteer

Ms. Haug – Tonight after this meeting – The Council in its entirety – Will go into closed meeting – Collective Bargaining is exempted from Open Public Meeting – The City has received a proposal from the Union – The two, or however many would like to serve on the committee would be a part of the negotiating team from the City's side – Ultimately the contract would come back before the Council for approval – Committee just works to bargain

Councilwoman Lettau – What is our deadline to have this accomplished

Ms. Haug – This contract expires at the end of October – Shooting for end of month – Going to move pretty quickly

Councilwoman Lehman – I volunteer

ITEMS FOR APPROVAL: (00:30:00*)

1. PUBLIC HEARING – 2016 AD VALOREM TAX AND REVENUE SOURCES (00:29:59*)

Ms. Haug – Explanation of Ad Valorem Tax

Mayor Carnahan: That's the general thing. Now, I think I will open this up to Public, open up the Public Hearing; we'll close the Council Meeting at 7:38 and open this up to public comment at this time. Have we got any public comment?

**** Public Hearing begins at 7:38 p.m. ** (00:27:59*)**

No Comments

Mayor Carnahan: Hearing no public comment, I will close the Public Hearing and reconvene the Council Meeting at 7:38 and we will move on.

**** Public Hearing ends at 7:39 p.m. ** (00:27:46*)**

Ms. Haug – No action will be taken tonight – Public Hearing only - If Council would like to have discussion – This would be the time

Councilwoman Lettau – This is property tax – If we do go with one percent – Most we can raise it – What is that rate?

Ms. Haug – Last year's price was \$1.37 per thousand – Haven't calculated what this one percent will be – Get preliminary values with the new construction – Don't get final values – Can definitely have on Monday what those values would be

Mayor Carnahan – Don't think it's much more than a couple thousand dollars – What we could do is just not have one raise this year – More or less bank it and do it next year or year after – This is what we can do with banking system

Ms. Haug – We can do that – Don't know what years City chose to do that – Significantly lower that what we could take – Would anticipate this will be less than a fraction of a cent increase

2. FIRST READING – ORDINANCE SMOKING IN PUBLIC PLACES (00:24:56*)

Councilwoman Meredith: Mr. Mayor, I move to approve on the First Reading, an ordinance of the City of Benton City, creating a new section 9.38 "Smoking In or Near Public Places"

Councilwoman Lehman: I second.

Councilwoman McLeod – How will we rectify it? Talked about containers people put cigarettes in - Planters on fire – Found one during Benton City Daze – If we're going to have rules – Have to follow through with how we're going to contain them – People are going to toss them – Perhaps something we need to think about – How we're going to do that – Can't be putting them in flower pots – Burn down building

Councilwoman Lehman – I agree - Second fire that I know of

Mayor Carnahan – It's a good idea but enforcing it – Only have so much patrol time – County Sheriff has to enforce ordinances we pass - Passing an ordinance but no way to enforce

Councilwoman McLeod – Buy some containers to put through town – Like garbage cans so people don't litter

Mayor Carnahan – Had this problem before - How will we enforce

Councilwoman McLeod – These are noticeable containers for cigarettes

Mayor Carnahan – Here again we have the problem of putting them out and maintaining them

Councilwoman McLeod – Fire Department was at Benton City Daze – Took them fifteen minutes to respond to put fire out

Mayor Carnahan – Open to suggestions – How are we going to maintain cans and enforce ordinance – Really hate writing up ordinance we can't take care of

Mr. Ferguson – Doing research while writing this up - Put up signs – Public enforcement – Cite infractions from Code Enforcement or local police – Hope it has effect of making people obey law – If doesn't – Becomes big issue – Group of people in park – Having issues – Tool at their disposal – How broad – State wide law covers bars, restaurants, public places – In Benton City – City owned facilities or properties – Just kind of attempt to expand to parks, skate parks, park shelters – Same prohibitions for restaurant would also apply to park – Wedding or picnic – Police could enforce that – Will Benton County be writing thousands of tickets

Mayor Carnahan – Sheriff would be enforcing it – Don't have 24 coverage – They do marvelous job – How do we enforce it

Councilwoman Lehman – Issue is not whether it's enforceable – Issue is what can we do for fire protection and safety – Would like ask we have one of the Fire Commissioner come talk to us about the advantages and disadvantages of having receptacles for cigarette butts

Councilwoman McLeod – Find out what it costs – If we're going say "Don't smoke" – We need them to put their cigarettes out safely

Mayor Carnahan – If we're going to say they can't smoke – Why put out smoking box

Councilwoman McLeod – Not smoking is a wonderful idea – So against smoking

Councilwoman Lehman – Then you're cleaning them up out of the street – Have to sweep them up one way or the other

Councilwoman Lettau – Where did this come from?

Ms. Haug – Received letter couple weeks ago from citizen – Council requested it be brought back to council

Mayor Carnahan – Can postpone this for couple of weeks – See if we can get Fire Department to come in and talk about it – Our biggest thing is just how enforceable is it

Councilwoman Lettau – You make the rule – Doesn't mean you're going to enforce it – Not like you're going to have Cigarette Cops there watching - Rule can discourage use – More the intent - Give right to enforce it if we have the rule

Mr. Ferguson – From a law enforcement perspective – Would also create probable cause for officer to stop and talk to some folks

Ms. Haug – There is a motion on the floor and a second – This is the First Reading

Mayor Carnahan – Can also just vote it down – Come back with new – Or pass First Reading - Whatever Council wants to do

Mr. Ferguson – From legal perspective – Is there talk about trying to combine this with the receptacles? This is legislative function – Talking about doing the things administratively – That’s not going to be attached to this ordinance – If we want to do that – Going to be separate thing – We can figure out ways to make those – One is clearly legislative and the other executive

Councilwoman McLeod – If this is passed – Will there be signs – How is this going to be presented to public – Receptacles are important as well – How far are we taking this?

Ms. Haug – There would be signs posted in the parks – We already have signs for park hours and rules – This would be added to those

MOTION #4- C. C. Meredith moved and C. L. Lehman seconded to approve on the First Reading, an ordinance of the City of Benton City, Washington, creating a new section 9.38 “Smoking In or Near Public Places”.

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

3. AWARD BID – SEWER CLEANING AND INSPECTION PROJECT (00:14:38*)

Mr. Rainey – Explanation of sewer cleaning and inspection project

Councilwoman Lettau – Inspection and cleaning too?

Mayor Carnahan – Two truck system – One with camera – Second with jets

Councilwoman McLeod – How will this effect citizens – Split level homes in my neighborhood already have issues

Mayor Carnahan – Hoping to fix those problems – Getting our systems to work right

Mr. Rainey – Homes not if vented properly to Code might have issues

Councilwoman Stade – Look at trouble spots

Councilwoman Lettau: Mr. Mayor, I move to award the Sewer Cleaning and Inspection Phase 1 Project to Columbia Pumping & Construction in an amount not to exceed \$54,430.32.

Councilwoman McLeod: I second.

MOTION #5- C. M. Lettau moved and C. M. McLeod seconded to award the Sewer Cleaning and Inspection, Phase 1, to Columbia Pumping & Construction in an amount not to exceed \$54,430.32.

ROLL CALL VOTE #5- C. L. Stade, C. M. Lettau, C. C. Meredith, C. M. McLeod, C. L. Lehman
ALL YEAS. Motion carries.

4. VOUCHERS (00:04:20*)

Councilwoman Lettau: Mr. Mayor, I move to approve payment of Claim Check Numbers 27156 thru 27183 with EFTs as listed in the amount of \$88,651.83 this 6th day of October, 2015.

Councilwoman McLeod: Second it.

MOTION #6- C. M. Lettau moved and C. M. McLeod seconded for the City Council of the City of Benton City, Washington, to hereby authorize payment of Claim Check Numbers 27156 through 27183 and EFTs as listed in the amount of \$88,651.83. These checks are approved for payment this 6th day of October, 2015.

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

ITEMS FOR DISCUSSION (00:03:37*)

1. RECYCLE BINS

Councilwoman Meredith – Moving the recycle bins – Ugly – So unsightly

Mayor Carnahan – Visibility

Councilwoman Meredith – Used to be by grocery store – Debris – Kids hide down behind them – Research and find a spot?

Councilwoman Stade – Ben Franklin Transit – Park & Ride – On the asphalt? Private – No room

Mayor Carnahan – Bring a suggestion

GENERAL COUNCIL COMMENTS – None (00:00:11*)

ADJOURNMENT – Mayor Carnahan (00:00:10*)

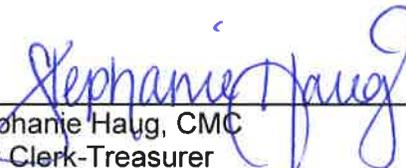
Councilwoman Meredith: Mr. Mayor, I make a motion that we adjourn.

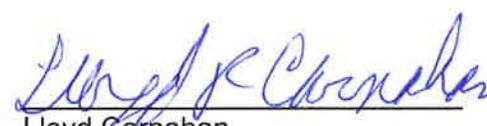
Councilwoman Lehman: I second.

MOTION #7– C. C. Meredith moved and C. L. Lehman seconded to adjourn the October 6th, 2015 Regular Council Meeting at 8:06 p.m.

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

Meeting adjourned at 8:06 p.m. (00:00:01*Audio recording ends)


Stephanie Haug, CMC
City Clerk-Treasurer


Lloyd Carnahan
Mayor, City of Benton City

Date: 10/21/15