

**City of Benton City
Regular Council Meeting Minutes
May 3rd, 2016**

CALL TO ORDER – Mayor Lehman called the May 3rd, 2016 Regular Council meeting at the Ki-Be High School Performing Arts Center to order at 7:00 p.m. (00:05:05*Audio recording begins) (**Video recording not available)

PRESENTATION OF THE COLORS – Councilmember Coates led the Council and audience in the Pledge of Allegiance. (00:05:18*)

ROLL CALL (00:05:51*)

Council Members Present –

**Mary Lettau
Dave Sandretto
Jake Mokler
Lisa Stade
Vanessa Coates**

City Staff Present –

**Stephanie Haug, City Clerk/Treasurer
Paula Kauer, General Clerk
Kyle Kurth, Maintenance Foreman**

Other Professionals Present –

**Eric Ferguson, Associate, Kerr Law Group
Larry Howell, President, Benton City E.D.C.
Randy Rutledge, Consultant, Benton City E.D.C.**

Other Professionals Absent -

Alan Rainey, City Engineer, Spink Engineering, LLC

Mayor Lehman: I would like to request that everyone maintain order; we don't want any loud screaming, clapping, dancing in to aisles, so if you are out of order, I will ask you to leave, so I hope we can maintain some civil behavior this time.

READING AND APPROVAL OF MINUTES (00:06:43*) - **REGULAR MEETING APRIL 19TH, 2016**

Councilmember Lettau: Madam Mayor, I move to approve the Minutes as written.

Councilmember Stade: Second.

Councilmember Sandretto: I did want to comment on one of the pieces of the Minutes; it said I said "hogging". I believe it was "going"; would be, probably about four pages, five pages in Public Comment (inaudible) or just before it, excuse me.

MOTION #1- C. M. Lettau moved and C. L. Stade seconded to approve the Minutes of the April 19TH, 2016 Regular Council Meeting as amended.

VOICE VOTE #1- C. J. Mokler, C. M. Lettau, C. L. Stade, C. V. Coates, C. D. Sandretto
ALL YEAS. Motion carried.

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

(00:07:33*) 1. Liquor License Renewal – The Wild Boar Grill

APPROVAL OF AGENDA (00:07:44*)

Councilmember Sandretto: Madam Mayor, I'd like to move to approve the Agenda as written.

Councilmember Stade: Second.

MOTION #2- C. D. Sandretto moved and C. L. Stade seconded to approve the Agenda of the May 3rd, 2016 Regular Council Meeting as presented.

VOICE VOTE #2- C. J. Mokler, C. M. Lettau, C. L. Stade, C. V. Coates, C. D. Sandretto
ALL YEAS. Motion carried.

VISITOR COMMENTS (00:08:12*) None

REGULAR REPORTS

1. **EDC REPORT - (00:08:25*)**
Larry Howell, President & Randy Rutledge, Consultant, Benton City E.D.C.<Written report provided>
2. **STAFF REPORTS – (00:11:59*)** Stephanie Haug, City Clerk/Treasurer – *Maintenance Report* – In packet
3. **ENGINEER REPORT - (00:12:11*)** None
4. **COUNCIL COMMITTEE REPORTS (00:12:17*)** None

ITEMS FOR APPROVAL: (00:12:28*)

1. **PUBLIC HEARING – MORATORIUM – MARIJUANA ESTABLISHMENTS (00:12:32*)**
*** Public Hearing begins at 7:07 p.m. ***

Mayor Lehman: I would like to open the Public Hearing for the moratorium, and I want to establish some ground rules. I request that only people from Benton City, inside the City limits of Benton City speak and the ones that spoke last time, I would appreciate it if you would not speak and let the others that did not have a chance last time speak. So, we will have two minutes for each person and I'm going to run it, how many speaker requests do we have?

Mr. Ferguson: Madam Mayor, since this is actually a Public Hearing versus a Public Meeting, (inaudible) you allowed comment last time, I think it would be inappropriate to have that restriction (inaudible) reasonable for that, because this is actually a Public Hearing, I'm not sure you can actually limit it to the citizens of the City; you can definitely limit the time that give each person, time to talk and you can definitely the time period that the Public Hearing would go, as long as it's fair and reasonable, but that, but I think we're getting in trouble where First Amendment stuff, since we are actually holding a Public Hearing versus a public meeting where you allowed comment last time, so that would be my advice.

Councilmember Sandretto: May I address this? Can we put the County residences to the back (inaudible)?

Mr. Ferguson: I think as long as, the over-arching standard is going to be, that you're going to be judged on is going to be whether it's fair and reasonable, so if, if you're going (inaudible) if that's fair and reasonable, that you would have the, prioritize folks that you want to talk first, if you're scared of limiting other folks, in case there's too many people that want to talk, so I think, I think that would be fair and reasonable, but...

Councilmember Stade: So if we stated that we wanted to have the City residents have the opportunity to speak first and then we could open up (inaudible) to outside City limits?

Mayor Lehman: So we will allow the comments from others but we want to take the people that live in Benton City first. Yes, ma'am?

Unidentified Female: Also, some of us who were not allowed in the first part of the meeting last week, two weeks ago, whenever it was, we didn't hear a lot of the comments so I think if somebody wants to comment again, that would be appropriate because a lot of us were outside and we couldn't hear. I realize it would make the meeting longer but as I say, we missed half the meeting.

Unidentified Female: Mrs. Mayor, wouldn't that be in the Minutes that are (inaudible) that people could read?

Councilmember Stade: The Minutes just say "pro" or "con"; they don't specifically state the reason or the rationale behind it. It's just generic.

Mayor Lehman: Okay, the first speaker will be Mr. Stan Smith, and he in on Horne Road but (inaudible)...

Stan Smith, 1301 Horne Road – Anti-marijuana business

Bruce Gradisher, 1565 11th Street – Pro-marijuana business
Don Kearns, 1007 7th Street – Pro-marijuana business
Ethan Brown, 1541 13th Street – Anti-marijuana business
Dyana Alcazar, 908 Babs Avenue – Anti-marijuana business
Heather Smith, 1300 Karen Avenue – Anti-marijuana business
Michelle Quarisa, Benton City – Pro-marijuana business
Larry Howell, 313 3rd Street – Anti-marijuana business
Cindy Jackson, Benton City – Pro-marijuana business
Travis Estes, 1100 Irene Avenue – Anti-marijuana business
Nathan Banks, 1007 7th Street – Declined to speak
Susan Leckband, 1536 13th Street – No longer in attendance
Ann Kearns, 1007 7th Street – Pro-marijuana business
Heather Lockhart, 710 Hope Lane – Pro-marijuana business
David Bragg, 1501 12th Street – Anti-marijuana business
Nichole Bragg, 1501 12th Street – Anti-marijuana business
Steve Rouse, 36107 Demoss Road – Anti-marijuana business
Christine Roderick, 501 Grader Court – Anti-marijuana business
Douglas Gale, 36605 Demoss Road – Anti-marijuana business
Jim van Tungeln, 700 Saturn – Anti-marijuana business
Don Arbogast, 29712 E. Kennedy Road – Anti-marijuana business
Sig Lando, 22805 E. Tara Road – Anti-marijuana business
Nila Hodgson, 48602 N 108 PRNW – Anti-marijuana business
Clark Beus, 808 W. Old Inland Empire Highway – Anti-marijuana business
Frank Prior, 65207 N. SR225 – Anti-marijuana business
Ruthy Lyon, 57803 N. Shular Road – Anti-marijuana business
Dan Johnson, 77204 N. Demoss Road – Anti-marijuana business
Christine Thompson, 1201 12th Street – No longer in attendance
Brenda Trammell, 42901 N. River Road – Pro-marijuana business
Ronald White, 40603 Highland Road – Anti-marijuana business
Heather Duncan, 2502 W. Dusty Lane – Neutral – Yes on moratorium
Hedayatullah Jalalya, 2431 S. 38th Avenue, West Richland - Concerns

***** Public Hearing ends at 8:21 p.m. *** (01:24:49*)**

Mayor Lehman: Public Meeting is now closed at 8:21.

2. RESOLUTION #2016-08 – MORATORIUM – MARIJUANA ESTABLISHMENTS (01:25:09*)

Mr. Ferguson – Information regarding moratorium and available options

Councilmember Lettau: Madam Mayor, I would like, I would move to approve Resolution #2016-08, a resolution of the City of Benton City, Washington, declaring a renewal of the moratorium established by

Resolution #2013-20, extended by Resolution #2013-26, and renewed by Resolution #2014-18 and Resolution #2015-06 and Resolution #2015-17 and adopting Findings of Fact and approving an amended Work Plan.

Councilmember Stade: I second. * **Council Discussion** *

Mr. Ferguson: I just wanted to clarify one thing, because I know it's something you are all interested in. This moratorium will be a six month moratorium. It will, I think it will take us five days short of the General Election in November, so just want to give you a heads up that this won't get us in November, we would have to extend come November 3rd, but as, because the moratorium's good for six months, that doesn't mean you have to use it for six months obviously. The moment you decide that you no longer, that you want to regulate, the moratorium (*inaudible*), but just want to make sure everybody's clear that the vote that's on the floor right now, motion that's on the floor is for the extension of the moratorium for six months, which will take us to November 3rd.

MOTION #3- C. M. Lettau moved and C. L. Stade seconded to approve Resolution #2016-08, a resolution of the City of Benton City, Washington, declaring a renewal of the moratorium established by Resolution #2013-20, extended by Resolution #2013-26, and renewed by Resolution #2014-18 and Resolution #2015-06 and Resolution #2015-17 and adopting Findings of Fact and approving an amended Work Plan.

VOICE VOTE #3- C. J. Mokler, C. M. Lettau, C. L. Stade, C. V. Coates, C. D. Sandretto
ALL YEAS. Motion carried.

<<< Ten minute break ~ 8:46 p.m. to 8:56 p.m. >>> (01:46:19*)

3. RESOLUTION #2016-09 – BALLOT TITLE – ADVISORY VOTE (02:00:33*)

Mr. Ferguson - Overview of advisory vote issue * **Council Discussion** *

Councilmember Stade: Madam Mayor, I move to approve Resolution #2016-09, a resolution of the City of Benton City, Washington, calling for an advisory election to consider adopting regulations for production, processing, and retail sales of recreational and medicinal marijuana, or adopting a ban for production, processing and retail sales of recreational and medicinal marijuana within the City.

Councilmember Lettau: I second it.

MOTION #4- C. L. Stade moved and C. M. Lettau seconded to approve Resolution #2016-09, a resolution of the City of Benton City, Washington, calling for an advisory election to consider adopting regulations for production, processing, and retail sales of recreational and medicinal marijuana, or adopting a ban for production, processing and retail sales of recreational and medicinal marijuana within the City.

* **Council Discussion** *

Councilmember Sandretto: Madam Mayor, I'd like to make a motion to amend Resolution 2016-09 (*inaudible*) changes of, changing a section says "to allow" for the purposes of both; the Section that states "to allow regulation of recreational med, recreational and medical for medicinal marijuana activities within the City limits of Benton City to include production, processing and retail sales of recreational and medical marijuana" to say allow the regulation of recreational and medicinal marijuana production, processing and retail sales within the City of Benton City. I'd like to make that following amendment to the ban section as well; to read exactly the same and removing activities from both. The ban says to ban recreational and medicinal marijuana activities within the City of Benton City to include production, processing and retail sales of recreational and medicinal marijuana to change it to ban recreational and medicinal marijuana production, processing and retail sales within the City of Benton City.

Councilmember Coates: I second.

MOTION #5- C. D. Sandretto moved and C. V. Coates seconded to amend Resolution #2016-09, a resolution of the City of Benton City, Washington, to rephrase language under Section 2.

Ballot Proposition to read “Allow regulation of recreational and medicinal marijuana production, processing, and retail sales in the City of Benton City”; or “Ban recreational and medicinal marijuana producing, processing and retail sales in the City of Benton City”.

*** Council Discussion ***

VOICE VOTE #5- C. J. Mokler, C. M. Lettau, C. L. Stade, C. V. Coates, C. D. Sandretto

Councilmember Lettau: I make that motion to amend Section 1 to the General Election in November.

Councilmember Mokler: Second.

MOTION #6- C. M. Lettau moved and C. J. Mokler seconded to amend Resolution #2016-09, a resolution of the City of Benton City, Washington, under Section 1, Request for Election to specify the Advisory Vote be moved to General Election.

**VOICE VOTE #6- C. L. Stade, C. M. Lettau, C. D. Sandretto, C. J. Mokler – YEAS;
C. V. Coates – NAY. Motion carried.**

Ms. Haug: So just as parliamentary procedure goes, so there is still the, the Resolution approval is still on the floor at (inaudible) as amended to change to the General Election, and what the changed wording. So it would be a call for vote for that, the Resolution as amended.

**VOICE VOTE #7- C. L. Stade, C. M. Lettau, C. D. Sandretto, C. J. Mokler – YEAS;
C. V. Coates – NAY. Motion carried.**

Mr. Ferguson: Sorry, we’re voting on the total...

Ms. Haug: The resolution...? This vote is for the resolution as amended so the change of the wording and then also the change of the election.

Mayor Lehman: Before we move onto the next one, I’d like to allow Windy to come up and present the petition she talked about earlier, so she wants to present us it.

Windy Welch – Presentation of petition of 565 signatures on behalf of citizens of Benton City and surrounding areas – 335 in City limits – 34 rural Benton City – 204 from surrounding areas – all for marijuana retail sales in Benton City

Peggy Higham – No petition against marijuana retail sales – Only distributed information in public areas – Possible to set date for the Public Hearing before vote and moratorium? Only three days notice – Helpful to get dates in advance - Not getting notifications

Ms. Haug – Posted in the Tri-City Herald and City’s website two weeks ago

Mayor Lehman: Let me invite you to come down to City Hall and we’ll take this us down there. Right now, I’d like to get back to our Agenda.

4. SET DATE/TIME FOR TWO WORKSHOPS – BENTON CITY VISIONING WORKSHOP AND CURRENT PROJECTS WORKSHOP (02:31:20*) * Council Discussion *

Mr. Ferguson – Clarification of acceptable Council interactions

Ms. Haug: The first one would be just for Projects. That would be held on May 17th at 6 p.m. the hour before Council Meeting. And then the one in June would be for the Visioning, which I think because we’ll have more time, we could add other items, so that the attorneys presenting the OPM Public Records (inaudible).

Councilmember Sandretto: Madam Mayor, I move to schedule the Visioning Workshop on June 14th at 6 p.m. and a Projects Workshop on May 17th at 6 p.m.

Councilmember Mokler: Second.

MOTION #8- C. D. Sandretto moved and C. J. Mokler seconded to schedule a visioning workshop on June 14th at 6:00 p.m. and a projects workshop on May 17th at 6:00 p.m.

VOICE VOTE #8- C. L. Stade, C. M. Lettau, C. D. Sandretto, C. J. Mokler, C. V. Coates
ALL YEAS. Motion carried.

5. CITY HALL CLOSURE – MAY 11, 2016 (02:44:57*)

Councilmember Coates: I move to approve the closure of City Hall to the public on Wednesday, May 11th, 2016 for City Staff to work in the City Archives.

Councilmember Stade: I second.

MOTION #9- C. V. Coates moved and C. L. Stade seconded to approve the closure of City Hall to the public on Wednesday, May 11th, 2016 for City Staff to work in the City Archives.

VOICE VOTE #9- C. L. Stade, C. M. Lettau, C. D. Sandretto, C. J. Mokler, C. V. Coates
ALL YEAS. Motion carried.

6. VOUCHERS (02:45:43*)

Councilmember Sandretto: Madam Mayor, I move to approve payment of claim check numbers 27631 through 27648 with EFTs as listed in the amount of \$48,690.70, this 3rd day of May, 2016.

Councilmember Coates: I second.

MOTION #10– C. D. Sandretto moved and C. V. Coates seconded for the City Council of the City of Benton City, Washington, to hereby authorize payment of Claim Check Numbers 27631 through 27648 and EFTs in the amount of \$48,690.70. These checks are approved for payment this 3rd day of May, 2016.

ROLL CALL VOTE #10– C. V. Coates, C. D. Sandretto, C. J. Mokler, C. M. Lettau, C. L. Stade
ALL YEAS. Motion carries.

ITEMS FOR DISCUSSION (02:46:23*)

1. CITY COUNCIL RULES OF CONDUCT Stephanie Haug, City Clerk/Treasurer

Ms. Haug - Explanation of topic – Homework for Council - Bring back to next council meeting

GENERAL COUNCIL COMMENTS – (02:48:19*)

Councilwoman Stade – Comments on Council Conduct - Request information on City Hall feasibility study * **Council Discussion ***

ADJOURNMENT – Mayor Lehman (02:52:16*)

Councilmember Sandretto: Motion to adjourn, Madam Mayor.

Councilmember Coates: I second.

MOTION #11– C. D. Sandretto moved and C. V. Coates seconded to adjourn the May 3rd, 2016 Regular Council Meeting 9:48 p.m.

VOICE VOTE #11– C. J. Mokler, C. M. Lettau, C. L. Stade, C. V. Coates, C. D. Sandretto
ALL YEAS. Motion carried.

Meeting adjourned at 9:48 p.m. (02:52:22*Audio recording ends)

Linda Lehman
Mayor, City of Benton City

Stephanie Haug, CMC
City Clerk-Treasurer

Date: _____