

**City of Benton City
Regular Council Meeting Minutes
October 20th, 2015**

CALL TO ORDER – Mayor Carnahan called the October 20th, 2015 Regular Council meeting to order at 7:00 p.m. (00:03:34*Audio recording begins)

PRESENTATION OF THE COLORS – Councilwoman Lehman led the Council and audience in the Pledge of Allegiance. (00:03:42*)

ROLL CALL (00:04:07*)

Council Members Present –

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

Council Members Absent –

Mary Lettau (Excused)

City Staff Present –

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

Other Professionals Present –

**Eric Ferguson, City Attorney, Kerr Law Group
Caleb Stromstad, City Engineer, Spink Engineering LLC
Capt. Clay Vannoy, Benton County Sheriff's Office
Larry Howell, President, Benton City E.D.C.**

Councilwoman Meredith: I make a motion; I move to excuse Councilman Lettau from meeting.

Councilwoman McLeod: I second it.

MOTION #1- C. C. Meredith moved and C. M. McLeod seconded to excuse Councilwoman Lettau from the October 20th, 2015 Regular Council Meeting.

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

READING AND APPROVAL OF MINUTES (00:004:54*) - **REGULAR MEETING OCTOBER 6TH, 2015**

Councilwoman Meredith: Mr. Mayor, I make a motion to approve the Minutes of October 20th, oh, sorry, October 6th, 2015.

Councilwoman McLeod: I second it.

MOTION #2- C. C. Meredith moved and C. M. McLeod seconded to approve the Minutes of the October 6th, 2015 Regular Council Meeting as corrected.

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

OPENING REMARKS, "HOUSEKEEPING" ITEMS, EXECUTIVE SESSION REQUESTS, ETC.

(00:05:16*) None

APPROVAL OF AGENDA (00:05:26*)

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

Councilwoman McLeod: Second it.

MOTION #3- C. C. Meredith moved and C. M. McLeod seconded to approve the Agenda of the October 20th, 2015 Regular Council Meeting as presented.

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

VISITOR COMMENTS (00:05:40*)

Bobbi Shahan, Benton City Chamber of Commerce – Chamber/E.D.C. working together - Wild Boar Grill Grand Opening – November 2nd at 11:00 a.m. – Mayor to give speech

Esco Inman, 1304 Sunrise PR, Caleb Campbell, 67056 SR225, Carly May – Idea for fundraiser for Skate Park Improvements – Brainstormed – Lots of ideas – Hot chocolate stand – Aluminum can collection – Asking for your approval

Mayor Carnahan – Procedure for doing this – You present it here tonight – I take it under advisement – Try to return a decision at next meeting

Heather Duncan, Benton City Chamber of Commerce – Reminder – Friday, October 30th – Downtown Trick or Treat – Street will be closed – 5 p.m. – U.S. Bank – Thriller dance – Reminder - Return ballots by November 3rd

REGULAR REPORTS

1. SHERIFF'S REPORT (00:14:17*)

Capt. Clay Vannoy, Benton County Sheriff's Office - September – 269 Calls for Service vs. 247 in 2014 – 39 Case Offenses vs. 30 in 2014 – 19 Infraction Offenses Issues – Busy September – Nothing really major – Vehicle theft (ATV) – BC Daze went well – KPD helped out

Councilwoman Stade – Citizen asked regarding 7th St. – Semi-trucks parking with truck in lane

Capt. Vannoy – Can't park on the travel portion of the roadway

Ms. Haug – Have ordinance regarding weight limits on certain streets – Depends on street - Not allowed to drive on – Location would also come into play – City ordinance – Sheriff's Department would deal with blocking traffic

Councilwoman Lehman – Would like to find out more about that – Been approached by several truck drivers – No place for them to park except in lot down there – Think we need to start thinking ahead – Seeing where we can provide places for them to park?

Councilwoman Stade – But also the flipside – Citizen not a truck driver was saying they're coming out Veterinarian parking lot into roadway – Don't know where there would be a spot – Prosser Medical Center allow them to park on dirt?

Capt. Vannoy – Drivers still have to follow laws and ordinances – Onus is on drivers

2. EDC QUARTERLY REPORT – (00:18:21*) Larry Howell, President, Benton City E.D.C. - In packets

Mayor Carnahan – Roundabout update - Bids awarded November 5th – Construction starts hopefully by end of November – Temporary Park & Ride on south side of freeway during construction

Ms. Haug – City property asphalt?

Mayor Carnahan – Gravel and paved apron – Level for parking

Councilwoman Lehman – Revitalization Committee update – Reminder - Offer from State Police – Roundabout Safety - Set up for public – Revitalization meeting last week – Lots of committees formed – Next big "Dancing with the Stars" Event – "Benton City Thinks We Can Dance" - March 12th, 2016 – Hair It Is will do all the food, hair and makeup – Judges and M.C. returning – Video we made of building improvements – On YouTube – Not Facebook – Link is on Facebook page - Song used is copyrighted – Song-writing contest – Would like schools to participate as well as anybody in town - Inspirational – Before dancing event – Will decide that winner right before the event – Show video at "Dancing with the Stars" new song

Mr. Rutledge – Another restaurant in old Yolie's – Lot of work going on up there

Councilwoman McLeod – Questions regarding YES Program – Heard anything from Maria Cantwell? Grant?

Mr. Howell – No – Email wasn't working – Called office - Not awarded yet – Hopefully know next month

3. STAFF REPORTS – (00:32:42*) Stephanie Haug, City Clerk/Treasurer – In packets - Code Enforcement/Animal Control Report – Treasurer Report – 2016 Budget Workshop Follow-up

Ms. Haug – Included information from questions asked during workshop – Provided information structure of accounts – What they mean – Where the City Assistance Funds come from – Information about Grant Writer

Councilwoman McLeod – Questions about budget

Mayor Carnahan – Please come in to office to see Stephanie with your questions

- 4. ENGINEER REPORT (00:34:17*) Caleb Stromstad, City Engineer, Spink Engineering LLC** - Archie Borden under construction – Drainage Improvement should be wrapping up end of this week – Well #5 and Library Patio Cover go to ad end of this week – Bids due November 2nd – Awarded November 3rd

5. COUNCIL COMMITTEE REPORTS (00:34:51*)

Councilwoman Stade – Ben Franklin Transit – Tulip Lane Grand Opening – November 10th – 10 a.m. – Park & Ride Shelter – Ribbon-cutting ceremony – Queensgate – Covered bus stop

Mayor Carnahan – Benton Franklin Council of Governments – Budget meetings – No more than \$15 increase this year

ITEMS FOR APPROVAL: (00:36:20*)

1. PUBLIC HEARING – MARIJUANA MORATORIUM - (00:36:25*)

Mr. Ferguson – Update – Senate Bill had passed - House Bill didn't make it – HB2136 passed in Special Session - Tax overhaul – Reform 37% excise at POS – Separate from sales tax – Dedicated six million per year to go back to local governments – First sixty percent goes to counties without a ban – Based on sales within County – Forty percent to cities – Amount of sales in city – In 2018 – If there is an excess – Over \$25m – Thirty percent of tax collected to be distributed – Allowed local government to decrease buffers from 1,000 feet to not less than 100 ft. except for schools and parks – Cooperatives – Buffers – Local governments can ban cooperatives – Kent case – More information than in January – Emergency ruling at Liquor and Cannabis – Former lottery system gone – Going to tiered system – Potentially more licenses issued - Medical marijuana – Priority for recreational – Up to local jurisdictions to decide number of store – No more lottery system – Several ongoing lawsuits – Fife – Direct review at Supreme Court – Bumped to Court Appeals Division 2 – Clarkston – Court case – Division 3 out of Spokane – Most lawsuits are for bans – Delegated to Liquor/Cannabis – A state agency - State is in charge – Not local government – Current moratorium – If unsure – De Facto ban? – De facto ban is illegal – Not sure about moratorium – From legal position – Safest if not sure – If sure about regulations or ban

Mayor Carnahan: Hearing that, I think we're ready to open the Public Hearing on whether we want to extend the moratorium or whether we're going appeal the moratorium that we have in place at this time, so I will adjourn the Regular Council Meeting at 7:44 and I will open up the Public Hearing on the marijuana moratorium. Raise your hand whoever would like to speak, on way or the other, please come down to your table here and state your name and have your comments.

***** Public Hearing begins at 7:44 p.m. *****

Peggy Higham, 717 12th Street – Continue moratorium – Keep hearing “It's the law!” – Voters have spoken – State law not federally legal – Benton County overwhelmingly voted “NO” – Already well known for meth – Now pot available – People also saying we need the money for taxes – Talk to people in cities where selling - Taxes are not covering expense to communities – Meeting in town today - Amy Pearson, Benton Franklin Health Department – Report on discussing effects of marijuana on families – 10th Graders – Less likely to use if community says it's not okay - Increases likelihood of use in kids – Was here for area zoning to sell – Go through residential or downtown past our schools – Studies show marijuana reduces field of vision – Tunnel vision – Unable to react as quickly - Don't want someone with restricted vision driving past our schools – Putting kids in additional danger - Lowering property values within those areas very likely – Will lose good people from our community – Our schools already have problems – Test scores not high – Trying to build those schools up - Info from Colorado – 32% increase in marijuana related deaths in year following legalization – Marijuana related traffic deaths increased by

92% from 2010 to 2014 – Frightening - Youth and marijuana use – Drug-related suspensions and expulsions increased 40% in Colorado schools - Ranked third in nation for expulsions and suspensions – Washington is No. 4 already - 2015 survey of school resources officers/counselors – In some schools has been 90% increase in marijuana related situations within school – 2012 – Study of over 1,000 individuals followed from birth to midlife – Found persistent cannabis use associated with neuro-psychological decline including cognitive memory problems – Declining IQ – Cessation of marijuana use did not fully restore functioning – In Washington State – Health and use survey results for 2012 found statewide – High school students using marijuana more likely to get lower grades – Compared to those that don't use – Northwestern University study – Found marijuana users who began at age of 16 compared MRI scans – Showed oddly shaped hippocampus in heavy marijuana users accompanying long term memory test scores 18% lower than those who had not used marijuana – Memory processes appear to be affected by cannabis are ones we use every day to solve common problems – Sustain our relationships with family/friends – Know law states it's there for adults – Fact is – Easier for youth to access – More available – Get it from people who purchased it legally – Pass it on to their friends/family members - Small town – No police or hospital – Average time it takes to get someone here from West Richland or Prosser about half hour - Crime in Denver increased 12.3% in year following legalization – Homelessness has increased – Average number of kids exposed jumped 138% – Marijuana related emergency room visits up 29% – Marijuana related hospitalizations went up 38% – Don't need those kinds of numbers in our community – Smaller community – Having the availability be so easy – Just compound tragedy brought in to our community - THC lab explosions increased three times – Nice little town here –Yes - Would bring in tax money – Might be able to fix the Skate Park instead of kids doing fundraisers – What good will it do if all our kids are sitting home stoned – Went to high school with kids using marijuana all the time – Fact is potency used to be 3.96% in 1965 – Today average is 12.55% – Average potency being sold in Colorado is 17.1% – Don't know numbers for state of Washington – Nobody putting it together – Can bet it's more than 3.96% – Knew who potheads/smokers were – Those kids smoking – Many still not really worth much – Yes – Some people can use marijuana and do great – Maybe it does increase their imaginations or whatever it might be – If you look at facts – If we're selling in our town – We're telling our kids it is okay – There's nothing wrong with it – Those kids are going to suffer for the rest of their lives – So are their families – 2008 New Zealand study of heavy cannabis users ages 14 through 25 – Found increasing cannabis use in late adolescence and early adulthood related to poor educational outcomes – Lower income – Greater welfare dependence and unemployment – Lower relationship and life satisfaction – Don't need to make it easy for adults – Can drive to Prosser – Don't need money we'd supposedly get – One thing – Look at what's happening in the County – Looking into implementing ban – No more applications in County – Don't need it – Don't want it – Most of our community – If they knew about this meeting – Would be here – Think about meeting we had before – How many people there were from outside our community – Lots from Richland and Pasco – “Sell it! Sell it! Sell it!” Their communities are not smarter than we are – Let's not do it either

Steve Rouse, DeMoss Road - Second what Mrs. Higham presented – Benton County and Benton City – History of voting ultra-conservative – King County – Liberals – Shove down our throats – If I want that kind of stuff – Would move there - Moved here 1949 – Not for marijuana – Hanford Project – Nobody has proven tax money from marijuana sales will improve our streets – Educate our children – Don't want it in City or County – Don't want it anywhere – Not making stationery and rope anymore – Has no value

Cynthia Deleur, River Road - Newspaper angle – Get all sides – Not full perspective of all sides – Content percent of marijuana going up since 1995 – So has alcohol - Not asking to sell to minors – Kids getting exposed – Buying at Prosser – Still being exposed – Prosser getting all our tax money - Should not be known as stoners or potheads – Question to Council – How do we deal with meth in our city - Meth is a bigger problem

***** Public Hearing is closed at 8:01 p.m. *****

Mayor Carnahan: Thank you. Anybody else want to make a comment? Now is your time to do it. I don't see anybody else's comments. Going about once...twice...three times. I will now close the

Public Hearing at 8:01 and I will reopen the Council Meeting at 8:01. This is to discuss the, whether we want to keep the moratorium or whether we want to repeal it, abandon it, extend it the moratorium.

Mr. Ferguson – To be completely precise – Have to decide by consensus – Not actual vote – Would prefer for next meeting – What documents to prepare – Renew moratorium – Regulate – Do nothing – Last option would allow moratorium to expire – No regulations in place – Somebody came up with license – Bound by the 502 regulations – No additional say – Drafted regulations as example – Drafted moratorium three times already – Council can hold a discussion

Councilwoman Meredith – Extend moratorium

Councilwoman Stade – More time for finalizing taxes, researching, latest developments – Still too many questions

Councilwoman McLeod – Agree – Look at it and evaluate – Legislate – Get rules in place

Councilwoman Lehman – Drafting regulations – Look at regulations – Would rather have lawyer drafting regulations vs. sitting in court like Pasco

Ms. Haug – Council is recommending both items – Both items will be presented – There are recommended regulations from the Planning Commission that will be presented at next meeting – As well as a resolution for extending moratorium – At next meeting – Will vote on either passing moratorium extension or the First Reading of those regulations

Mr. Ferguson – Just for clarification – Stay with same buffers or?

Councilwoman Lehman – Need to look at all that – Disagreed with last one – Ruled out every place except over in Kiona – Little extreme

Councilwoman Stade – Disagree – Grand opening spot on list next to my house

Councilwoman Lehman – Only ones I saw – Back behind Fire Station – One over in Kiona

Councilwoman Stade – There was not one at the end of – By the water tower?

Councilwoman McLeod – According to rules I read – Disturbing - Map doesn't match the rules – 100 ft. isn't very far – Trip bus is 40 ft. – Makes me feel uncomfortable – Maybe smarter to figure out the ordinances and distances because matching state law which is what going to end up happening – Need to figure that out – 100 ft. is not very far

Councilwoman Meredith – By extending moratorium – If we go that route – Gives us more time to do more research?

Mr. Ferguson – Revise work plan – Update – Things we're working on are current – Clear we are progressing – First and foremost – Still don't have a clear idea – Funny as legal observer – Interesting to watch legislature and Supreme Court pump this back and forth – "You decide" – No, you decide" – "No, you decide" – By the Supreme Court punting it back to Court Division 2 – Counter to legislature for not taking it out and clarifying – Really still up in air in terms of definitive answer

Councilwoman Meredith – Work plan can be updated by adding these items of concern by extending the moratorium

Mr. Ferguson – If each council member wants a particular thing – Now is time to let me know – Come back with all the options so everybody feels like they've been heard

Councilwoman Lehman – Can we have this earlier than a few days before? Is the election – Election night – This is a lot of information – Just to have it over the weekend – Doesn't do it justice – Need to really think about it

Mr. Ferguson – Do my best

Mayor Carnahan – Bring it back to Council in two weeks

2. SECOND READING – ORDINANCE #947 – SMOKING IN PUBLIC PLACES (01:14:04*)

Councilwoman Meredith: Mr. Mayor, I move to approve on the Second 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 – Want to know about canisters – What is plan? Will we have things to choose from? Prices? Ideas? Places to put them? If we're going to say they can't smoke – Need to make sure our community is safe from fire and damage

Ms. Haug – Separate item for discussion – Two sides to that argument – Think a lot of time – See a canister – Think "Oh, that's where you go to smoke." – If we're banning with this ordinance – Smoking within 25 ft. of our public parks, playgrounds, basically our property – Would not be a place within the City property to put a smoking (inaudible) – Also discussing what's going on downtown with the smoking is a separate item than what we're discussing here with this ordinance

Councilwoman McLeod – Fact that it took fifteen minutes for fire department to put out the flower pot when they were only a block and a half away – Buildings on fire concern me

Ms. Haug – Item for Discussion – Receptacles – Two separate items

Councilwoman Stade – However – Intertwined – If we vote to have ordinance of 25 ft. from buildings as you stated – No place downtown outside any businesses because of the 25 ft.

Ms. Haug – Would not be within 25 ft. of businesses – This is 25 ft. of public parks, shelters, playgrounds, skate parks, athletic fields and restrooms – It is only for City public places

MOTION #4- C. C. Meredith moved and C. L. Lehman seconded to approve on the Second 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. L. Stade, C. C. Meredith, C. L. Lehman, C. M. McLeod
ALL YEAS. Motion carried.

3. UTILITY CONSTRUCTION AGREEMENT – WSDOT – SR224/SR225 WATER/SEWER LINES

01:18:05*) Caleb Stromstad, City Engineer, Spink Engineering LLC – Roundabout Agreement Background

Mayor Carnahan – State was able to buy more land – Build bigger roundabout – Move it to west – Instead of only ten foot land – Now has a twenty foot lane – Actually enough for two lanes – Not marketed for two lanes due to trucks and buses – By having it move to west – We put in water and sewer lines according to property lines we had before – Now that area is larger – We could do work ourselves or let state do it under one contract – Why back here tonight – We'll get reimbursed for it – Get it approved and paid for by State – Franchise Agreement more or less – Need to pass it otherwise going out for bid

Councilwoman Lehman: Mr. Mayor, I move to approve the Utility Construction Agreement between the City of Benton City and Washington State Department of Transportation for moving water/sewer lines during the SR 224/225 Roundabout construction.

Councilwoman Meredith: Second.

MOTION #5- C. L. Lehman moved and C. C. Meredith seconded to approve the Utility Construction Agreement between the City of Benton City and Washington State Department of Transportation for moving water/sewer lines during the SR224/225 Roundabout construction.

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

4. AWARD BID – CRACK SEAL PROJECT - (01:20:47*)

Caleb Stromstad, City Engineer, Spink Engineering LLC – Map shows crack seal location – Two bids – Received low bid

Councilwoman Meredith: Mr. Mayor, I move to award the Crack Seal Project to B.C.V., Inc. in an amount not to exceed \$22,760.00.

Councilwoman Lehman: I second it.

MOTION #6- C. C. Meredith moved and C. L. Lehman seconded to award the Crack Seal Project to B.C.V., Inc. in an amount not to exceed \$22,760.00.

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

5. PLANNING COMMISSION APPOINTMENT – JEANNE WALLACE (01:23:12*)

Mayor Carnahan – Postpone for two weeks – November 3rd

Councilwoman Lehman – Know this person from working with her at D.O.E. – Good candidate

Councilwoman Meredith – Would like to meet her

6. VOUCHERS (01:24:17*)

Councilwoman Lehman: Mr. Mayor, I move to approve payment of claim check numbers 27185 thru 27212 and EFTs as listed in the amount of \$36,544.46 & Payroll checks numbers 27144, 27147 thru 27155 with EFTs as listed in the amount of \$63,132.70 this 20th day of October, 2015.

Councilwoman Meredith: Second.

MOTION #7- C. L. Lehman moved and C. C. Meredith seconded to approve payment of voucher check numbers 27185 thru 27212 and EFTs as listed in the amount of \$36,544.46 & Payroll check numbers 27144, 27147 thru 27155 with EFTs as listed in the amount of \$63,132.70 this 20th day of October, 2015.

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

ITEMS FOR DISCUSSION (01:25:21*)

1. OUTDOOR ASHTRAY RECEPTACLES – DOWNTOWN (01:25:28*)

Ms. Haug – Two schools of thought regarding ashtray receptacles – One – If encouraging people not to smoke and they were smoking – Need place to put their cigarette butt – Two – For people looking for place to smoke – See an ashtray – Think it's acceptable to smoke here – Area of concern for Council – Downtown area – Finding receptacles that can be permanently mounted so can't be stolen – Deciding where exactly they should be place 25 ft. away from our business entrances could pose a challenge with the closeness of our businesses – Would like direction for Council of specific locations they think receptacles should go – Can do research to find some to fit within those locations

Councilwoman Lehman – Why do they need to be 25 ft. away? Making assumption that if they're there – Somebody will smoke – Know they're not allowed to smoke within 25 ft. – Most people smoking in their car – Want to get rid of cigarette butt to go into restaurant or shop

Councilwoman Meredith – Would like to look at what other cities are doing

Councilwoman Stade – Also okay to have sign posted stating obvious - No smoking within 25 ft.

Councilwoman Lehman – Need place to put it – Throw in street

Ms. Haug – Front of Tumbleweed for sure – In front of restaurants

Mr. Ferguson – May have tough time putting receptacles within 25 ft. of entrances – Gives implication you can smoke there – Receptacles typically meant for folks smoking in designated smoking area – My experience with other municipalities – Talking about putting this in right-of-way?

Ms. Haug – Wouldn't be able to be in path of travel on sidewalk – Would probably have to be on island or peninsula – Downtown where crosswalk – Specific locations – How do we determine which business to receive the benefits of the City – How many do we get to benefit all businesses in downtown corridor – Not just benefitting particular businesses

Mr. Ferguson – As long as in right-of-way – We're okay with that – Don't think it matters – Might not be the best customer service approach – Certainly not legal problem to have one in front of a business 25 ft. from entrance – Bigger concern – How are you going to put these in right-of-way without creating tripping hazard - Happy to research what others are doing

Mayor Carnahan – ADA modifications by WSDOT – See if we're keeping up with new laws - Locations need to keep ADA in mind – Sidewalks changing – Walks going to be five feet – Coming through town – Designating where to put them – Have to think about where handicap is going to be

Ms. Haug – State has developed plan – Hopes for construction – No construction timeline at this point

Ms. Duncan – Ashtray issue – Should City decide to go ahead with placement – Suggest visually attractive – Consistency in design style with other street furnishings – Waste Receptacles – Bicycle racks – Suggest any selection be made in coordination with Downtown Revitalization Committee

GENERAL COUNCIL COMMENTS (01:34:47*)

ADJOURNMENT – Mayor Carnahan (01:34:53*)

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

Councilwoman Lehman: I second.

MOTION #8– C. C. Meredith moved and C. L. Lehman seconded to adjourn the October 20th, 2015 Regular Council Meeting at 8:31 p.m.

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

Meeting adjourned at 8:31 p.m. (01:35:02*Audio recording ends)



Lloyd Carnahan
Mayor, City of Benton City



Stephanie Haug, CMC
City Clerk-Treasurer

Date: 11-4-15