

**City of Benton City  
Regular Council Meeting Minutes  
July 19<sup>th</sup>, 2016**

**CALL TO ORDER** – Mayor Lehman called the July 19<sup>th</sup>, 2016 Regular Council meeting at the Community Center to order at 7:00 p.m. (00:04:00\*Audio recording begins)

**PRESENTATION OF THE COLORS** – City Attorney Lee Kerr led the Council and audience in the Pledge of Allegiance. (00:04:24\*)

**ROLL CALL** (00:04:58\*)

Council Members Present – **Dave Sandretto**  
**Jake Mokler**  
**Mary Lettau**  
**Lisa Stade**

City Staff Absent – **Vanessa Coates** (Unexcused)

City Staff Present – **Stephanie Haug, City Clerk/Treasurer**  
**Kyle Kurth, Maintenance Foreman**

Other Professionals Present – **Lee Kerr, City Attorney, Kerr Law Group**  
**Alan Rainey, Spink Engineering LLC**  
**Capt. Clay Vannoy, Benton County Sheriff's Office**  
**Larry Howell, President, Benton City E.D.C.**

**READING AND APPROVAL OF MINUTES** (00:05:20\*)

- **REGULAR MEETING July 5<sup>th</sup>, 2016**  
- **WORKSHOP – June 28<sup>th</sup>, 2016**

**Councilmember Sandretto:** Madam Mayor, I motion to approve those Minutes from June 21<sup>st</sup>, 2016...

**Ms. Haug:** No, July 5<sup>th</sup>...

**Councilmember Sandretto:** July 25<sup>th</sup>...

**Ms. Haug:** July 5<sup>th</sup>.

**Councilmember Sandretto:** 5<sup>th</sup>!

**Councilmember Mokler:** I second.

**MOTION #1-** C. D. Sandretto moved and C. J. Mokler seconded to approve the Minutes of July 5<sup>th</sup>, 2016 Regular Council Meeting as written.

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

**Councilmember Lettau:** Madam Mayor, I move to approve the Minutes of the Workshop from June 28<sup>th</sup>, 2016.

**Councilmember Sandretto:** Second.

**MOTION #2-** C. M. Lettau moved and C. D. Sandretto seconded to approve the Minutes of the June 28<sup>th</sup>, 2016 Workshop Meeting as written.

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

**OPENING REMARKS, "HOUSEKEEPING" ITEMS, EXECUTIVE SESSION REQUESTS, ETC.**  
(00:06:28\*)

1. Liquor License – Miranda's Meat Market LLC

**APPROVAL OF AGENDA** (00:06:40\*)

**Councilmember Sandretto:** Madam Mayor, I move that we approve the Agenda as written.

**Councilmember Lettau:** Is...? I have a question. If I want to add something into the discussion, do I need to do that before (inaudible)? Okay, there's a couple items I would like to put on for

Discussion. One of them would be your monthly article in the paper and also I'd like to discuss the Team Building that happened last Friday.

**Councilmember Sandretto:** So, are we putting that item 2a, 2b or...?

**Mayor Lehman:** Well, it would be down, I guess we should have it before we go into (inaudible) discussion.

**Councilmember Sandretto:** So...

**Mayor Lehman:** So, 2a, 2a and 2b?

**Councilmember Stade:** And then I would also like to discuss reprisals.

**Mayor Lehman:** Reprisals? 2c?

**Unidentified Female:** Point of order. We can't hear everybody. (Inaudible) microphones? Okay, thank you.

**Mayor Lehman:** Okay, approval of the Minutes, of the Agenda, as amended.

**Councilmember Stade:** Second, second.

**Mayor Lehman:** Alright, is that correct? As amended?

**Councilmember Sandretto:** As amended, yes. Items 2a, 2b and 2c.

**MOTION #3-** C. D. Sandretto moved and C. M. Lettau seconded to approve the Agenda as amended.

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

**VISITOR COMMENTS (00:08:47\*)** Heather Duncan, Benton City Chamber of Commerce - *\*Monthly Chamber Luncheon* – Network – July 28, 2016 – 11:30 Check in – Program at 12:00 – Wild Boar Grill - Speaker – Adam Fyall – Director of Sustainable Development and Parks for Benton County - *\*National Night Out* – Safety and crime information – August 2<sup>nd</sup>, 2016 – 4:00 p.m. to 7:00 p.m.

## REGULAR REPORTS

**1. SHERIFF'S REPORT (00:10:59\*)** Capt. Clay Vannoy, Benton County Sheriff's Office  
June 2016 - In Packets - 358 Calls for Service vs. 249 in 2015 - 51 Case Offenses vs. 37 in 2015 - 20 Infraction Offenses Issued \* Council Discussion \*

**2. STAFF REPORTS (00:15:40\*)** Stephanie Haug, Benton City Clerk/Treasurer – In packets  
- **Treasurer Report** - Code Report – Comprehensive Plan Update – Next Planning Commission Meeting – Wednesday, July 27, 2016 at 6:00 p.m. – Goals and Policies for Update

**3. ENGINEER REPORT (00:16:35\*)** Alan Rainey, Spink Engineering LLC – Dale Avenue – Settlement problem – City crew cut hole, dug down, found a void – Spoke to contractor that did sewer work – Problem with catch basin last year – Contractor to fix – Schedule tomorrow

## **4. COUNCIL COMMITTEE REPORTS (00:17:23\*)**

**Councilmember Sandretto** – PAC Meeting – Question all government – What does your City think about starting the process to build a new bridge across the Columbia River? Fifteen year process possible – Planning, funding and State and Federal approvals – Could be process -Update roads and build bridge – May take twenty to twenty five years - Global community of Tri-Cities – No cost to think about it – Between Glade Road and Self Landing Road - PNNL – Tie into Twin Bridges – Tie in to new Red Mountain Interchange eventually – Or possibly coming as far west as Benton City – Downtown Bypass a possibility - Council thoughts – By beginning of August – Regular agenda items – Edison and Road 68 - Wallula Junction and 397 – \* Council Discussion \*

**Councilmember Stade** – Attended training with Ben Franklin Transit Planning and Marketing – also Ben Franklin Transit Board - Going ahead of schedule – Routes and RFP – Wi-Fi on buses – Demographics of users and routes – May be able to combine routes – User study with new technology – Need for part time operators – New route for Fair – Every fifteen minutes – Combo ticket available \* **Council Discussion** \*

**Mayor Lehman:** Now it's time for our Special Presentation. I'd like to introduce Jayne Cain, who is with the Washington Wine Commission and also a Benton City resident and Jayne, I'll let you talk, tell them what your topic is about.

**\*\*\*\* SPECIAL PRESENTATION – B.R.I.C.K.S. - JAYNE CAIN \*\*\*\***  
**Power Point Presentation**

**Ms. Cain – BRICKS – Business – Residents – Individuals – Community – Kids – Sustainability**  
\* **Council and Community Discussion** \*

**ITEMS FOR APPROVAL:**

**1. FIRST READING – YARD SALES (00:52:00 \*)**

**Councilmember Sandretto:** I'll motion to approve First Reading of the ordinance amending Section 5.12.045 "Yard Sales" extending the continuous period for individual yard sales.

**Councilmember Mokler:** Second.

**Councilmember Stade:** Yard sale, it says that, I just want to know what, what you wanted to say and I wanted to make sure I'm understanding it as it's written, so if you'd help me with that, because it says no more than three weeks, then with a two week break, and at one part, it says no more than twelve days in a year, but in another portion, it says no more than one hundred eighty days, so what's, what's the desired thing, maybe I'm misunderstanding...I don't know which, what the purpose was...

**Mayor Lehman:** Probably would have been clearer if we didn't have all the tract changes in there.  
\* **Council consensus** \* Yeah, Mr. Kerr, would you like to address that?

**Mr. Kerr:** Yeah, this was probably a request from, I think, Mr. Robinson, who felt that the three day period that we had in the past is just insufficient, and so the suggestion from the Mayor was that it would be extended to three weeks. The difficulty is, is that there are circumstances where the yard sales have been abused. One of the examples that I gave to the Mayor was that there was a fellow that was selling mattresses in his front yard in Pasco under the guise of a yard sale that lasted for 365 days a year so the idea was is to provide an opportunity to be able to have up to three weeks to sell an estate sale, you know, those types of things, but not to be able to allow it continue, so the idea was is that in our previous and original ordinance, we had a two week break between any two sales and so, if you, and like I say, if you do the math on it, that would give you about, if you had three weeks, (inaudible) two of the three weeks, that'll give you about ten (inaudible) potential for the year and so the idea was is to still allow those that would just want a one, two days, you know, the weekend sales to be able to have one once every month for twelve months, one every twelve months but in no event, should there be more than twelve in any, in any, more than one hundred and eighty yard day sale, yard sale days so anyway you shake it, if you have two, you know, you have a weekender, you can have twelve of them. If you have a three weeker, you can have up to a total of one hundred and eighty days during any one year period of time. Did the math throw you?

**Councilmember Stade:** Yeah, the one hundred eighty days, I'm like I know that's half, but, I, do we need that one hundred and eighty days in there? Because if we're saying one each month, and maximum twelve, do we need the one hundred and eighty days? I just want it to, I just want it to be written in the way that expresses what the desired outcome is.

**Mr. Kerr:** Yeah, yeah, a hundred, a hundred and eighty, a hundred and eighty days gives somebody that's going to do it on a three week basis, six shots during the year to be able to have it, six sales. If you, like I said, if you make it any higher, like I said, you're going to run the risk of

having a perpetual sale. You crank it back, you're going to run the risk of having weekenders not be able to have it more than once a month, so the one hundred eighty days was kind of a compromise, so, like I said, if you have, if you have a two day sale, and then you wait two weeks and you have a three week sale, you know, like I said, when you hit one hundred and eighty days, you've kind of wore out your welcome on the, on the yard sale scene, so that's how, that's, that's the formula, the mathematical formula that's supposed to satisfy.

**Councilmember Stade:** Okay, so three calendar weeks and then they separated by not less than fourteen calendar days so that's basically saying a two week period? Could have a three week? Two, four, six, two week off and then (inaudible due to microphone feedback). Okay.

**Mr. Kerr:** Yep! Three weeks on, two weeks off, that's a five week cycle.

**Councilmember Stade:** Maximum twelve in a year.

**MOTION #4- C. D. Sandretto moved and C. J. Mokler seconded to approve an ordinance, on its First Reading, amending Section 5.12.045 "Yard Sales" extending the continuous period for individual yard sales.**

**VOICE VOTE #4- C. D. Sandretto, C. J. Mokler, C. L. Stade, C. M. Lettau**  
**ALL YEAS. Motion carried.**

## **2. FIRST READING – UNSAFE AND UNFIT BUILDINGS (00:56:29\*) \* Council Discussion \***

**Councilmember Lettau:** Can I ask where this came from? Why it's (inaudible)?

**Mayor Lehman:** I think it came about during one of our discussions; we've had some people in around a table and we were discussing the number of derelict buildings that we have in town and what could be done about them, because as you know, Head Shed's been there for years, the building down there in front the, old building in front of the big warehouse, some of them are pretty unsightly and dangerous, so Mr. Kerr, was that Keith that did this, put this together or did you put this one together?

**Mr. Kerr:** Well, this, Keith was working on this to assist us but we put this together. Basically, what this boils down to is that this is another arrow in or quiver for Code Enforcement to clean things up. One of the difficulties we have with some of the other means that are available is that the only way we can get there is by going to court and to that means, we have to sue somebody, we have to bring an action, we have to go to court, we have to get an abatement order from the court, we have to come in with a, a crew, clean it up, file a lien against the property, but the lien that's filed against the property subordinate to any underlying mortgage and so it becomes very ineffectual in regards to being able to get your costs back after you've expended so much money. We've had a couple of very, very large projects here in Benton City over the years and they've been very expensive. I don't know if you remember Otto Lorz. We had, it took us, I think it was \$32,000 plus a lot of volunteered labor to just be able to clean up that property that he had and immediately across the street from City Hall, we had the same thing, so the difficulty was is that it was not economically feasible. This provides an alternative and it's specifically applicable to structures that, once we got through the process, and we can, we can avoid having to go to court, we can do it on an administrative basis, make a determination that the property poses a public hazard. Once that has occurred, there's an opportunity for the person that owns the property to appeal it. Appeal it first administratively, and if they don't agree, then they can go to court, but assuming that we go from that point on, it gives the City the authority to be able to go in and actually abate, go on the property, spend the cost necessary to be able to take the property away but the big thing that it provides is, is that once we have created that abatement lien, it goes onto the property's title ahead of everything, mortgages, deeds of trust, everything except county taxes and it adds it to the tax rolls so instead of having a, say \$1,000 tax for the next, you know, next year, you'll have a \$1,000 plus the abatement clean-up costs, which may be \$20,000 and so to be able to pay the taxes, you'll have to pay \$21,000 so it gives the City a much greater probability of getting paid. The other is, is that if the tax payments are not made, then the property will be sold for tax sale and the City has the

first option to be able to purchase it because they'll be able to bid in their lien dollars as opposed to having to come up with greenbacks to be able to acquire the property in the sale, so it gives us another tool that we haven't had before and it provides us a clearer means of satisfying any type of reimbursement for our abatement costs that we haven't had before. This is, in some degree, somewhat of a frustration because we took this to the Legislature at the last session to be able to get this same relief, kind of across the board on our other remedies and the Legislature chewed it up so bad that the maximum amount that we're granted was \$2,000 as a priority lien and unfortunately, there's very, very little abatement that can be done for \$2,000, so that's why this is coming to you at this stage, because it is the only viable option to be able to get our full reimbursement of our abatement costs.

**Councilmember Stade:** And nothing facetious, but if we were to look at the City Hall under this code, would that categorize abatement or...?

**Mr. Kerr:** I declare privilege on that one! No, it probably would not, it has to be, there's a, under the code, there are certain criteria for becoming a hazardous dwelling and it has to have a, an immediate threat of physical harm. We're not quite there yet at City Hall.

**Councilmember Stade:** Okay and the question on who's the Building Officer on (inaudible) because I noticed they said Building Officer and then used Code Enforcement kind of interchangeably? Who would be our Building Officer for our City?

**Mr. Kerr:** That would be our Code Enforcement Office. And if it's not the Code, it should be Code Enforcement.

**Ms. Haug:** There's two references in the ordinance. It references the Code Enforcement Officer and then the Building Official and we contract that service through The Building Department, so they're the ones educated in the building code, so they would be working with our Code Enforcement Officer to make these determinations.

**Councilmember Lettau:** There seems to be some strong language in here, though, regarding a search warrant, that if we deem necessary, that we're going to take (inaudible) and that kind of scares me a little bit, if we're talking about an unfit build, somebody's home, I guess, I don't want to see that abused, and so that's scares me when I see that in this.

**Mr. Kerr:** No, I agree, I agree and it's an administrative warrant rather than a search warrant as such, as such as a criminal, criminally authorized warrant and frankly, to be able to do so, we would, we would probably take the safer ground and go through the process we did before the judicial process so we take it to the judge, have the judge make the determination whether its sufficient cause to enter the home, enter the structure, that type of thing.

**Maxine Martin:** Could I ask a question? Do you ever condemn buildings?

**Mr. Kerr:** We do.

**Ms. Martin:** So how do you find these places that you need to clean up?

**Mr. Kerr:** Okay, it comes from several sources. One of course, is the Code Enforcement Officer and he, and they primarily get that from two sources; from their own observation and then from citizen complaints. I got to say, that the majority of them are driven by citizen complaints.

**Ms. Martin:** Okay, so if you want to complain about someone, you'd go to City Hall and complain?

**Mr. Kerr:** Probably the Code Enforcement Officer.

**Councilmember Stade:** Madam Mayor, I make a motion to approve the ordinance of the City of Benton City, Washington, creating a new Chapter 15.24 "Unsafe and Unfit Buildings, Structures and Premises".

**Councilmember Sandretto:** Yeah, I'll second it.

**Councilmember Stade:** And do you foresee any concern, Attorney Kerr, with, I know when we adopted the Building Codes that were universal, that opened up a whole lot of things as far as safety but it also opened up things such as businesses could only be grandfather-claused if they were purchasing and then also operating under that same business, do you foresee an catchalls that would be not positive in the way of this, because like the catchall to include, you know, any other things that are listed here.

**Mr. Kerr:** Bad, unintended consequences? No, and one is that is it gives you confidence, both City of Pasco and the City of Sunnyside and City of Walla Walla and several others that we've dealt with are doing the same thing, like I say, it results from frustration that we had for the Legislature this year and just needed to happen so you're in good company, and I don't see any unintended consequences that will come back to bite us.

**MOTION #5- C. L. Stade moved and C. D. Sandretto seconded to approve an ordinance, on its First Reading, creating a new Chapter 15.24 "Unsafe and Unfit Buildings, Structures, and Premises".**

**VOICE VOTE #5 –C. D. Sandretto, C. J. Mokler, C. M. Lettau, C. L. Stade  
ALL YEAS. Motion carried.**

**3. RESOLUTION #2016-13 – DNR LETTER OF INTENT (01:05:22\*)**

**Councilmember Stade:** Madam Mayor, I'd like to make a motion to approve Resolution #2016-13 authorizing the Mayor of the City of Benton City to sign the Letter of Intent with the Department of Natural Resources regarding land adjacent to the I-82 property.

**Councilmember Lettau:** I second. \* **Council Discussion \***

**MOTION #6- C. L. Stade moved and C. M. Lettau seconded to approve Resolution #2016-13 authorizing the Mayor of the City of Benton City to sign the Letter of Intent with the Department of Natural Resources regarding land adjacent to the I-82 property.**

**VOICE VOTE #6- C. D. Sandretto, C. J. Mokler, C. L. Stade, C. M. Lettau  
ALL YEAS. Motion carried.**

**4. PURCHASE REQUEST – GAS ALERT MONITOR – Kyle Kurth (01:15:28\*) \* Council Discussion \***

**Councilmember Lettau:** Madam Mayor, I move to approve the purchase of a gas alert monitor and a confined space kit from Gasniffer.com in an amount not to exceed \$2,521.00 plus WA State Sales Tax as applicable.

**Councilmember Stade:** Second.

**MOTION #7- C. M. Lettau moved and C. L. Stade seconded to approve the purchase of a gas alert monitor and a confined space kit from Gasniffer.com in an amount not to exceed \$2,521.00 plus WA State Sales Tax as applicable.**

**ROLL CALL VOTE #7- C. D. Sandretto, C. J. Mokler, C. M. Lettau, C. L. Stade  
ALL YEAS. Motion carried.**

**5. CITY HALL CONSTRUCTION UPDATE – Spink Engineering (01:18:53\*)**

**Mr. Rainey:** Well, I provided everyone with an updated recommendations, and I guess, the only thing I have, I know we've talked about this quite a bit, so are there any questions? Because, I mean, we can sit here and rearrange all the different items, I think if we go through the iterations, we probably can get over two hundred thousand different combinations so, I mean, we can, but I guess the point I'm making is, you know, where does Council want to go with this and you know, we can help direct or come up with different options that you guys have as far as costs but I guess, I mean, I can sit here and roll through numbers as many times as you guys want but I think we'll be getting some direction from you guys would be helpful.

**Councilmember Mokler:** If I recall correctly, the first set of numbers, mold remediations, was about \$48,000, \$49,000 and now it's listed at \$70,000, can you tell me what the difference is?

**Mr. Rainey:** With that, we've added to the south side, putting gutters up and keeping the water out of the south side of the building because that's where we did the mold remediation on the wall downstairs. That's where that water's coming from and then also the HVAC system was lumped in there, also.

**Councilmember Mokler:** Second question I have is if we were to move staff out, how much faster could we have construction done, do you have any idea?

**Mr. Rainey:** I can't remember, I'd have to look at that, but I think it was, I guess, part of it is the order of magnitude of what you're going to do and where it's happening at, but it seem like it was a month or two longer if staff was there and part of that is contractor could come in at night time and work and then have it all cleaned up for staff to work in during the day.

**Mayor Lehman:** Any other discussion?

**Councilmember Sandretto:** Well, I think, I guess I'll take the lead on this thing. I think we've batted this thing around enough. I'm pretty sure I could pick out positions at this table and tell you where everybody's laying, what they want. After thinking about it myself, thinking about Mr. McCaffey's report, thinking about what is the right thing to do, I've come to the compromise that I think we should remodel the entire City Hall. I think we should put Council Chambers in the basement. I think we should look at the plan again for layout, give the staff a better layout. I think both pieces between the Mayor's layout and the staff has presented us with can be combined in a fashion that would work for everybody. I know nobody wants to do that, (inaudible) not everybody at this table wants to do that. My thought process is that it's time that we start thinking about fixing the building because we have people working in the building and that's my concern. Now we can piece it together and hope in five years we can build a building but we're still looking at eight years to build a building so at this point, if in four to six months, as you reported, we can put together a new City Hall, have a better layout, a better working space where everybody's happy, I think that's the plan we should go. I know these numbers don't show a full remodel, okay, but I'm thinking that's what we should looking at and that's going to be my vote tonight, because that's what we should do.

**Councilmember Lettau:** So the full remodel that you're talking about, was that without the \$400,000...?

**Councilmember Sandretto:** I believe it was, yes.

**Councilmember Lettau:** Okay. That would include everything that we have discussed in...?

**Councilmember Sandretto:** Just about. My, my final (inaudible) to that is, I don't believe in that \$400,000 there was a statement about the front of the building, but if we're going to remodel the entire thing, we might as well make it look new, right? And I know that it might not seem important, but when people drive into our town, right, and they come in and they want to build a house, put in a business, they see what that building looks like out front. They walk in the front, they see paneling on the walls and weird door you got to walk through to get into the lobby. We all know that I started out as an opponent to building a building, but I think at this point, my vote is that we move staff into a space where we can just go in there, remodel it, get it done, and get them back in to work. And as far as funding, if we do not have the full reserve, I again, am (inaudible) of the local program, I'm sure we can do a three year plan on the rest of the funding that we need which would probably put us at like \$50,000 a year to pay it off, and I believe we have that space in our budget to do that, or we could pay it off in a year if we get sufficient funds like last year.

**Councilmember Stade:** Stephanie, how much funds set aside for this?

**Ms. Haug:** \$250,000 is what is dedicated to go to the new City Hall reserve fund, so we'd have to do a budget amendment to be able to spend it this year.

**Councilmember Stade:** And what funds did we use to be able to fund into that budget?

**Ms. Haug:** It's from the General Fund.

**Councilmember Stade:** And what do you foresee as (inaudible) for this upcoming year, put into that fund, add to it?

**Ms. Haug:** Like for 2017? I'd have to run the numbers but probably about \$100,000.

**Mayor Lehman:** I just wanted to say that the siding is included in the (inaudible).

**Councilmember Stade:** And I wanted to mention that, it's a detail but, whatever we decide, I think if we're remodeling, that maybe we want to ask citizens what we think the front should look like. If we're going with the Revitalization project and looking in terms of like the train station and what about if the front had an awning or something that had some appeal that made it bring out the, kind of the historical aspects so that City Hall is the leader in setting the frontage and the view and the look of what we want the revitalization of the downtown so it starts with the City Hall and then it spreads from there so get some input, I mean, we could even ask, like Jennie Reike or artists that are excellent at drawing diagrams of what we could do to make that match the vision of the future, which is actually the past.

**Mayor Lehman:** I just wanted to say that we have adopted the downtown railroad, the historic railroad theme and you see the Chamber of Commerce building was the first building that we did in that theme and I think we should, you know, we have our color guide, we have our style guide, we hope to follow that.

**Councilmember Stade:** Right. I was thinking along those lines. That sounds great.

**Councilmember Lettau:** I appreciate your input. As I stated, I think, in the last meeting, we were still gathering the facts and wanting to do the right thing, the best thing, so as hard as it is to spend that much for renovation, I totally get that, I mean, two million dollars is a lot of money to build a new building at this point in time, so I'm, I totally understand that, and I appreciate your insight. I do have a comment, though, in our packets, it was a suggestion that when we clear out the mold in the sheriff's office, that then we could make that the Mayor's office, so therefore we can keep the chambers upstairs and maybe take a different look at that instead of putting the Chamber downstairs, so that is just an (inaudible), you know, just a detail of what we're going to have to put together once we determine what we're going do, but I think that might be an awesome answer.

**Councilmember Stade:** And then her office could include a large table, because as we, as I saw when I was meeting with her this week that, you know, she meets with groups of people, so that way her office could include the big table as well as the private space and areas to secure items and documents.

**Councilmember Mokler:** I think that we need to start the mold remediation immediately, and the structural beams and I know that we have the next item on the Agenda to move staff but I would like to propose we do this immediately, while we hash out the details, find funding for the rest of everything and go ahead and move forward with this.

**Councilmember Sandretto:** Okay. Just for Councilwoman Lettau and Councilwoman Stade, I did kind of sketch out a different plan for the upstairs that still includes the Mayor's office up there and I think it's probably the best plan for how we should do things for staff. It also includes some movement of the offices as detailed in the Mayor's plan, but it still keeps the lobby up front with the ADA bathroom towards the front door, allows for some ADA access to counters as well as a secure feature for our entire staff. The caveat to that is, yes, the council downstairs is going to be a little different but my thought process there is we only meet for two hours, or three, well four hours most nights (inaudible) so and as well as you know and you know, this is an oddity having a full staff like this in our audience, so I don't see a problem with us being down there, and it, think it would help cohesion upstairs as far as everybody working in the same space and I talked to Stephanie about (inaudible) to the meeting tonight. I wish I had a better sketch, it's really a poor sketch, I'm sorry

and I haven't had time to redo it, but I think this plan would work out for everybody, I, she agreed with me, (inaudible), okay, and I think that's one of the things that we need to look at so as I discussed with Stephanie as well as the Mayor and Miss Stade, different time frames and spaces, we're going to redo this. We want people to come up to City Hall and say "Benton City's getting together!" Right? We're getting it up. When they walk in the lobby, we want them to go "Wow!" That's the type of thing. This is my opinion. That's how you garner people's interest in town especially if they're building, so that's kind of where I'm at, I just think that we can make it look a lot better, all right? And I think one of the things that we should do, and this is just my opinion, so we can take it for what we want, is that all of us, Council included, the staff included, need to have a workshop where we all sit down and go over the finalized blueprint, whatever that may be, before we start throwing walls up.

**Mayor Lehman:** I think we also have to have the architect look at it.

**Councilmember Sandretto:** Right. So, I think that's one of the things we need to do. And that's my little discussion on it.

**Mayor Lehman:** Any further discussion? Yes?

**Skip Safford:** So when would (inaudible) comment on what you're all suggesting happen? When do we get say what we think we should do?

**Mayor Lehman:** I guess if we're finished discussing, we can take comments from the audience. So we'll take comments, for three minutes, no more than three minutes.

**Skip Safford:** (Inaudible) after that? Most cities (inaudible) where I'm from we get a least five and also we're able to (inaudible)...

**Mayor Lehman:** Would you mind coming up to (inaudible) giving us your name, sir?

**Public Comments:**

**Skip Safford:** So, my name is Skip Safford. I live over here on Dale Avenue, I'm Mister Mumboo Plaza supporter. And in my emails back to most of you would indicate tonight's thing was we're going to end up having some kind of citizen thing where we'd all sit down and decide what other options we have besides doing City Hall. What is comes now down, so I can (inaudible). Now we decided we're going to remodel City Hall and like, whoa, that isn't what I thought was going to happen. I do not understand why this Council is so dead set on fixing up a dilapidated, should be torn down building. Have any of you asked anybody to see, after putting all this money in, what it's going to be worth when it's done? Are you just spending money down a rathole? And, Mumboo Plaza, I don't understand, the railroad theme that you all like, I understand that, I don't get that feeling at all. To me, it's a nice little awning, looks pretty, but I don't understand the railroad theme, I just don't. And I'm not a newcomer to here, I've been coming out here for almost forty years, (inaudible) been coming down here when Ki-Be was still a orchard, so it's not that I'm new to the City; I've not seen any real revitalization in all that time. I've seen most devitalization, I've never seen any, really grand improvements. I don't see anything here in the future, and the reason I'm in support of Mumboo, is I sent an email to you, you have Post Office and one side, School District on the other, plenty of parking, plenty of space, cut a deal with Mumboo, take their rent money, put it into there, and buy yourselves some time, and if you decide you want the silliness of building a new thing on the Library, well, if the voters say "Okay, let's spend that three to four million bucks!" Okay, I'll be voting "no", but I thought again, tonight's thing was not even remotely deciding on dumping money into that building. We're in no hurry, what's all the hurry all of a sudden? You've been living there forever. Why tonight? Why not another four, five, six months or whatever? What is the hurry?

**Councilmember Sandretto:** I'll address that, Skip. Over the past month and a half, we've had multiple meetings here and we've had different thought processes come out of this. Some of the thought processes are just fix the immediate life hazards that are there. The immediate life hazard

right now, in the building, is there is a high count of mold, almost, what was it, Alan, like seven times...?

**Mr. Rainey:** At least seven times, yeah...

**Councilmember Sandretto:** Yeah, seven times what should be permissible. That was an air quality study. The second piece to that, and that happened in the lower half of the building where the records are maintained, and so forth and so on, the other piece to that is substantial, excuse me, substandard beams in the roof and floor, which are, by an engineer's standard point, a life hazard, that's why our council meetings are down here, so we're looking at building a new building up to a starting point of \$1.8 million, which is kind of high priced, we agreed, you're a citizen...

**Mr. Safford:** I'm not thinking of so much high price as we are now vacating another building and we still have other buildings built; why would we build another one and vacate another one rather than take possession of something that's already built. That doesn't seem like a revitalization that seems like just a pure waste of taxpayers' dollars.

**Councilmember Sandretto:** That's fair. So now we go back to the thing is, we've got a health hazard, right? We've got employees working in there. If you come in as the public, your health in the health hazard, so our next step is to figure out how to mitigate that. The way to mitigate that is to move staff out. That's our next Agenda item which is to relocate them into the Mumboo Plaza for the temporary time being but as a City, to sit and continue put a thousand plus dollars a month into the that building at Mumboo Plaza is what the rent money's going to be. It doesn't make a viable option for us either, over the long term. The second piece to that is Stephanie does a great job of setting all this up every night which you've got to take down every day, and we also have got to push people out of here who want to use this facility because we're in here, so that, that's a community issue there. So our options that we've been discussing over the past three days, or three, five meetings, is do we just fix the minor things, which there's almost a price of just doing the remodel of the first floor, or do we do a full remodel, or do we move out into another building. Well, we have money in reserve that was put in reserve for building a new building, \$250,000, that we've put towards that remodel.

**Mr. Safford:** So, stop me when you're done. So I don't think you've answered my question, at all. And I'll just used the City of Seattle as a people who rented, I think, seventeen floors, for decades for their City of Seattle offices, somehow that rent money doesn't go to waste for them and I'm sure it's more than \$1,000 a month, for seventeen floors, whatever (inaudible). They've since moved now into a nice, new forty story building next door, whatever rent is, but I'm thinking, a thousand bucks a month, I don't know, maybe the landlord kicks in, if you have a long term lease, a negotiating (inaudible) that would kick in some kind of funds to help you pay for the remodeling of whatever you need to have that space done. That's typical, if your City Attorney will nod his head like "Yeah, they normally kick in money for..." (inaudible)

**Councilmember Sandretto:** Let's see, \$12,000...

**Councilmember Stade:** If we paid \$1,000 a month divided into \$400,000...

**Councilmember Sandretto:** I don't need to divide it into that, I've got \$250,000 that we saved for a new building.

**Mr. Safford:** That you can use for whatever? You could rent? Spend all that on rent. So that'd be two hundred and fifty months?

**Councilmember Sandretto:** Could, but as you said, revitalization is the key here, right?

**Mr. Safford:** So, let me stop you right there; now you're talking about a new building, so stop the revitalization thing, building a new building by the library is not revitalizing anything.

**Councilmember Sandretto:** That's not what I'm talking about. I'm talking about the remodel.

**Mr. Safford:** Yeah, I know you are, but also considering the building at some point, that's not revitalizing.

**Councilmember Sandretto:** I think that's (inaudible)

**Mr. Safford:** And the other (inaudible) question is and remains, or will remain when you sink that two hundred and fifty grand, a quarter million dollars, into that building, what's your return? I'm not coming to City Hall, I had a great time working with Steph and the other members there when I was trying to get my permit, what aggravated me the most was I actually had to go there. We're one of the few cities left that you just can't go on line and do your permits, do everything on line and Stephanie will tell you, well, she may not remember how angry I was having to drive from Seattle to come down here and do all this, like you guys got to be kidding me! You just can't do this on line? I know my time's up, anyway, no! Totally against doing anything. Thank you.

**Jack Davis:** Okay, Jack Davis, I live at 506 Carol here in Benton City. First thing is I can really see that we do some changes at City Hall. If we go with a new building, it'll cost \$1.8 million and I don't know what's the cost of remodel what we have but the next thing I'm wondering is after you get that new building, what can you do with the building we're presently in? Bulldoze it? Rent it? Sell it? What? And if you're going to sell it, I think you're going to have to do all the remodeling practically, that you're talking about to get rid of it, so you're going to make a investment now to get it fixed and use it or goes spend the money elsewhere and then come back and reinvest in this so you can get rid of it. This is kind of a double-edged sword, isn't it.

**Councilmember Sandretto:** Right, right, it's been a really hard council decision and we're not going to make everybody happy in this. We've, I think we've all realized that; we've seen many emails, we've seen many people, I've got people pushing go build a new building, get out of there. I've got other people telling me stay where you're at, fix the small things and live with it. It's done you good for sixty years so, my point in the end is we've got to fix that building anyway so well let's just fix it now, spend fifteen, twenty years in it.

**Mr. Davis:** Well, that's why I brought this up because I hadn't heard anything about remodeling it to sell it after you can, you can't sell it the way it is, so put the money in it, used it for ten, twenty, fifteen years, whatever, and then maybe you're going to have a more of a larger tax base and your tax base is pretty small right now and if you're going to spend \$1.8 million, you need a better tax base, I think. Thank you very much.

**Don Allen:** Good evening. I'm listening with real intent to this, I think it's really important. At the same time, the question, I've been around construction for years, so I understand a lot of it and my concern is, and I think with the engineering of it, is that how sound is the building itself? Okay, is it, well, a way of putting it would be for an example, you put all this work into it, let's say you do that, but when you sit there and you think about it, you're polishing, and polishing and polishing this building to make something out of it, but is that building worth polishing? Is it worth putting that money into it where you can get something out of it? It is, how structurally sound is it? How is the electrically system in it? What's the plumbing system in it? Does it have issues within this building itself of whether it has mold and mildew and this and that? All those things need to be addressed because if you're going to use that building, and you put this money in it, the way I would think about this is if it is, is viable and it is (inaudible) such a thing, you could put partitions within the building that are removable so that it attractive to somebody else if you go to a new building, that they could be able to use it and (inaudible) and then they could move the partitions as they need to and make the building for them, for whatever it needs to be rather than just set in a certain way. It, I think all that has to be addressed because of the building itself, when you walk into it, it's not too promising to, lack for a better word, and you feel kind of "hmmmm", you know, you don't have that good attitude towards it and I understand what you're saying, but is it, is the building itself really worth it? If it has structure problems with the roof, that's something that needs to be addressed, big time, because somebody, and insurance purposes, is the same thing. If that thing is really down, it's hard to get insurance, you're going to be paying high rates for it. If you could show that the

building is in really good shape and looks good and when somebody sees it, it has something that's really good, then that makes a difference also, so there's, I think, there's a lot of things of whether or not do we want to put in fifty thousand? Is the building worth the fifty? What if it's worth two hundred fifty? It depends on how good the building it is, in itself, and if that's not addressed, you're just putting it down a rat hole, you know, any...

**Councilmember Sandretto:** Miss (Lettau) brought up those exact concerns, and I think Mr. Rainey went through and did a good job at looking at what's the problems with the building, what's not, and I think that the outside structure of the building, stop me if I'm wrong, is in good shape.

**Mr. Rainey:** That's what I understand, correct.

**Councilmember Lettau:** I was just going to say the list that I think she just handed you is what we're looking at at about the minimum that we can do to make that structure work for us. There's beams that have to be replaced for the load, we have to take care of the mold, so with that includes the HVAC system, there's just, there's just a list of things, and that would be the minimum that we can do or that we have to do to be able to stay in that building, and we'd have to do those things anyway if we were going to sell that building down the road.

**Mr. Allen:** Right, and that's true, and somebody would want to rent, if you did rent it as a City, maybe that could be a building for the school district or something, you know, for administrative persons or something like that, and the City could use it (inaudible), but you want something that's, you don't want anybody in there that's going to get sick or have an issue or this or that, you don't need those issues, so, but is it worth, you know, to do all that or is it just better off to just (pffft) and put something else in there, I mean, you know, it's all a part of it. Anyway, I didn't mean to take up your time with it, but I just thought that'd be good.

**Council:** Thank you!

**Mayor Lehman:** I don't want to cut off the public input, but we do have quite a bit of agenda left and we have only an hour, so...okay...

**Connie Meredith:** Just real quick. Connie Meredith, 913 West 13<sup>th</sup> Street. Sorry, can you hear me now? You know where I stand about putting \$400,000 in the building. What is the bare bones cost? How much is it?

**Councilmember Lettau:** About \$200,000.

**Ms. Meredith:** About \$200,000, right? Okay, I can see that, to be able, just to be able to resell, right? Just to be able to even work in it? My major concern is...my concern I guess, is this is an election year and it makes me very nervous to spend that kind of money when we don't know what's going to come down the pike. I'm a taxpayer (inaudible), I'd rather prefer to hold on tight than spend \$400,000 plus on a building that, well you know how I felt, and I do agree we should go west and promote out there with businesses. We don't have anything, really, to go to the eastside, so going west would be the best way. So thank you.

**Councilmember Lettau:** So Connie, you're saying you would like, you, you think we should rent then in the plaza? Is that what you're, is that you're saying?

**Ms. Meredith:** Yeah, if you rented, that's what we have to do to remodel and get out, yes, rent for now. Go rent until we have to do the barebones minimum, the \$200,000, correct? That's overseeing any additional costs that might be over costs that come in, right?

**Councilmember Lettau:** Right, okay, so you're saying you'd like to see the barebones, which is the \$200,000, okay, just wanted to clarify.

**Ms. Meredith:** Yes, the \$200,000, yeah, just barebones, what I would like to see spent, not, that's about it.

**Councilmember Stade:** One comment. I think Skip, in his email, had said an option that we hadn't discuss aloud that I heard, was tear it down and install a stairway from the street behind 9<sup>th</sup> Street, so don't even set up it up to be another rental property, but to go elsewhere and then just tear it down, or let nearby buildings absorb it and expand into it. That's something.

**Councilmember Sandretto:** My concern with that is yeah, we get rid of vacant buildings, but now we have a vacant lot and does anybody fill it? The next piece to that is are we deterring our downtown by removing City Hall? You read the report that was by Mr. Mahaffey and that's what's been my convincing feature to pull back from a new building, is that we need to stay in that downtown because we're central, we pull people in there as part of their daily business, you know?

**Mayor Lehman:** Okay, I don't know that we have actionable vote tonight?

**Councilmember Sandretto:** No action at this time, but I think we should consider a vote on it of some sort or do we want to continue discussion on this?

**Councilmember Lettau:** I'm ready to vote on the bare minimum, the \$200,000, which is what we're showing right now. I think we need to get going on that and start the process, so I'm willing to vote for that \$200,000.

**Councilmember Sandretto:** Okay, so we can start that piece.

**Councilmember Mokler:** What would the correct order of operations be to take that money and move it from one place to another and then make this vote, or move staff and make the vote?

**Councilmember Sandretto:** We would have to put it on the agenda of the next meeting...

**Mayor Lehman:** And I think, yeah, I think we also should get an updated cost on the basement because a lot of the cost has been born on the upper part and I think that it's not going to cost \$400,000 to add the basement, but if you're going to add the basement, then you need to consider the \$12,000 it will take to move the beams, because without moving the beams, you're not going to be able to get the Council Chambers downstairs if that's still what we want to do (inaudible) just, just like to get that cost, Mr. Rainey. I know you're going on vacation, but seeing's as, I think it largely just putting up some walls down there (inaudible), okay, shall we move on quickly to the next item?

## **6. RESOLUTION #2016-14 – LEASE AGREEMENT–MUMBOO PLAZA–Mayor Lehman** (01:52:26\*)

**Councilmember Stade:** Madam Mayor, I'd like to make a motion, I move to approve Resolution #2016-14, authorizing the Mayor of the City of Benton City to sign the City Hall Lease Agreement.

**Councilmember Sandretto:** Second.

**MOTION #8- C. L. Stade moved and C. D. Sandretto seconded to approve Resolution #2016-14, authorizing the Mayor of the City of Benton City to sign the City Hall Lease Agreement.**

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

**Councilmember Lettau:** Can we, can we, yeah, I mean, I understand we've just done that but have we checked with, maybe Stephanie on what (inaudible) going to entail and how much effort that's going to be to get that moved over there and...

**Councilmember Stade:** She was (inaudible) assistance on moving, the setting up the phone lines, possible electrical, but they asked for the PC person in the contract to make sure phone lines and electrical is set up to our needs and I also would like within that, to make sure that we're working on something, so if we're out of town, someone can, we need something set up so that if we're absent, we can still have like a conference call so we can meet the ordinance as far as being present and being involved (inaudible) so if we're here, let's also (inaudible) leasing, but at the same time, we need to look, if we're doing it long term, then we know the Community Center's going to be our

place, our location of the City Council meetings, so have it be set up in a manner that's, phone line, yeah...

**7. VOUCHERS (01:54:13\*)**

**Councilmember Sandretto:** Madam Mayor, I move to approve payment of Claim check numbers 27784 thru 27806 with EFTs as the listed amount of \$31,724.73 and Payroll check numbers 27729, 27758 thru 27766, with EFTS as listed in the amount of \$57,348.01.

**Councilmember Stade:** Second.

**MOTION #9– C. D. Sandretto moved and C. L. Stade seconded for the City Council of the City of Benton City, Washington, to hereby authorize payment of Voucher Check Numbers 27784 thru 27806 with EFTs as listed in the amount of \$31,724.73 & Payroll check numbers 27729, 27758 thru 27766 with EFTS as listed in the amount of \$57,348.01 this 19<sup>th</sup> day of July, 2016.**

**ROLL CALL VOTE #9 –C. L. Stade, C. M. Lettau, C. D. Sandretto, C. J. Mokler  
ALL YEAS. Motion carried.**

**ITEMS FOR DISCUSSION**

**1. KERR LAW GROUP CONTRACT – Mayor Lehman (01:55:21\*)**

**Mayor Lehman:** Okay, Items for Discussion: Kerr Law Group contract and I've discussed this with Mr. Kerr. I have no problem with Mr. Kerr and his ability to help us and one of the things that I've been noticing is that the costs have been escalating (inaudible) average cost, so that over \$5,000 a month now we're up to about \$17,000 a month. Part of that, I feel is he's added a new assistant and feel like I have to go back and forth a lot, instead of dealing just directly and getting it done, we go back and forth, and sometimes things fall through the cracks and I just thought, you know, I'd be glad to if we could rebid and see if there are any other firms interested. There may not be, but it would be a good idea to rebid the contract. He's had the contract for what, thirty years or something like that? Automatically renewing.

**Mr. Kerr:** Thirty-seven.

**Councilmember Lettau:** I think you have done an awesome job here. I know you know the ins and outs of what we've done. I know you've also spent a whole lot more time out here at our meetings and that has increased over the years, least while I've been on Council, it's been more and more, so I believe that's where that situation is coming from so I don't want to put the bid out, I want to get it back to Lee.

**Councilmember Stade:** I agree. I agree. You know the history and you also have a background of what Pasco does and their ordinances so even that knowledge itself, along with your expertise, you're able to refer back to what's been effective as far as fencing, boundaries, what's been in use and progress, you know, the R.C.W.s and you speak in a way that's easy to understand, which isn't always the case for, when it comes to attorneys, so I, too, support you being on part, and actually, you know, City Council things, there's a legal questions that we have and with the new mayor/council run government, there's going to be more questions and things, but I haven't noticed any specific things of slipping through the cracks or details to that.

**Councilmember Sandretto:** Well, my discussion on this would be that I like Mr. Kerr but I think we'd be remiss as the City government if we don't compare pricing, and he may be the lowest bid, I'm not saying that he's not, I'm just saying we should check.

**Councilmember Stade:** I think that sometimes when you go for the lowest price, you don't get the expertise, because if I have somebody that has less expertise and they have research R.C.W.s, what other councils do, what other cities do, other ordinances. There's' times that he can say information without researching, without looking, just based on knowledge and experience, and I don't think we're comparing apples to apples, I mean, to say the prices have gone up, that's one thing that may be a fact, but what's that based upon? It's not based upon them not doing an excellent job or knowing what they're doing, and being able to give us sound advice based on what

other cities do as well they're larger than us, but within Benton County, Benton-Franklin County is, you know, valuable.

**Mayor Lehman:** There are other municipal firms in the area, so most legal firms would already be familiar with the R.C.W.s, and I think that it would be training (inaudible) training.

**Councilmember Lettau:** No, but he knows our Benton City history. \* **Council Consensus** \*

**Councilmember Sandretto:** I'm not saying we go with the lowest bid, I'm just saying we should check and see what the qualification, or the quantifiers are bid-wise.

**Councilmember Stade:** I hear Madam Mayor stating one of the terms would be because of the costs, the increase in costs, so I was just addressing that, that argument, saying that if it's based on cost, he's well worth it.

**Mr. Kerr:** May I just address just a couple of those things? We, as indicated, we've been here since 1979, through a lot of mayors and through a lot of councils and through a lot of high times and a lot of low times and as such, yes sir, I think, we think we have a rare, unique situation in regards to our history with the City, and knowledge of the City, so you also has had the advantage of drafting behind cities such as Pasco and Sunnyside and some of the other cities that we represent so you're literally, you're getting the advantage of all the research that's been done for the larger jurisdictions and getting the benefit. In regards to our fees, we have not raised our fees for at least ten years and the only way that the fees go up, as far as you're concerned, is when you make more demands upon our services so you control the purse strings on how much you want to spend for our services. You know, we have really enjoyed working with the City of Benton City and we hope to be able to continue to do so. I would suggest that if you, you know, if you wish to shop, that this is probably not the best time for it. I can tell you that we have had several cities contact us unsolicited, wishing, because they don't have a city attorney, or they don't have a city attorney that has the type of experience and skills that we have and they're having a hard time filling the positions. Matter of fact, we've had to try to beat the bush, the bushes, to find somebody to be able to help some of the other cities, so it's not a good market at this stage. It's also during a transition period, where you're going to, ones that, you're bills are higher right now, I was surprised to see it was \$9,999, I should have thrown in another dollar to round it up, but part of it is because you're going through a natural period of transition and you have a lot of issues that are before you. You know, once this transition, once we, you know, once the, once the Council and the Mayor and Council and the staff, you know, get working together in a more (inaudible) basis, there'll be less demand for our services and so I would see that, see that going down, but I don't mind at any time, you know, matching either our fees, our experience or our skills against anybody else, and if the Council wishes to, you know, to go out to seek, either request for qualifications or request for proposal, you know, I'm certainly not going to go object. Council, you could, you could fire me on a sixty-day notice, you know, the contract provides that at any time you give sixty days and I'm gone, and so, if like I said, if you ever get to the point that you're dissatisfied, we would one, want to know about it, two, want an opportunity to cure it and three, be willing to abide by whatever decision you work out.

**Councilmember Stade:** I appreciate that you haven't raised our fees, and thank you for addressing that. Your skills, your experience, and I think it would remiss for us with a new transition, the new mayor, new councilmembers, to say we're going to just forego the experience and skills for someone that trained and knowledgeable, but Pasco, Sunnyside and Benton City. I don't think this is the right juncture at all.

**Mr. Davis:** Comment. Have we been paying too much for the last ten years? We haven't had to get a raise? I haven't had a raise in ten years either.

**Mr. Kerr:** Benton City can't afford a raise. They're getting good service at a good rate, and that satisfies us. We're not greedy.

**Councilmember Stade:** And there's periodic times we need to ask for legal counsel so that we can do things ethically and especially with new transition, there's times when we need to ask.

**Mr. Kerr:** Maybe just something that'll give you an idea, you're paying on hundred dollars an hour less than our commercial clients pay us, so you're getting a good deal.

**Mr. Davis:** How much are we paying per hour?

**Mr. Kerr:** A hundred and fifty bucks an hour.

**Mr. Davis:** That's a hundred dollars less than your competition?

**Mr. Kerr:** Well, we charge, for our civil work, we charge two fifty an hour; two twenty five, two fifty. We also have trained paralegals, if you know, that have done municipal work now for almost twenty years and so, a good part of the work that can be done by a paralegal at a much lower rate is done by paralegal. It's a more efficient use of my time, it's a better deal for the City.

**Councilmember Stade:** And there's one else that we haven't addressed and that's trust, and that trust where you know that you can ask somebody and they'll be neutral, you know, they won't be, you know, oppressive, they'll be like what's the best interest of the City? What's the Mayor's goals and we want to be able to help her be able facilitate that and in no way, in fact, many a time, I feel like, you know, definitely represent the City at all times as far as the direction that the Mayor wants the City to go.

**Mayor Lehman:** Okay, I understand that the Council is not in favor of it. I would like to work with Kerr Law Group, I think we, at one point, talked about having a checklist or a list that we follow so....

**Mr. Kerr:** (Yes), project list.

**Mayor Lehman:** (inaudible) don't fall through the cracks. I'd like to eliminate some of this duplication of conversations and see if we can't work to get the price down. Thank you.

## 2. AUGUST 2<sup>ND</sup>, 2016 – COUNCIL MEETING (02:05:03\*)

**Ms. Haug:** I received notice that two council people will be absent from that meeting, meaning if someone else is unable to attend, will would not have enough to have a quorum but in addition to that, it's come to light that the Chamber of Commerce would like to use the building to host the National Night Out and we wouldn't be able to do both at the same, in the same building because they'll be using the kitchen area and this area so it's, it's my suggestion that that meeting be cancelled or moved to different date. \* **Council Consensus** \*

**Councilmember Stade:** I make a motion that we cancel the next council meeting due to shortage of space and number of council members, August 2<sup>nd</sup>, 2016

**Councilmember Lettau:** I second.

**MOTION #10– C. L. Stade moved and C. M. Lettau seconded cancel the August 2<sup>nd</sup>, 2016 regular Council Meeting due to shortage of space and possible lack of quorum.**

**VOICE VOTE #10–C. L. Stade, C. M. Lettau, C. D. Sandretto, C. J. Mokler**  
**ALL YEAS. Motion carried.**

## 2a. MONTHLY NEWSPAPER ARTICLE – Councilmember Lettau (02:06:16\*)

**Councilmember Lettau:** Yes. I haven't been faithful at reading the Benton City paper only because it hasn't been coming to my mailbox the last few months, but after last meeting, I kind of felt that the Council was somewhat attacked with some of the views that came, not that we, not that we don't want to hear the views of the people, but it was also how it came at us, and I was walking away thinking why did it happen like that and why was this, the attitude the way it was because I was totally surprised with what came at us at the last meeting and someone happened to hand me the paper or said you might want to read the article that you put out in the June 20<sup>th</sup> paper. So I read it. And I have to tell you that if we're trying to do a teambuilding, and we want to work as a

team, I feel like what you put in your letter made more of a division than it would to bring us together. I feel like you have made it a "you vs. us", and that bothered me and I guess, I would, I love to see what we're doing so the people can see that. I think that's wonderful because there's a lot of people who cannot make these meetings, so they need to know what's going on. They can read the minutes on line however, this is, this may be a better way to do it, but one other thing that also I was kind of taken back on is the little box under your picture that says all information provided and paid for by Mayor Lehman, so I just assumed that that was paid for by you.

**Mayor Lehman:** No, it's paid for by the City.

**Councilmember Lettau:** That's exactly what I found out, and I was a little bit surprised because I feel like that's misleading. I thought that for months when I saw this in here.

**Mayor Lehman:** I didn't put that in there.

**Councilmember Lettau:** Okay, well I'm just saying, to me when I read that, that tells it being paid for by you and I thought "Okay, you can have whatever views you want if you're paying for it!" But if the City's paying for it, then I feel like need to be better at pulling us together as a team instead of making inhibitions.

**Mayor Lehman:** Well, and I think that was written well ahead of that and I really did feel what, the was personal attacks on me during that time period and don't think that anybody that was present here would deny that so that's why I told it like it was, from what's my perspective.

**Councilmember Lettau:** Well, I don't believe that we have personally attacked you. We might not, I feel like we wanted to, you specifically addressed the renovation or the new city hall and I feel like as a council, we have to look at all aspects, every side of it which we have done. Doesn't mean that we're, we had made a decision yet and I just feel like, I feel like the words that you used, like I said, it made a division. Now if you feel like we've attacked you...

**Mayor Lehman:** Oh, I definitely did there...

**Councilmember Lettau:** I, I would like you to come to me. If I, if you ever feel like I have attacked you...

**Mayor Lehman:** I don't feel that you have attacked me, I think others on this council have.

**Councilmember Lettau:** Okay, but if you have, I want you to come to me and talk to me about it so let's, you know, let's do it that way, but I don't think the newspaper in town is the best way to do that because we need to be a united front, all of us, with you as our lead...

**Mayor Lehman:** Yes, we do! (Inaudible).

**Councilmember Lettau:** And I feel like this is did not do that, so I just wanted to bring that forward...

**Mayor Lehman:** Yes, this was my attempt to tell it like it was and I really feel that we do need to come together and I told it like it was and I think that got people stirred up and glad it did because now we're having a conversation. We've filled up the room several times and I think it was a good thing that, that we had the conversation.

**Councilmember Stade:** I don't think that attacking publicly is a good thing. I read that and found out that my decision was that we were going to build a new facility. That was never my decision. I've not made that decision.

**Mayor Lehman:** I did not say you made that decision in the paper.

**Councilmember Stade:** Okay. That, (inaudible) that discussion, but I think that you handled it well. Secondly, I appreciate the Benton City news and I appreciate the facility, the media that allows for people to be able to state their opinion, however I think, on the Benton City news guys Facebook website, it needs to have a disclaimer that says these are comments from the public because my friend that's not from this area, she thought it was handled and facilitated by an

employee of Benton City and so I just, just that, just that it's a public comment forum for comment. A disclosure, exactly, that says disclosure, disclaimer, that says these are the views of the public and not, and not handled or facilitated by, by Benton City employees. And I've never thought about that, until she told me, because she's wasn't from this area and told what was the decisions of the Council and that the City employees had facilitated that.

**Unidentified Female:** Is that last month's paper? Or this month's?

**Councilmember Lettau:** This one is June 20<sup>th</sup>, yeah, last month's.

**Unidentified Female:** I didn't get that impression when I read that.

**Councilmember Lettau:** Didn't you? Okay, well I did, I did, I, I've underlined things that I was kind of taken back and maybe had you been at some of our meetings, you might understand why I felt the way I did after I read that, but there was one other item that I wanted to bring up, it was the teambuilding.

**2b. TEAM BUILDING – Councilmember Lettau (02:12:10\*)**

**Councilmember Lettau:** That's, that's a whole different point than this. There was a teambuilding with you and our City staff on Friday, which, I think, was this awesome that we're doing something like that, however, Council was not invited to that meeting but it's my understanding that Vanessa Coates was there.

**Mayor Lehman:** Was allowed to have one person attend from Council and I felt that the Mayor Pro Tem was the correct person. She would take over in my stead and that's why I invited her.

**Councilmember Lettau:** Was the City staff aware that she was going to show up?

**Mayor Lehman:** I believe so. I don't know for a fact, but...

**Councilmember Mokler:** In the future, I would appreciate that knowledge instead of you just appointing somebody.

**Councilmember Lettau:** Yes, I too.

**Councilmember Stade:** And prior to this meeting, I asked legal counsel if they had directed, I didn't know if that was your, going to be your response, if they had directed if that was okay for you to do because when you said, asked for monies for that, we agreed to training and you said let's have myself and staff and then later we'll do training myself and councilmembers, so when it was termed that, in that manner, thought that was going to be yourself and staff and I spoke to legal counsel and they said they had not directed you that way.

**Mayor Lehman:** My plan, as I said to you before, was to have a goal setting with Council because I think we definitely need to have some goal setting so that we get on the same page. This was simply a teambuilding with staff and customer service workshop and the gentleman that taught it was a thirty year administrator and he brought over the City Deputy City Manager for the City of Pasco and he urged me to please ask a council person and so we discussed who that should be and he thought it should be the Mayor Pro Tem, so that's why I invited her.

**Councilmember Lettau:** My thoughts on that is the reason we had the teambuilding with City staff is because it's a rough transition, I mean, I think that's pretty obvious, it's been a rough transition...

**Mayor Lehman:** Yes, it has.

**Councilmember Lettau:** And that is a teambuilding, in my thoughts, between you and our staff and I just feel like a councilmember should not have been there, that's my thoughts.

**Mayor Lehman:** Well, I didn't particularly want Council to be there, but he urged me, he felt that it was the right thing to do, to have one member present, and he suggested one and that's what we did.

**2c. REPRISAL – Councilmember Stade** (02:14:59\*)

**Councilmember Stade:** Okay, and the last thing I want to bring up is in the Minutes, it stated what was, what occurred in last meeting, where on four different occasions, you had stated that there would be no reprisals for staff that hadn't written anything down or hadn't spoken and then there was initially insubordination accusation and you had stated, "What do you think I'm going to do them?" You know, "I'm kind, I'm not going to do anything." And I said, well this would be really good first step in building that trust, that dialog, that discussion about what, what thoughts they had, needs assessment for City Hall, and for there to be a concern about insubordination accusation in their file doesn't, I'd like to know your side, because that doesn't feel honest with what you stated in the meeting.

**Mayor Lehman:** First of all, I will never say anything to them about speaking their mind. That's not what happened. They did not speak and upon discussing it with them, because to me, what occurred last week, last meeting, was insubordination flat out. I don't see any other way to interpret it. And upon discussing it with them, they said, well we didn't say we wouldn't speak, Lisa Stade said we wouldn't speak and Mr. Sandretto said that, and I went back and I read the detailed Minutes which we got this time, and sure enough, it was that way, so yes, I was very angry that they came here, at our expense, after I suffered all kinds of criticism for trying to get them here, as you requested and when they came, then they wouldn't speak, and I felt that was insubordination, and I asked them a direct question and they refused to answer it.

**Councilmember Stade:** We were discussing in the light of trust, and you said, you know, I'm about kindness and I'm about approachability...

**Mayor Lehman:** I have been kind to them.

**Councilmember Stade:** I didn't say you weren't.

**Mayor Lehman:** I have been, and to me, I have to act on insubordination. I backed down from that but I don't think that any administrator should put up with insubordination and if they can get behind me and we can learn to work as a team, then this won't happen again, but if it does happen again, I will not hesitate to take action.

**Councilmember Stade:** Well, then, if that was the, if that's the case, then I just ask that you be upfront and say there will be no reprisals, because that was your final statement...

**Mayor Lehman:** For speaking, there would have been no reprisal. For acting insubordination, I felt I had to take an action.

**Councilmember Stade:** We're discussing in light of trust, and we want people to feel comfortable speaking and...

**Mayor Lehman:** I want them to speak, too. I would have had no problem with it.

**Councilmember Stade:** Feel comfortable. The point was it has to be two-way, so that's good that they're having teambuilding and the classes and training, I think that we're going in the right direction. We've had some agreement on several big items tonight so that's really, I appreciate that.

**3. EXECUTIVE SESSION – R.C.W. 42.30.110(c) Sale of City property** (02:18:29\*)

**Mayor Lehman:** We have a closed meeting now, Executive Session, so we'll have to thank all the people that came for listening and appreciate it. It is a closed session, so the regular meeting is adjourned. (02:18:40\*)

**Mr. Kerr:** Mayor, you have to identify that's it for the purpose of discussion of the sale of City property and how long you expect it to take.

**Mayor Lehman:** I don't know. How long will it take?

**Councilmember Sandretto:** Let's go twenty minutes.

**Mayor Lehman:** Okay, twenty minute closed session on City property. Thank you.  
(02:19:40\*Audio recording ends)

<<< Executive Session begins at 9:15 p.m. >>>

<<< Executive Session is extended for ten minutes at 9:35 p.m. >>>

<<< Executive Session is extended for ten minutes to 9:45 p.m. >>>

<<< Executive Session ends at 9:55 p.m. >>>

**GENERAL COUNCIL COMMENTS (\*)** None

**ADJOURNMENT – (\*)**

**Councilmember Mokler:** *Madam Mayor, I make a motion that we adjourn.*

**Councilmember Sandretto:** *Second.*

**MOTION #11–** C. J. Mokler moved and C. D. Sandretto seconded to adjourn the July 19<sup>th</sup>, 2016 Regular Council Meeting at 9:59 p.m.

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

Meeting adjourned at 9:59 p.m. (\*)

Linda Lehman  
Mayor, City of Benton City

Stephanie Haug, CMC  
City Clerk-Treasurer

Date: 8/16/16