



## REGULAR CITY COUNCIL MEETING

August 16, 2016

A G E N D A

Benton City Community Center  
7pm

TURN OFF ALL CELL PHONES & PAGERS-EMERGENCY PERSONNEL USE SILENT ALERT

### A. CALL TO ORDER/PRESENTATION OF COLORS

### B. ROLL CALL

### C. READING AND APPROVAL OF MINUTES

1. Regular Meeting – July 19, 2016
2. Special Meeting – July 21, 2016

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

### E. APPROVAL OF AGENDA (Only essential changes not requiring preparation, review, public notice, or action may be added)

### F. VISITOR COMMENTS- for non-agenda items.

*Council will not take action on an item not already on agenda without time to research, read, and receive staff report. Items may be added on future agenda, but not current agenda. Please do not speak or make remarks unless recognized by the Chair, then if you are called, come forward to microphone, give name and address for minutes recorder. Council chamber over-flow will be moved to City Community Center.*

### G. REGULAR REPORTS:

1. Sheriff Report
2. EDC Report
3. Staff Report
  - a) Maintenance Report
  - b) Code Report
4. Engineer Report
5. Council Committee Reports

### H. ITEMS FOR APPROVAL:

1. Second Reading – Ord. 959- Yard Sales
2. Second Reading – Ord. 960- Unsafe & Unfit Buildings
3. Energy Savings Audit- *Spink/Apollo Presentation*
4. Sewer Cleaning Project Change Order #1 and Project Acceptance- *Spink Engineering*
5. City Hall Construction- Update- *Spink Engineering*
6. City Hall Mold Abatement- Award of Contract- *Spink Engineering*
7. City Hall Structural Engineer and Architect Task Order -*Spink Engineering*
8. Well # 5 –Change Order #5- Gravel Purchase- *Spink Engineering*
9. City Park Grading Project- *Spink Engineering*
10. Mumboo Plaza – Moving Cost Estimate
11. Vouchers

### I. ITEMS FOR DISCUSSION:

1. Force Main and Lift Station Project
2. Goal Setting Survey & Workshop
3. Recreation Survey

### J. GENERAL COUNCIL COMMENTS:

### K. ADJOURNMENT



**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 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 to 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 replace 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 issues 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: \_\_\_\_\_



**City of Benton City  
Special Council Meeting Minutes  
July 21<sup>st</sup>, 2016**

**CALL TO ORDER** – Mayor Pro Tem Coates called the July 21<sup>st</sup>, 2016 Special Council meeting at the Benton City Hall to order at 5:32 p.m. (Mayor Lehman not present) (00:04:22\*Audio recording begins)

**Mayor Pro Tem Coates:** If everybody could be quiet; we do have two people who are going to be on the phone tonight, so if we could keep the noise down a little bit, so we could hear over the phone, so they can hear on the phone and we can hear them. We'll go ahead and do the Flag Salute and our flag's not here so, we have a flag on the wall, we'll use that.

**PRESENTATION OF THE COLORS** – Councilmember Sandretto led the Council and audience in the Pledge of Allegiance. (00:04:51\*)

**ROLL CALL** (00:05:21\*)

Council Members Present –

**Mary Lettau – Via telephone  
Dave Sandretto  
Jake Mokler – Via telephone  
Lisa Stade  
Vanessa Coates**

City Staff Present – **Stephanie Haug, City Clerk/Treasurer**

Other Professionals Present –

**Lee Kerr, City Attorney, Kerr Law Group  
Alan Rainey, City Engineer, Spink Engineering, LLC**

Also in attendance –

**Claude Oliver, Tri- Cities Realty Group, LLC  
Bob Clark, Tri-Cities Realty Group, LLC  
Chris Eerkes, CMCS Properties, LLC  
Jared Franson, CMCS Properties, LLC  
Cindy DeLeur, Kiona-Benton Sentinel**

**EXECUTIVE SESSION – RCW 42.30.110(c)** (00:05:54\*)

**Mayor Pro Tem Coates:** And then we just roll into Executive Session?

**Councilmember Sandretto:** Going into Executive Session for discussion of property matters.

**Ms. Haug:** You need to announce how, how long?

**Councilmember Sandretto:** Do we need much discussion on this, guys? About twenty minutes?

**Councilmember Stade:** Yeah, I think that would be good.

**Councilmember Sandretto:** Yeah, let's go with about twenty minutes to start and then we'll reconvene from that point

**Mayor Pro Tem Coates:** Okay, so we'll do a twenty minute Executive Session regarding the property and then we'll go from there.

**Councilmember Sandretto:** Sorry, folks, going to need to leave.

**Mayor Pro Tem Coates:** Sorry for getting cozy and kicking you out. (00:08:36\* Audio recording ends)

<<< Executive Session begins at 5:34 p.m. >>>

<<< Executive Session is extended for ten additional minutes at 5:54 p.m. >>>

<<< Executive Session is extended for ten additional minutes at 6:04 p.m. >>>

<<< Executive Session ends at 6:15 p.m. >>>

<<< Special Council Meeting reopens at 6:15 p.m. >>>

**PURCHASE AND SALE AGREEMENT – CITY LAND** (00:00:45\*Audio recording begins)

**Mayor Pro Tem Coates:** We're going to open up for just probably about fifteen minutes of public comment.

**Councilmember Sandretto:** They need to know what we're doing.

**Mayor Pro Tem Coates:** Oh, yeah! Lisa, go ahead and...

**Councilmember Sandretto:** Make a motion.

**Councilmember Stade:** Thank you for, thank you for coming. We requested this for the retail properties and so I would like to make a motion to authorize the purchase and sale agreement with the two addendums to CMCS Properties, LLC.

**Councilmember Mokler:** I second the motion.

**Councilmember Sandretto:** All in favor of that?

**Councilmember Lettau:** Aye.

**Councilmember Mokler:** Aye.

**Mayor Pro Tem Coates:** Do we do Roll Call?

**Mr. Kerr:** Yeah, well, you don't need to do a Roll Call because it's not the expenditures of fund, but this is an opportunity for discussion, that's (inaudible)...

**Councilmember Sandretto:** I probably should make this clear, it's the property on the southside of the freeway, okay, we're making a motion to sell that property.

**Mayor Pro Tem Coates:** How much property and how much are you selling it for?

**Councilmember Stade:** It's useable land, it's about 4.1 acres, and it's to a branded and franchised food company, and it's going to be a multi-use project. So they're buying the whole property as a complete, so we will not need to put in additional roads or easements or anything, just make sure the power is to the property, so the investment that we've done in the past...

**Mayor Pro Tem Coates:** For an undisclosed amount of money, for an undisclosed amount...

**Councilmember Sandretto:** We can disclose it.

**Mr. Kerr:** (Yes).

**Councilmember Sandretto:** It's \$504,000, it's more than adequate.

**Cindy DeLeur:** How much is the appraisal for it?

**Councilmember Sandretto:** I don't believe the land has been appraised, but I've checked local properties in Commercial zones in Prosser and the Tri-Cities and it's more than fair.

**Mayor Pro Tem Coates:** Seems like you should get an appraisal.

**Mr. Safford:** Yeah, it's nice you check that, I think we, have...

**Mayor Pro Tem Coates:** Why in the world, why in the world wouldn't you (inaudible) an appraisal?

**Councilmember Stade:** We checked nine, actually there was nine properties that were checked that were, that were, that had been sold for a retail in the last short period of time and the average was \$2.65; this is \$2.95. When we originally put in the dollar amount, it was, I was on the Council then, it wasn't appraised then, and we said \$5.00 and then when we realized that we don't have to put up the easement road in, which would have cost us, the access, that would have cost us \$200,000 so that brings it down to from what it was minus \$200,000 so what we're being offered is fair.

**Mr. Safford:** These properties that you're, I don't know, comparing them to, I mean, are they comparable, I mean (inaudible) freeway access and everything else?

**Councilmember Sandretto:** Yeah, they're freeway access...yep, yes sir. Out of Prosser and...

**Mayor Pro Tem Coates:** So say similar to like the truck stop area in Prosser where there's, you know, green grass area, you know, gas stations, food sections...

**Mr. Safford:** I just know there's a big difference, say a piece of property on Columbia Center Boulevard compared to something like this. \* **Council Consensus** \*

**Councilmember Sandretto:** Now, this was a, I checked with the Planning Department, City of Prosser and asked them what their average retail price is for an acre of Commercial zoned property along the freeway there and they advised me \$100,000.

**Mr. Safford:** What's Love's going for? That'd be the most current, best...

**Councilmember Sandretto:** I think that's where he got his quote, but I did not ask him that specifically, but our real estate person did, Mr. Oliver, did give us comparable and again, like Ms. Stade said, it was \$2.65 per square foot, we're getting \$2.95; that's thirty cents more per square foot.

**Mr. Safford:** How big's the whole parcel?

**Councilmember Sandretto:** It's 6.47, is that right?

**Councilmember Stade:** The usable is 4.1, and the...

**Mr. Safford:** I don't care about usable because usables, you can make usable, so...

**Bob Clark:** Not with the railroad easement (inaudible). You'll have to go look at it.

**Councilmember Sandretto:** Yeah, there's a railroad easement, and I believe...

**Councilmember Stade:** Would you come forward and then state your name and, you want to say, you want to come forward...

**Mr. Safford:** No, sit right here. Skip Safford, Dale Avenue, you'll get to know me well. So usable, except for right-of-way, I understand right-of-way, great, so that detracts from the six point something, leaving so much more and just because it has rocks or whatever on it, what, what makes it unusable?

**Mr. Clark:** Easements.

**Mr. Safford:** Less feasible; and so are we basing the \$2.95 a foot on usable?

**Mr. Clark:** Yeah, what you can, because the easements take up the rest, the railroad easement takes the rest.

**Mr. Rainey:** If there's a railroad easement, there's also a drainage easement in one of the corners, there's a stream that runs through there, so we can't do anything (inaudible).

**Mr. Safford:** There's a (inaudible) that runs...I see...

**Mr. Rainey:** Right. But there is that, too.

**Mr. Safford:** It's almost four acres?

**Mr. Rainey:** The usable, yeah...

**Mr. Clark:** It's actually a 3.95 of usable, if you want to know exactly. 3.95...

**Mr. Safford:** Of usable? I do.

**Councilmember Stade:** It is a cash, it's also a cash offer, so there's no other terms or anything, they don't have to finance or see about getting loans.

**Mr. Clark:** No contingencies.

**Mr. Safford:** What's the net to the City?

**Mr. Kerr:** The whole thing minus commission.

**Mr. Safford:** Okay, what's the net to the City?

**Councilmember Stade:** Calculate it...

**Councilmember Sandretto:** We'll have to calculate, let's see...\$504,000...

**Councilmember Stade:** \$504,000, subtract six percent...

**Councilmember Sandretto:** I'm trying to do the math real quick...

**Mr. Safford:** Minus \$30,000...

**Councilmember Stade:** Minus \$30,000?

**Mr. Safford:** And that brings it then, to how much a square foot...net? I want to know, it's a legitimate question.

**Councilmember Stade:** That question, if I were to sell a house, the amount I sell the house for and then the commission, I don't see why you're saying that's a separate amount; the \$504,000 is what they're offering cash, our real estate was able to procure the person, the company to do so, there's about twelve people, twelve businesses in our local area that have the kind of funds that could support this. Not only are they paying the \$504,000 but will be investing over a couple million dollars to get the multi-use going, so we wanted somebody that not only could purchase it, cash is even better, but also will also have the funds to be able to develop because if someone purchases the land and they don't have the cash or the funds to be able to develop it, it'll be no more than just the purchase price, so I want them to develop it. Yes, right, so they can develop it...

**Mr. Safford:** But we're not going to get the (inaudible). So you're saying we have a commitment from the purchaser for development. We have an actual commitment? \* **Council consensus** \*

**Windy Welch:** I've been waiting patiently...

**Mayor Pro Tem Coates:** I see you, Windy, come on up.

**Ms. Welch:** Windy Welch, 3<sup>rd</sup> Street. I have, my question is, is it guaranteed that there's going to be taxable businesses going in to this location and not the autistic, tiny homes, state-granted things? \* **Council Consensus** \* That's my biggest concern.

**Mayor Pro Tem Coates:** Heather?

**Heather Duncan:** Heather Duncan, outside City limits. First of all, I would like to thank these gentlemen very much for the confidence they have in our community; their willingness to invest and hopefully, the community will prosper as you prosper, and this is, this is huge, this has been a long time coming. We owe an immense gratitude, debt of gratitude to Randy and Larry and Mayor Carnahan and Bob and Claude. Claude has put over two years of effort into this without a single dime of return to him. Our E.D.C. has been hard at work for longer than that, again, going back to the previous mayor, everything that has been put into getting us to this point, and it is time for Benton City to join the rest of the world and move forward to. To City Council, I'd just say, "Let's get'er done!" That's all.

**Councilmember Sandretto:** Thank you, Heather.

**Councilmember Stade:** Yeah, excellent! Thank you, Heather. Thank you for acknowledging all the people who have come before and made this, help make this happen, and presently help.

**Mr. Safford:** Okay, that's way different than you made it sound like.

**Mayor Pro Tem Coates:** So, do we have a motion and a second?

**Ms. Haug:** There's a motion on the floor and it's been seconded, so you can call for a vote.

**Mayor Pro Tem Coates:** So, call for a vote.

**Brenda Trammell:** I have, I just have, had no chance. I was wondering, I had a couple of things. One is, what exactly are they proposing to put over there, what, on the, on the property, what kind of businesses or development?

**Councilmember Stade:** At this point, a multi-use facility, branded and franchised, food name and they're going to be able to do so within thirty-six months, groundbreaking and get going.

**Ms. Trammell:** Three years before they ground break anything...

**Councilmember Sandretto:** No, no, no...it'll be done and in place and finished.

**Ms. Trammell:** It's in phases...

**Chris Eerkes:** We hope to break ground, I mean, you know, we hope to break ground in, in the, you know, in the May, in the May/June timeframe, it would, there shouldn't be any problems...

**Ms. Trammell:** What year?

**Councilmember Sandretto:** Next year.

**Mr. Eerkes:** 2017.

**Councilmember Stade:** 2017.

**Mr. Eerkes:** So we put some provisions in here with the City, so that there isn't a vacant lot out there, they'll have the right to purchase it back for what we purchased it for if we don't, if we don't come through on our commitment so we've been, we've been doing this for a long time, this isn't, this definitely isn't our first rodeo, this'll be, you know, Site No. almost 100 of developing these sites and I think, I think you guys will be proud of what we put in there, so definitely to answer your question, we will be bringing tax revenue to, to the City for sure...

**Mr. Oliver:** And jobs.

**Mr. Safford:** Tax incentives?

**Mr. Eerkes:** Well, tax incentives, I don't, I don't, I don't know anything about that. I don't, I don't, I don't do any that, so I'm sorry.

**Councilmember Stade:** We didn't offer any. We didn't offer any. They didn't ask, we didn't offer.

**Mr. Eerkes:** But, but we're going to build commercial businesses there, I mean, that's our, that's our...

**Ms. Duncan:** Is it going to be a hotel?

**Mr. Eerkes:** Yeah, well, I mean, you, you know, it's, it'd be great for our business if it was, so I mean, you know...

**Councilmember Stade:** Do you mind coming to the microphone? Just so we can have this public record, we need to have it on microphone and no more speaking from the seats, all of us.

**Mr. Eerkes:** Sure. So my name is Chris Eerkes. We, we have been in the fuel and gasoline business for, for a long, long time. My, yeah, I mean, we're all trying to protect our interests, so somebody else doesn't go in there and, and build around you, but, but, you know, whatever, for whatever it's worth, we, we have built multiple fuel stations, convenience stores, fast food, Subway franchising; we've, we've been a Jack in the Box franchisee for, for a lot of different fast food and then also, different, different businesses. We market all over the State, we went as far as east as Ritzville, and then we market all up and down. We have not been to Spokane, but,

yeah, I mean, our intention is to, is to build a large destination point with hopes of tying into the Red Mountain community. We've done some, we've worked with a lot of different wineries around here and one of my close friends is the Alexanders up there. We helped them build their, their tasting room at there at Analare, and worked with a number of folks in the Prosser area and Charlie Hoffa's and those guys out there in the Red Mountain area, so our goal is to, is to build a beautiful brand new state of the art facility out there and we're in a good position to do that stuff, so...

**Ms. DeLeur:** Are you not at liberty to say what will go in there or is it just not that far planned out? As far as business names?

**Councilmember Sandretto:** It's about business.

**Jared Franson:** Yeah, I mean, it's just too hard, because we haven't committed to any of the franchises yet, so if we release that information, then somebody else can put in for the franchises, so if that makes sense.

**Mr. Eerkes:** Yeah, we, we have, we have a great facility signed; I, I'd love to have a signed purchase and sale agreement before we, we throw that out there just so that it's just somewhat protected with this, but, you know, we, we've been a, we've been a part of the community, it's a family owned business. My great grandfather opened up his first store in 1918 at Fifth and Yakima Avenue. My grandfather moved to the Tri-Cities in 1956. Dad took over 1980 and I, I've been with him since, since '99 so, you know, we intend to, this isn't something that we just, we come in and we're in and out of, we'll be part of, our goal is to be part of the community, I mean, we understand where, where our bread is buttered, if you will and we work with a lot of different, I maybe saying, saying too much, but we do, we work with a lot of different things. I've worked with Lee's Kerr, Lee Kerr's life on the Children's Reading Foundation, on the board; I sit on the board of the Boys & Girls Club. We're working to do, build a large facility for them in the, in Kennewick, and, you know, these, these are the kind of things that we're, I guess if there are any other questions. I don't mean to be vague, I mean, by any means, (inaudible) I'm just...yeah, we look at that property. It's got fantastic visibility from both directions. You can see it from two miles heading east. It's got a great, great visibility heading west and now with all the infrastructure and stuff that you guys have put in, with the roundabouts and making it a lot easier to get to it, its' very attractive.

**Ms. DeLeur:** Just out of curiosity...

**Larry Howell:** Who's your grandfather?

**Mr. Eerkes:** Jerry Eerkes.

**Mr. Howell:** Oh, so this guy's no newby, then?

**Ms. DeLeur:** Just for factual parts for the newspaper, what drew you to that piece of property after it's been there for two years.

**Mr. Eerkes:** You know, we've been trying to identify key locations, and, and we're really looking for large parcels where people feel comfortable getting in and out. Not a little cracker jack, you know, a small little spot and, you know, we sold, we sold a number of locations in town and because it was, it was difficult to compete, I mean, my dad used to always say when you have two or three other locations wanting to compete, I think it was probably more than that, but we feel like if we can build a, we can get away from some of that and build these destination points, that we're going to be a little bit better off, so that's what we were looking for. We have, this is going to be one of many in, in the area, in fact, this wasn't even, originally designated to be the next one on the list. We have one that we're breaking ground in, in about three weeks or a month or something like that, you know, might even be pushed off to September, because there's been some zoning issues and what not, but the, so, you know, we're, we're, we're looking at this

location now with what, with what's out here as being, as being the number two spot, which would put us in that, in that, you know, April, May, June time frame.

**Councilmember Sandretto:** Thank you, Chris. Does anybody else have anything real quick?

**Mayor Pro Tem Coates:** Ready for a vote?

**Ms. Haug:** All those in favor...

**Mayor Pro Tem Coates:** Yeah, we're all in favor...

**Councilmember Stade:** Say, say "All those in favor?"

**Mayor Pro Tem Coates:** All those in favor? \* **Council Consensus** \*

**Councilmember Stade:** Jake, we heard you?

**Councilmember Mokler:** (Aye).

**Councilmember Stade:** Mary, are you there?

**Councilmember Lettau:** I am, an aye for me. Sorry!

**MOTION #1– C. D. Stade moved and C. J. Mokler seconded to authorize the Purchase and Sale Agreement with the two addendums to CMCS Properties, LLC.**

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

**Mr. Kerr:** With a vote, that means that the City's approved it. We need now, to authorize Mayor Pro Tem to sign the Purchase and Sales Agreement with addendums and so we can go ahead and execute the Agreement. We, then, get it to the title company, start the closing process and anticipate closing probably within about thirty days.

**Councilmember Sandretto:** So, do we need to make a motion on that piece?

**Mr. Kerr:** Make a motion to authorize the Mayor Pro Tem...

**Councilmember Sandretto:** Make a motion to authorize the Mayor Pro Tem to sign the Public Service...

**Councilmember Stade:** Purchase and Sale...

**Councilmember Sandretto:** Purchase and Sales Agreement with CMCS Properties, LLC.

**Councilmember Stade:** Second.

**Councilmember Sandretto:** All those in favor?

**Mayor Pro Tem Coates:** All those in favor?

**Councilmember Sandretto:** Motion carries.

**Councilmember Stade:** Thanks for your committee involvement in the other cities; that will really mean a lot for the kids.

**Mr. Eerkes:** Absolutely, yeah, we'll be really involved in the community, I mean, you know how that is, yeah, we're excited.

**MOTION #2– C. D. Sandretto moved and C. L. Stade seconded to authorize Mayor Pro Tem Coates to sign the Purchase and Sale Agreement with CMCS Properties, LLC.**

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

**ADJOURNMENT – (00:18:33\*)**

**Councilmember Sandretto: Meeting adjourned.**

**Councilmember Coates: Motion to adjourn.**

**Councilmember Sandretto: Second.**

**MOTION #3– C. V. Coates moved and C. D. Sandretto seconded to adjourn the July 21<sup>st</sup>, 2016 Regular Council Meeting at 6:33 p.m.**

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

Meeting adjourned at 6:33 p.m. (00:18:50\*)

\_\_\_\_\_  
Vanessa Coates  
Mayor Pro Tem, City of Benton City

\_\_\_\_\_  
Stephanie Haug, CMC  
City Clerk-Treasurer

Date: \_\_\_\_\_



**BENTON COUNTY SHERIFF'S OFFICE  
BENTON CITY  
JULY 2016**

During July 2016 the Benton County Sheriff's Office responded to 361 calls for service (268 in 2015). Attached is a schedule indicating the 44 case offenses resulting from the 361 calls for service (26 in 2015). During this month, 18 infraction offenses were issued.

Note: The attached table does not include clearances that occurred in subsequent months.

## BENTON CITY REPORT

Jul-16							Jul-15						
INCIDENT	TOTAL	AA	AJ	EA	EJ	U	INCIDENT	TOTAL	AA	AJ	EA	EJ	U
A/DUI							A/DUI						
A/FATAL							A/FATAL						
A/FTSID	2						A/FTSID						
A/IND							A/IND						
A/OTH							A/OTH						
A/PED							A/PED						
A/VEH	3						A/VEH	1					
ABDUCT							ABDUCT						
ADULT/OTH							ADULT/OTH						
ALARM							ALARM						
ANIMAL							ANIMAL						
ARSON							ARSON						
ASSIST	1						ASSIST						
ASLT/DV	1	1					ASLT/DV	4	3				
ASLT/OFC							ASLT/OFC						
ASSAULT							ASSAULT						
ATL							ATL						
AUTO/THEFT							AUTO/THEFT						
BIGAMY							BIGAMY						
BOMB/THR							BOMB/THR						
BURG/ATT							BURG/ATT						
BURGLARY	1						BURGLARY	1					
BUS/SCHL							BUS/SCHL						
CHILD/OTH							CHILD/OTH	1				1	
CIVIL							CIVIL						
COUNTERF							COUNTERF						
DEATH							DEATH						
D&T							D&T						
DIS/COND							DIS/COND						
DISTURB	1						DISTURB						
DOG/WARN	2						DOG/WARN	1					
DOMESTIC							DOMESTIC						
DROWN							DROWN						
DUI							DUI	2	2				
DUMPING							DUMPING						
ELUDING							ELUDING						
EMBZL							EMBZL						
FIREWORKS							FIREWORKS						
FLD/ARR	6	5	1				FLD/ARR	5	5				
FORGERY							FORGERY						
FRAUD							FRAUD						
FT/REG							FT/REG						
FUGITIVE							FUGITIVE						
GAM/VIO							GAM/VIO						
GAMBL							GAMBL						
GANG/GRA							GANG/GRA						
HARASSMENT	1						HARASSMENT	1					
HAZ/MAT							HAZ/MAT						
HOMICIDE							HOMICIDE						
ID/THEFT							ID/THEFT						
INFO							INFO						
INTIMIDATE							INTIMIDATE						
KIDNAP							KIDNAP						
LEWD/COND							LEWD/COND						

## BENTON CITY REPORT

Jul-16							Jul-15						
INCIDENT	TOTAL	AA	AJ	EA	EJ	U	INCIDENT	TOTAL	AA	AJ	EA	EJ	U
LIQ/LAW							LIQ/LAW						
LITTER							LITTER						
LOIT							LOIT						
LURING							LURING						
MAL/HARAS							MAL/HARAS						
MAL/MISC	4						MAL/MISC	1					
MENTAL							MENTAL						
MINOR/TOB							MINOR/TOB						
MISSING							MISSING						
NARCOTICS	1						NARCOTICS	1	1				
NOISE ORD							NOISE ORD						
OBSTRUCT							OBSTRUCT						
ORDER/VIO	1						ORDER/VIO	1			1		
PHONE							PHONE						
POSS/SPROP	1	1					POSS/SPROP						
PROPERTY	2						PROPERTY						
PROSTIT							PROSTIT						
RAPE							RAPE						
REC/STLN							REC/STLN	1					
RIOT							RIOT						
ROBBERY							ROBBERY	1	1				
RUNAWAY							RUNAWAY						
SEX/OFF							SEX/OFF						
STALKING							STALKING						
SUICIDE							SUICIDE						
SUICIDE/AT							SUICIDE/AT	1					
SUSP/CIRCU	3						SUSP/CIRCU						
TATTOOING							TATTOOING						
THEFT	8						THEFT	3					
THEFT/SL	3	1	1				THEFT/SL						
THREATS	1	1					THREATS						
TMWOP							TMWOP						
TRAFFIC							TRAFFIC						
TRESPASS							TRESPASS	1	1				
UIBC							UIBC						
VEH/IMP							VEH/IMP						
VEH/PROWL							VEH/PROWL						
WARNT/OUT							WARNT/OUT						
WARNT/SER	1						WARNT/SER						
WEAPONS	1	2					WEAPONS						
WELF/CKS							WELF/CKS						
<b>TOTAL</b>	<b>44</b>	<b>11</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>TOTAL</b>	<b>26</b>	<b>13</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>





Kyle Kurth  
Maintenance Forman

CITY OF BENTON CITY  
**OFFICE OF MAINTENANCE DEPARTMENT**  
P.O. Box 70, \* Benton City \* Washington 99320 \* (509) 588-3322

---

July 1, 2016 – July 29, 2016

**Streets**

- **Marked out sink hole on Dale and dug up**
- **Cut out sink hole on dale**
- **Trimmed trees on 14<sup>th</sup> street**
- **Pulled weeds on 10<sup>th</sup> & Edith**

**Water**

- **23 shut offs 2 still off**
- **Down loaded 3 meter**
- **Brush hog well #4, Well #3, Water tower**
- **Repaired hydrant at school**
- **Water leak repair on fig**
- **3 meter reads for move in/out**
- **1 water tap**
- **Installed new water meter and radio read head**
- **Pumped out water from Altitude valve so repairs could be done**
- **Fire dept. reads**
- **Water meter reads**
- **Checked on homes that were still off. Found one home that had cut lock**
- **Fix 16 antennas on meters**

**Sewer**

- **Trimmed trees around treatment plant**
- **Cleaned lift station on Dale**
- **1 sewer tap**

**Equipment/ Shop**

- **Loaded all rd. closer signs for parade**
- **Fixed bumper and mud flap on dump truck**
- **Inspection on Vactor truck**
- **Replaced bulbs and ballast**
- **Put new switch in Code truck for strobe light**
- **Put new duel battery isolator in 801**
- **Brush hog shop area**
- **Clean filters on Kubota**
- **Got high idle put on 801**
- **New tires on code truck**
- **Worked on 1435 mower**
- **Sucked out drains at fire station**

## **Facilities**

- **Washed kitchen mats at com. Center**
- **Pull weeds at parking ride, skate park, and Hazel-Horne**
- **Clean library and city park bathroom daily**
- **Clean com. Center as needed**
- **Water flowers on main drag 3x week**
- **Got new windows put in at dog kennels**
- **Replace bulbs and ballast at com. center**

## **Desk work**

- **Worked on rd. closer maps for the 4<sup>th</sup> of July**
- **Searching for gas monitor and ordered monitor**
- **Went over applications**
- **Made road closer map for Benton city Daze**
- **Put quote together for broken meter and lock**
- **Called past employers on applicants**
- **Emailing city of Richland on safety specs**
- **Went over special event permit**

## **Spraying**

- **City park, school grass area, front of library, skate park, Legion park**
- **Spot spray all city property and right of way**

## **Locates**

- **46 locates**

## **Meetings**

- **Met with Guy to repair garage door**
- **Set up for council meetings**
- **Met with the new Neptune Rep**
- **Met will Alan and contactor about sink hole on dale**
- **Interviews for new hire/ meeting with clerk to decide who to higher**
- **Met will mayor, Alan, Wade, and energy efficiency guy**

## **Parks**

- **11 trash runs**
- **Replaced rope at city park flag poll**
- **Mow all parks once a week**
- **Replaced sever sprinklers at city park**
- **Trimmed trees on bike path**
- **Clean bike path**
- **Clean filters and sprinkler timers once a week in parks**
- **Took broken bench out at tennis courts**
- **Fix 8 vandalized sprinklers at library**
- **Replaced 2 sprinkler valves at city park**
- **Put dirt and grass seed at skate park**

## **Inspections**

- **1 sewer and water availability application**
- **1 final side walk inspection**
- **1 final meter box inspection**
- **Back fill inspection on dale sink hole/ pre paving inspection**
- **2 year warranty inspection**

- **1 final sewer inspection**

**Events**

- **4<sup>th</sup> of July rd. closer for parade**

**Training**

- **Staff team building training**
- **Went to first part of supervisory training**

**Kyle Kurth**  
**Maintenance Department**



John Brown  
Code Enforcement



CITY OF BENTON CITY  
**OFFICE OF CODE ENFORCEMENT**

P.O. Box 70, \* Benton City \* Washington 99320 \* (509) 588-3322

---

**July 14, 2016 thru August 11, 2016**

**Public Contact: 62**

**Notice to Comply or Warning**

- 4 – Dog Control**
- 2 – Dog License and Rabies Vaccination**
- 3 – Garbage Service**
- 12 – Debris, Trash and Weeds**
- 1 - Swimming Pool**
- 1 – RV Parked on Road**
- 2 – Selling Vehicle on City Street**
- 6 – Yards Sales (No Permit)**
- 1 - Abandoned Vehicle**
- 1 – Living in RV**
- 2 – Public Disturbance Noise Prohibited**

**Impound Animals: 2 DOA and 4 Dogs**

**Returned to Owner: 3**

**Welfare Check: 2**

**Declared Dog: 1**

**Building Permits : 8**

# CITY OF BENTON CITY

*City Council Agenda Item*



## PROCESS INFORMATION

**SUBJECT:** Second Reading- Ordinance 959- Amending Yard Sale Regulations

**DATE/ITEM:** 08-16-16- H 1

## BUDGET INFORMATION

**DEPT:** General

**BUDGETED?**

**FUND:** General

**EXPENDITURE:** N/A

## DESCRIPTION/SUMMARY

### ACTION

Consideration of adoption of Ordinance 959, on its second reading, amending section 5.12.045 "Yard Sales" extending the continuous period for individual yard sales

### HISTORY

## ATTACHMENTS

1) Ordinance 959

3)

2)

4)

## RECOMMENDED ACTION/SAMPLE MOTION

I move to approve Ordinance 959, on its second reading, amending section 5.12.045 "Yard Sales" extending the continuous period for individual yard sales

**ORDINANCE 959**

**AN ORDINANCE OF THE CITY OF BENTON CITY,  
WASHINGTON, AMENDING SECTION 5.12.045 "YARD  
SALES" EXTENDING THE CONTINUOUS PERIOD FOR  
INDIVIDUAL YARD SALES**

**WHEREAS**, certain yard sales, including estate sales and moving sales, may require periods greater than three weeks within which to complete; and

**WHEREAS**, to accommodate those circumstances in which a greater period is required. NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF BENTON CITY, WASHINGTON, DO  
ORDAIN AS FOLLOWS:**

**Section 1.** That Section 5.12.045 of the Benton City Municipal Code entitled "Yard Sales" shall be and hereby is amended and shall read as follows:

**5.12.045     Yard Sales.**

- A. All persons or entities prior to holding yard sale, as defined herein, shall secure a license from the City Clerk upon the submission of the Yard Sale Permit Application in compliance with the following conditions:
1. No person or entity shall be granted a license to conduct a yard sale more frequently than twelve (12) yard sales during any twelve (12) month period ~~one (1) yard sale per month and separated by not less than fourteen (14) calendar days~~. No yard sale shall be conducted for a continuous period in excess of three (3) calendar weeks, and all yard sales shall be separated by a period of not less than fourteen (14) calendar days. In no event may any person or entity be permitted more than 180 yard sale days during any twelve (12) month period.
  2. The yard sale permit must be posted in a conspicuous location at the site of the yard sale for its duration.
  3. The yard sale may be conducted only upon the private property of the applicant and shall not be permitted on sidewalks, alleys, streets or other public ways or property, including the posing of any signs, posters or property.

4. Yard sales shall be conducted in an orderly fashion as to prevent a disturbance of the peace, public nuisance, or a hazard to persons or properties.
5. All items offered for sale at the yard sale shall be removed from the sale site at the conclusion of the permitted period.
6. Violation of this Section shall constitute a civil infraction and may be enforced before the ~~Hearing Examiner Code Enforcement Board~~ and result in the revocation of the permit and suspension of future permits for yard sales.

B. For the purpose of this Section, "Yard Sale" means a yard sale, patio sale, garage sale, or any similar sale of used or secondhand merchandise offered to the general public. (Ord. 728, March 2001.)

**Section 2.** This Ordinance shall take full force and effect five (5) days after its passage, approval and publication as required by law.

**PASSED** by the City Council of the City of Benton City, Washington, and approved as provided by law this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Linda Lehman,  
Mayor

Attest:

Approved as to Form:

\_\_\_\_\_  
Stephanie Haug,  
City Clerk-Treasurer

\_\_\_\_\_  
Leland B. Kerr,  
City Attorney

# CITY OF BENTON CITY

*City Council Agenda Item*



## PROCESS INFORMATION

**SUBJECT:** Second Reading - Ordinance 960-Unsafe and Unfit Buildings

**DATE/ITEM:** 08-16-16- H 2

## BUDGET INFORMATION

**DEPT:** General

**BUDGETED?**

**FUND:** General

**EXPENDITURE:** N/A

## DESCRIPTION/SUMMARY

### ACTION

Consideration of adoption of Ordinance 960, on its second reading, creating a new chapter 15.24 "Unsafe and Unfit Buildings, Structures, and Premises."

### HISTORY

## ATTACHMENTS

- |                  |    |
|------------------|----|
| 1) Ordinance 960 | 3) |
| 2)               | 4) |

## RECOMMENDED ACTION/SAMPLE MOTION

I move to approve Ordinance 960, on its second reading, creating a new chapter 15.24 "Unsafe and Unfit Buildings, Structures, and Premises."

First Reading: 07/19/2016

Second Reading: \_\_\_\_\_

**ORDINANCE 960**

**AN ORDINANCE OF THE CITY OF BENTON CITY,  
WASHINGTON, CREATING A NEW CHAPTER 15.24  
"UNSAFE AND UNFIT BUILDINGS, STRUCTURES, AND  
PREMISES"**

**WHEREAS**, there are at times found to be unkept, deteriorated and/or abandoned dwellings, structures, and premises with the city limits of the City of Benton City that are found to be unfit for human habitation and other uses, causing urgent concerns for the detrimental effects such properties may have on public health, safety and welfare; and

**WHEREAS**, these properties often constitute an immediate and emergent threat to public health and safety; and

**WHEREAS**, RCW 35.80 provides for the abatement of dwellings which are unfit for human habitation, and building structures and premises or portions thereof which are unfit for other uses due to dilapidation, disrepair, structural defects, defects increasing the hazards of fire, accidents, or other calamities, uncleanliness, inadequate light, or sanitary facilities, or other conditions which are a hazard to the health and welfare of the residents of the City; and

**WHEREAS**, RCW 35.80 authorizes the City to adopt ordinances and procedures relating to the abatement of property unfit for human habitation and other uses; and

**WHEREAS**, it is in the best interest of the City of Benton City to adopt the processes and acquire the powers authorized by Chapter 35.80 RCW to address the conditions which may render buildings and premises unfit for human habitation and other uses; NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF BENTON CITY, WASHINGTON, DO  
ORDAIN AS FOLLOWS:**

**Section 1.** That a new Chapter 15.24 entitled "Unsafe and Unfit Buildings, Structures, and Premises" of the Benton City Municipal Code shall be and hereby is created and shall read as follows:

## Chapter 15.24

### UNSAFE AND UNFIT BUILDINGS, STRUCTURES, AND PREMISES

#### Sections:

- 15.24.010 Findings.
- 15.24.020 Nuisance Declared.
- 15.24.030 Definitions.
- 15.24.040 Enforcement Authority and Powers.
- 15.24.050 Procedure to Abate Unsafe or Unfit Structures or Premises.
- 15.24.060 Abatement Costs.
- 15.24.070 Right to Appeal.
- 15.24.080 Appeals.
- 15.24.090 Service Completed When.
- 15.24.100 Supplemental Chapter.
- 15.24.110 Nuisances: Powers Reserved.
- 15.24.120 Additional Violations and Penalties.
- 15.24.130 Emergencies.
- 15.24.140 Discrimination Prohibited.
- 15.24.150 Warrants for Entry.
- 15.24.160 Adoption of RCW in its Entirety.

**15.24.010 Findings.** It is found that there exist in the City of Benton City, dwellings, and other buildings, structures, and premises which are unfit for human habitation and which are unfit for other uses due to dilapidation, disrepair, structural defects, defects increasing the hazards of fire, accidents, or other calamities, inadequate drainage, overcrowding, or due to other conditions which are inimical to the health and welfare of the residents of the City. It is the intent of this chapter to clarify and strengthen the procedures for abating such nuisances, particularly unsafe or unfit dwellings, buildings, structures, or premises, modeled after the provisions of Chapter 35.80 RCW.

**15.24.020 Nuisance Declared.** All buildings or structures in the City which by reason of decay, dilapidation, or damage by fire, the elements, or any other cause, are now or hereafter shall become, in the judgment of the Building Official, dangerous to the lives and safety of persons or property or unsafe for the purpose or purposes for which they are being uses, unsafe or unfit structures and premises as defined in this chapter are declared to be public nuisances.

**15.24.030** **Definitions.** For purposes of this chapter, the following definitions shall apply:

- A. "Abate" means to repair, replace, remove, destroy, vacate, close, or otherwise remedy a condition which constitutes a violation of this chapter by such means and in such a manner and to such an extent as is required or permitted by this chapter, as determined by the Code Enforcement Officer or other authorized official.
- B. "Building Code" means and includes the Building Code, its components, and related codes adopted by the City of Benton City in Title 15 of the Benton City Municipal Code.
- C. "Building Official" means the designated appointee as defined in BC MC 15.04.020.
- C. "City" means the City of Benton City.
- D. "Code Enforcement Officer" means the Code Enforcement Officer of the City of Benton City or his or her designee.
- E. "Premises" means and includes any structure, lot, parcel, real estate, or land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips, and any lake, river, stream, drainage way, or wetland, within the territorial limits of the City.
- F. "Property," unless otherwise defined or modified, includes premises and/or structures, as required by its context, and may include personal property if required by its context.
- G. "Structure" means and includes any dwelling, house, shop, stable, building, or other structure.
- H. "Unsafe or unfit" includes, without limitation, any of the conditions described in this subsection applicable to any dwelling, building, structure, or premises which renders it unfit for human habitation or other use. The term "unsafe or unfit" requires the enumerated conditions to be of such a degree as to be dangerous or injurious to the health and safety of the occupants of such dwelling, structure, building, or premises, or the occupants of neighboring dwellings, buildings, structures, or premises or other residents of the City:
  - 1. Whenever any door, aisle, passageway, stairway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

2. Whenever the walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn, or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
3. Whenever the stress in any materials, member, or portion thereof, due to dead and live loads, is more than one and one-half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose, or location.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose, or location.
5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
6. Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not sufficient strength or stability, or is not so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the Building Code for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted in the Building Code for such buildings.
7. Whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

10. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
11. Whenever the building or structure, exclusive of the foundations, shows 33% or more damage or deterioration of its supporting member or members, or 50% damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
12. Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals, or immoral persons; or as to (iii) enable person to resort thereto for the purpose of committing unlawful or immoral acts.
13. Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location, or structure of buildings.
14. Whenever any building or structure, which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member, or portion less than 50% or in any supporting part, member, or portion less than 66% of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.
15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air, or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
16. Whenever a building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections, or heating apparatus, or other cause, is determined by the Fire Chief to be a fire hazard.

17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.
19. Whenever any building, structure, dwelling, or premises, or any portion thereof, is vacated, is not secured against entry, and is subject to acts of unlawful burning.

The terms "owner" and "person" shall have the same meanings as in the Building Code as adopted by the City of Benton City.

**15.24.040 Enforcement Authority and Powers.**

- A. The responsibility for administration and enforcement of this chapter, unless otherwise provided, is vested in the Code Enforcement Officer, Building Official, and Hearing Examiner, as defined in this chapter.
- B. The Code Enforcement Officer, Building Official, and Hearing Examiner may exercise such lawful powers as may be necessary or convenient to effectuate the purposes and provisions of this chapter. These powers shall include the following in addition to others herein granted:
  1. To determine, pursuant to standards prescribed by the Building Code and upon assessment by the Building Official, which dwellings within the City are unfit for human habitation;
  2. To determine, pursuant to standards prescribed by the Building Code and upon assessment by the Building Official, which buildings, structures, or premises are unfit for other use;
  3. To administer oaths and affirmations, examine witnesses and receive evidence;
  4. To investigate the dwelling or other property conditions in the City and to enter upon premises to make examinations when there are reasonable grounds for believing they are unfit for human habitation, or for other use.
  5. To enter upon private and public property for such purposes and other purposes of this chapter subject to the provisions of Benton

City Municipal Code Section 15.24.150 and in such a manner as to cause the least possible inconvenience to the person(s) in possession, as determined by the Code Enforcement Officer, Building Official, and/or Hearing Examiner.

**15.24.050 Procedure to Abate Unsafe or Unfit Structures or Premises.**

- A. Complaint. If, after a preliminary investigation, the Building Official finds that any structure or premises is unsafe or unfit, the Code Enforcement Officer or Building Official shall cause a written complaint to be served either personally or by certified mail with return receipt requested, upon all persons having any interest therein, as shown upon the records of the Benton County Auditor's office, and shall post the complaint in a conspicuous place on such property. The complaint shall state in what respects such structure or premises is unsafe or unfit as defined in this chapter and may include notice of additional penalties or remedies available to the City under other provisions of the Benton City Municipal Code. If the whereabouts of any of such persons is unknown and cannot be ascertained in the exercise of reasonable diligence, and the Code Enforcement Officer or Building Official makes and files with the City Clerk an affidavit to that effect, then the serving of the complaint upon such persons may be made either by personal service or by mailing a copy by certified mail, postage prepaid, return receipt requested, to each such person at the address of the premises involved in the proceedings, and mailing a copy of the complaint by first class mail to any address of each such person in the records of the County Assessor or County Auditor of Benton County. The complaint shall contain a notice that a hearing will be held before the Building Official, at a place specified in the complaint, not less than ten days nor more than thirty days after the serving of said complaint, and that all parties in interest have the right to file an answer to the complaint, to appear in person, or otherwise, and to give testimony at the time and place in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling hearings before the Building Official. A copy of the complaint shall be filed also with the Benton County Auditor, and the filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. The complaint shall be substantially in the following form:

BEFORE THE CITY OF BENTON CITY  
BUILDING OFFICIAL

In Re: The premises at	)	No.
_____	)	COMPLAINT
(address)	)	
_____	)	

TO: The Owners and Occupiers of the premises located at :

\_\_\_\_\_  
(list names, address and whether owner of occupier)

THIS IS TO NOTIFY YOU that the premises or structure which you own or occupy is unsafe or unfit for the following reasons:

(list facts and applicable Municipal Code Section)

A hearing shall be held at (state date, time, and place of hearing) to determine whether there is sufficient legal cause to order you to take the following action: (list actions requested: e.g., repair, secure against entry, demolition, etc.). You may file a written answer to this Complaint by mailing or delivering it to the address listed below. You may also appear at the hearing with or without an attorney. Failure to answer and/or come to the hearing may result in you being required to take the action described in the previous paragraph or, failing that, paying for the City of Benton City to take that action.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

\_\_\_\_\_, Building Official

City of Benton City  
PO Box 70  
Benton City, WA 99320  
(509) 588-3322  
(509) 588-3323 - Facsimile

Personal service upon an owner or other party in interest under this chapter may be made by delivering a copy of the complaint or order to that person or by leaving the copy with a person of suitable age and discretion at the place of residence of the owner or other party in interest. The Code Enforcement Officer shall make and retain written proof of service of the complaint

- B. Determination - Reference to Building Code. As provided in RCW 35.80.030, the Building Official may determine that a structure or premises is unsafe or unfit if he or she finds that one or more defects or conditions exist that are described in Benton City Municipal Code Section 15.24.030(H), according to minimum standards that are prescribed by the currently adopted version of the Building Code:

1. For determining the fitness or safety of a dwelling for human habitation, or any building, structure, or premises for other use;
  2. For the use and occupancy of dwellings throughout the City; or
  3. For the use and occupancy of any building, structure, or premises used for any other purpose.
- C. General Standards. In general, the determination of whether a structure or premises should be repaired or demolished, shall be based on the following standards:
1. The degree of structural deterioration of the structure or premises, or
  2. The relationship that the estimated cost of repair bears to the value of the structure as determined by a qualified real estate appraiser engaged by the City for that purpose.

An undertaking entered into, at, or prior to the hearing, by a party in interest creates a presumption that the structure or premises can be reasonably repaired. The failure to accomplish such an undertaking is grounds for the Building Official to order demolition.

- D. Specific Standards for Determining Safety or Fitness-Demolition or Other Remedies.
1. In reaching a judgment that a structure or premises is unsafe or unfit for human habitation, the Building Official shall consider: (a) dilapidation, (b) disrepair, (c) structural defects, (d) defects increasing the hazards of fire, accidents, or other calamities, such as parts standing or attached in such manner as to be likely to fall and cause damage or injury, (e) inadequate ventilation, (f) uncleanliness, (g) inadequate light, (h) inadequate sanitary facilities, (i) inadequate drainage, (j) substandard conditions.
  2. If these or other conditions are found to exist to an extent dangerous or injurious to the health or safety of the structure's occupants, or the occupants of neighboring structures or of other residents of the City of Benton City, and if (a) structural deterioration is of such degree that (i) vertical members list, lean, or buckle to the extent that a plumb line passing through the center of gravity falls outside the middle third of its base, or (ii) thirty-three percent (33%) of the supporting members show damage or deterioration, or (b) the estimated cost of restoration exceeds sixty percent (60%) of the value of the structure, or (c) the structure has

been damaged by fire or other calamity, the estimated cost of restoration exceeds thirty percent (30%) of the value of the structure and it has remained vacant for six months or more, the Building Official shall order the structure or premises demolished and the land suitably filled and cleared, or shall order the structure or premises demolished and the land suitably filled and cleared, or shall order the property immediately vacated and secured as completely as possible pending demolition. "Value" as used in this paragraph, shall be determined by reference to a current edition of "Building Valuation Data" published by the International Code Council or, if not published, as determined by the Building Official.

- E. Alternative Action. If by reason of any of the above conditions, a structure is unfit, but no public necessity is found for its immediate demolition, the Building Official may take other action, such as causing the property to be cleaned, cleared, vacated, secured, or otherwise repaired, which will promote the public health, safety, or general welfare.
  
- F. Findings and Order. If, after the required hearing, the Building Official determines that the dwelling or other structure or premises is unsafe or unfit for human habitation or that the structure or premises is unfit for other use, he or she shall make written findings of fact in support of that determination, and shall issue and cause to be served upon each owner and party in interest thereof, as provided in Subsection (A) of this section, and shall post in a conspicuous place on the property, an order which (i) requires the owner or party in interest, within the time specified in the order, to repair, alter, or improve such dwelling, structure, or premises to render it fit for human habitation, or for other appropriate use, or to vacate and close the dwelling, structure, or premises, if that course of action is deemed lawful and reasonable on the basis of the standards set forth as required in Subsections (c) and (d) of this section; or (ii) requires the owner or party in interest, within the time specified in the order, to remove or demolish the dwelling, structure, or premises, if that course of action is deemed lawful and reasonable on the basis of those standards. An order may require the owner to take effective steps to board up or otherwise bar access to the structure or premises, if deemed necessary for public safety, pending further abatement action. The order may be in substantially the same form which appears below and may include notice of additional penalties or remedies available to the City under other provisions of this code.

BEFORE THE CITY OF BENTON CITY  
BUILDING OFFICIAL

In Re: The premises at	)	No.
	)	ORDER OF ABATEMENT
(address)	)	

\_\_\_\_\_ )

ON THE \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ a.m./p.m., at (list place, address), a hearing was held before the City of Benton City Building Official pursuant to notice given by him/her through a Complaint issued on \_\_\_\_\_, 20\_\_\_\_. (If applicable list who appeared and short summary of testimony). The Building Official after hearing made the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. (List out)

CONCLUSIONS OF LAW

1. (List out)

WHEREON, the Building Official issued the following Order:

ORDER

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

\_\_\_\_\_, Building Official

City of Benton City  
PO Box 70  
Benton City WA 99320  
(509) 588-3322  
(509) 588-3323 - Facsimile

If no appeal is filed as provided in this chapter, a copy of the order shall be filed with the Benton County Auditor, and shall be a final order.

The Code Enforcement Officer and/or Building Official shall make and retain a record of service, substantially in the form prescribed in BC MC 15.24.050(A), which such modifications as may be appropriate.

- G. Abatement by City. If the owner, following exhaustion of his or her rights of appeal, fails to comply with the final order to repair, alter, improve, vacate, close, remove or demolish the dwelling, structure, or premises, or to take other required action, the Code Enforcement Officer may direct or cause such dwelling, structure, or premises to be repaired, altered, improved, vacated, and closed, removed, or demolished, and to take such

further steps as may be reasonable and necessary to prevent access to the structure or premises, for public health or safety reasons, pending abatement. The Code Enforcement Officer, with the assistance of the City Attorney, may apply to the Superior Court for any legal or equitable remedy to enforce his or her order.

**15.24.060** **Abatement Costs.** The cost of the abatement of such nuisance may be paid out of the treasury of the City and charged to the owner of the property subject to abatement. Such cost shall be levied as a special assessment against the real property subject to abatement and the same shall be collected in the manner provided for collection of local improvement assessments. The amount of the cost of such repairs, alternations, or improvements; or vacating and closing; or removal or demolition, shall be assessed against the real property upon which such cost was incurred unless such amount has been paid previously, and such cost shall be certified by the City Treasurer to the County Treasurer as an amount due and owing to the City, pursuant to RCW 35.80.030, to be entered by the County Treasurer as an assessment upon the tax rolls against the property for the current year and to become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as is provided in RCW 84.56.020 as now or hereafter amended, for delinquent taxes, and when collected to be deposited to the credit of the City's general fund. If the dwelling or other structure or premises is removed or demolished, the City shall, if possible, sell the materials of the dwelling, structure, or premises, in the usual manner prescribed by city ordinance for selling surplus property. If there is no other established procedure, the City shall sell the materials as public auction pursuant to notice published in the City's official newspaper or at least ten days prior to the auction. The proceeds of the sale shall be credited against the cost of the removal or demolition, and if there is any balance remaining, it shall be paid to the parties entitled thereto, as determined by the City, after deducting costs incident to the sale.

As provided in RCW 35.80.030, the assessment shall constitute a lien against the property which shall be of equal rank with state, county, and municipal taxes.

Whenever a building or premises is found to be unsafe or unfit and the cost of demolition or other abatement must be incurred by the City, there shall be charged against the property the costs of all administrative proceedings before the Code Enforcement Officer, Building Official, and the Hearing Examiner including, but not limited to, salaries, wages, benefits, material, equipment rental, and other expenses incurred for inspecting, conducting hearings, or otherwise determining the status of the property.

The Building Official or Hearing Examiner may modify the time or methods of payment of such expenses as the condition of the property and the circumstances of the owner may warrant.

**15.24.070** **Right to Appeal.** The owner or any party in interest, within thirty (30) days from the date of service upon him or her and the posting of an order issued by the Building Official under the provisions of Section 15.24.060 of this chapter, may appeal by filing a written notice of appeal, together with the applicable fee, with the Hearing Examiner or his or her designee. The appeal need not be in a particular form, but must clearly state that the person identified in the notice of appeal is the person to whom an order of abatement was given, the date of the order and notice of the appeal, and the reason or reasons why the person believes the notice to be in error.

**15.24.080** **Appeals.**

- A. The Hearing Examiner shall have jurisdiction to hear appeals of orders of abatement.
1. The Hearing Examiner or his or her designee shall arrange a reasonable time and place for hearing the appeal within not less than ten (10) nor more than twenty (20) days after the appeal has been filed, and notify the person who is appealing (the "appellant") regarding the designated time and place. The hearing shall be scheduled so as to allow ten (10) or more days notice to the appellant and all interested parties and to permit final decision by the Hearing Examiner within sixty (60) days after the filing of the appeal. The filing of the notice of appeal shall stay the order of the Building Official, except insofar as temporary measures of an emergent nature are required, such as securing the building to minimize any imminent danger to the public health or safety.
  2. The matter must be concluded by the Hearing Examiner within sixty (60) days after the date the appeal has been filed unless continued for a specified time with the consent of the appellant as provided in this section.
  3. The Hearing Examiner shall conduct a full and fair review of the record of the proceedings before the Building Official, and the action taken. The hearing shall be on the record and not de novo. Normally the Hearing Examiner will not accept new evidence or evidence not made available to the Building Official in the absence of good cause. However, the Hearing Examiner may allow presentation of new evidence at his/her discretion and may continue the matter for that purpose in the interest of conducting a full and fair hearing, if it will not cause the hearing to extend beyond the required sixty-day period. With the consent of the appealing

party, a continuance may extend the hearing for a specified number of days beyond that period for further evidence or deliberation. If the Hearing Examiner fails to reach a decision within the required time, or the time extended with the appellant's consent, the Building Official's order and findings shall be deemed to be those of the Hearing Examiner, and shall be deemed final and subject to review by the Superior Court.

4. The Hearing Examiner may affirm, modify, reverse, or return with directions, the action or decision appealed in the event he or she finds an error of law or the record is not supported by substantiated evidence.
  5. At the conclusion of the hearing the Hearing Examiner shall issue a written decision describing the decision or action appealed, making written findings of fact and stating the reasons for his or her decision, and making an appropriate order or orders, notify the appellant in writing of his or her action, and file the decision, findings, and orders with the Benton County Auditor. A transcript of the Hearing Examiner's decision, findings, and orders shall be made available to the appellant, on demand.
  6. The Hearing Examiner may promulgate additional written rules of procedure for the conduct of proceedings, to ensure a prompt and thorough review of appeals.
  7. The decision, findings, and orders of the Hearing Examiner shall be reported in the same manner and shall bear the same legal consequences as if issued by the Building Official, and shall be subject to further review only in the manner and to the extent provided in Subsection B of this section. If it is not timely and correctly appealed under Subsection B of this section, the Hearing Examiner's decision is final.
- B. Any person affected by an order issued by the Hearing Examiner pursuant to this section may, within thirty (30) days after the posting and service of the order, petition the Superior Court for an injunction or other appropriate order restraining the City or its agent from carrying out the provisions of the order. As provided by RCW 35.80.030, in all such proceedings the court may affirm, reverse, or modify the order and the trial shall be de novo.
- C. The order of the Building Official or the Hearing Examiner may prescribe times within which demolition or other abatement shall be commenced or completed. If the action is not commenced or completed within the prescribed time, or if no time is prescribed within the time limit for

appealing, the Code Enforcement Officer may commence the required abatement action after having taken the legally required steps, if any, to gain entry. If satisfactory progress has been made and sufficient evidence is presented that the work will be completed within a reasonable time, the Building Official or the Hearing Examiner may extend the time for completion of the work, subject to immediate summary revocation at any time without further hearing if satisfactory progress is not being made.

- D. If the owner is unable to comply with the Building Official's or the Hearing Examiner's order within the time required, and the time for appeals to the Hearing Examiner or petition to the court has passed, the owner may, for good and sufficient cause beyond his or her control, request an extension of time in writing supported by affidavit. The Building Official or Hearing Examiner may grant a reasonable extension of time after finding that the delay was beyond the control of the owner. There shall be no appeal or petition from the denial of an extension of time.
- E. Any work including demolition, construction, repairs, or alterations required under this chapter shall be subject to permitting requirements pursuant to the Benton City Municipal Code.

**15.24.090** **Service Completed When.** Service of filing by mail of any complaint, notice, order, notice of appeal, or other paper under this chapter shall be deemed complete at the end of the third full day following its deposit in the U.S. Mail, correctly addressed, with postage prepaid.

**15.24.100** **Supplemental Chapter.** Nothing in this chapter shall be construed to abrogate or impair the powers of the courts or of any department of the City to enforce any provisions of its ordinances or regulations or to prevent or punish violations of such ordinances or regulations; and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by any other statute or ordinance.

**15.24.110** **Nuisances: Powers Reserved.** Nothing in this chapter shall be construed to impair or limit in any way the City's power to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

**15.24.120** **Additional Violations and Penalties.**

- A. It shall be unlawful and a violation of this chapter to knowingly:
  - 1. Occupy or allow to be occupied any building or premises ordered vacated;
  - 2. Fail to comply with any order issued pursuant to this chapter;

3. Obstruct, hinder, or provide false information to any officer or agent of the City of Benton City or other authorized governmental unit or agency in the enforcement of this chapter.

A violation of this section is a misdemeanor and may be punished by a fine not to exceed One Thousand Dollars (1,000) and/or jail confinement of not more than ninety (90) days. Each day of violation shall constitute a separate offense. In the event of continuing violation or failure to comply, the second and subsequent days shall constitute a gross misdemeanor, punishable by a fine not to exceed Five Thousand Dollars (\$5,000) and/or imprisonment for not more than three hundred and sixty-five (365) days or both such fine and imprisonment.

- B. As a separate and alternate monetary penalty to the criminal penalty above, there is hereby imposed a civil penalty for failure to comply with an order of abatement within the time specified on such order, including but not limited to the following offenses:

1. To occupy or to allow to be occupied any building or premises ordered vacated;
2. Failure to comply with any order issued pursuant to this chapter;
3. To obstruct, hinder, or provide false information to any officer or agent of the City of Pasco or other authorized governmental unit or agency in enforcement of this chapter.

Each day of violation shall constitute a separate offense. The daily maximum penalty for failure to comply with an order of abatement on a first-time violation shall not exceed Five Hundred Dollars (\$500), and shall not exceed a cumulative of Five Thousand Dollars (\$5,000) over the course of ten (10) days. Monetary penalties for repeat violations may exceed these limits.

**15.24.130** **Emergencies.** The provisions of this chapter shall not prevent the Code Enforcement Officer or any other officer or agency of the City of Benton City from taking any other action, summary or otherwise, necessary to eliminate or minimize an imminent danger to the health or safety of any person or property.

**15.24.140** **Discrimination prohibited.** All proceedings under this chapter shall be subject to the anti-discrimination provisions of RCW 35.80.040.

**15.24.150** **Warrants for Entry.**

- A. Whenever it is necessary to enter upon private property or the public property of another governmental agency to carry out the lawful directions

of this chapter, the City may apply to a court of competent jurisdiction for a warrant authorizing the entry upon such property carry out the same, if permission to enter has been refused by the owner or person in possession, or if the owner cannot be found or reasonably ascertained.

- B. The application for a warrant shall be supported by an affidavit or the testimony of the officer intending to enter upon the property stating his office, purpose, and authority to so enter, the owner's or person in possession refusal to permit such entry or the owner's unavailability, the work, action, or other activity to be conducted upon the property and by whom and approximate time the activity will be conducted.
- C. If the court finds just cause for the issuance of the warrant, it shall subscribe the same with a return date of not more than ten (10) days following completion of the action or activity to be conducted upon the property.
- D. Nothing in this section is intended to limit, restrict, or otherwise affect the right of officers or agents of any governmental entity to enter upon private or public property for any lawful purpose.

**15.24.160** **Adoption of RCW in its Entirety.** The City of Benton City adopts the entirety of RCW 35.80, including both provisions listed above in this chapter and provisions listed in RCW 35.80 that are not included expressly in this chapter.

**Section 2.** This Ordinance shall be effective five days after its passage, approval and publication as required by law.

**PASSED** by the City Council of the City of Benton City, Washington, and approved as provided by law this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Linda Lehman  
Mayor

Attest:

Approved as to Form:

\_\_\_\_\_  
Stephanie Haug  
City Clerk-Treasurer

\_\_\_\_\_  
Leland B. Kerr  
City Attorney

# CITY OF BENTON CITY

*City Council Agenda Item*



## PROCESS INFORMATION

**SUBJECT:** Energy Savings Audit- Spink/Apollo Presentation

**DATE/ITEM:** 08-16-16- H 3

## BUDGET INFORMATION

**DEPT:**

**BUDGETED?**

**FUND:** N/A

**EXPENDITURE:**

## DESCRIPTION/SUMMARY

ACTION

HISTORY

## ATTACHMENTS

- |    |    |
|----|----|
| 1) | 3) |
| 2) | 4) |

## RECOMMENDED ACTION/SAMPLE MOTION

# CITY OF BENTON CITY

*City Council Agenda Item*



## PROCESS INFORMATION

**SUBJECT:** Sewer Cleaning Project Change Order #1 and Project  
Acceptance- Spink Engineering

**DATE/ITEM:** 08-16-16- H 4

## BUDGET INFORMATION

**DEPT:** Sewer

**BUDGETED?**

**FUND:** Sewer

**EXPENDITURE:**

## DESCRIPTION/SUMMARY

### ACTION

Consideration of approval of Change Order #1 for the Sewer Cleaning and Inspection Project and acceptance of the project in the amount of \$59,338.93.

### HISTORY

## ATTACHMENTS

- |                                  |    |
|----------------------------------|----|
| 1) Change Order #1               | 3) |
| 2) Letter from Spink Engineering | 4) |

## RECOMMENDED ACTION/SAMPLE MOTION

I move to approve Change Order #1 for the Sewer Cleaning and Inspection Project and acceptance of the project in the amount of \$59,338.93.

**CITY OF BENTON CITY  
CONTRACT CHANGE ORDER**

Change Order No. 1

Job # 13-113

Date: 8/10/16

Contract for:	Sewer Cleaning and Inspection Project – Phase 1
Owner:	Benton City, PO Box 70, Benton City WA 99320
To:	Columbia Pumping & Construction, INC, 1005 S. Maitland Ave, Pasco WA 99301

Description of Changes (Supplemental Plans and Specifications Attached)	DECREASE in Contract Price	INCREASE in Contract Price
1. Decrease the Lineal Feet of Cleaning and Inspection by 1,429.2 lf. 1,429.2 lf @ \$1.87/lf	-2,672.60	
2. Cut Protruding taps (service line sticking into main sewer line) 3 @ \$350 ea		1,050.00
3. Heavy Cleaning: 5.75 hrs @ \$195/hr		1,121.25
4. Locate of Sewer Lines & Bends: 25.75 hrs @ \$195/hr		5,021.25
Subtotal		<b>\$4,519.90</b>
Sales Tax		<b>\$388.71</b>
<b>TOTAL</b>		<b>\$4,908.61</b>

Original Contract Amount	\$54,430.32	% Project Change
Current Contract Amount	\$54,430.32	
Change Order Amount	\$4,908.61	9%
Contract Total After this Change Order	\$59,338.93	9%

Justifications:

- 1) Length of cleaning and inspection was decreased due to erroneous information on map.
- 2) Three service lines were sticking into main sewer line creating a potential for plugging.
- 3) Heaving cleaning required in a few areas due to severely plugged lines.
- 4) Locating was done at City's request to determine the location of existing sewer lines in order to create a more accurate sewer map.

Approved \_\_\_\_\_  
(Contractor)

Date: \_\_\_\_\_

Recommended Alan Rainey  
(Owner's Engineer)

Date: 8/10/16

Approved \_\_\_\_\_  
(Owner)

Date: \_\_\_\_\_



1045 Jadwin Ave. Suite E ▪ 509.946.1581 ▪ Richland, WA 99352 ▪ [www.spinkeng.com](http://www.spinkeng.com)

August 10, 2016

Mayor Lehman  
City of Benton City  
P.O. Box 70  
Benton City, WA 99320

RE: Sewer Cleaning & Videos  
Acceptance  
Job #13-113

Dear Mayor Lehman:

We have reviewed the sewer inspection videos for this project. The sewer lines have been cleaned in apparent compliance with the specifications. Additional work was completed as noted in Change Order 1. I recommend the City Council accept the project in the amount of \$59,338.93. This amount includes Change Order 1 and sales tax.

Once the City has received "clearance" letters from Department of Revenue, Department of Labor and Industries and Employment Security Department, the retainage of \$2,731.99 can be released to Columbia Pumping & Construction.

Please call or send me an e-mail if you have any questions or need additional information.

Sincerely,

Alan Rainey, P.E.  
Spink Engineering, LLC

# CITY OF BENTON CITY

*City Council Agenda Item*



## PROCESS INFORMATION

**SUBJECT:** City Hall Construction- Update- Spink Engineering

**DATE/ITEM:** 08-16-16- H 5

## BUDGET INFORMATION

**DEPT:** All

**BUDGETED?**

**FUND:** General

**EXPENDITURE:** ?

## DESCRIPTION/SUMMARY

### ACTION

Continued discussion on options for City Hall improvements

### HISTORY

Alan will have additional information on this topic at the meeting on Tuesday.

## ATTACHMENTS

1)

3)

2)

4)

## RECOMMENDED ACTION/SAMPLE MOTION

# CITY OF BENTON CITY

*City Council Agenda Item*



## PROCESS INFORMATION

**SUBJECT:** City Hall Mold Abatement- Award of Contract- Spink Engineering

**DATE/ITEM:** 08-16-16- H 6

## BUDGET INFORMATION

**DEPT:** All

**BUDGETED?**

**FUND:** General

**EXPENDITURE:** \$7,031.85

## DESCRIPTION/SUMMARY

### ACTION

Consideration of approval of a contract to abate mold in City Hall in an amount not to exceed \$7,031.85.

### HISTORY

Please see letter from Spink Engineering

## ATTACHMENTS

- |                                  |    |
|----------------------------------|----|
| 1) Letter from Spink Engineering | 3) |
| 2)                               | 4) |

## RECOMMENDED ACTION/SAMPLE MOTION

I move to award the contract for mold abatement in City Hall to All Safe Abatement in an amount not to exceed \$7,031.85.



1045 Jadwin Ave. Suite E ▪ 509.946.1581 ▪ Richland, WA 99352 ▪ [www.spinkeng.com](http://www.spinkeng.com)

---

August 11, 2016

Mayor Linda Lehman  
City of Benton City  
P.O. Box 70  
Benton City, WA 99320

RE: City Hall Remodel  
Mold Abatement  
Job #16-103

Madam Mayor:

Spink Engineering contacted the two companies in the Tri-City area that perform mold abatement and provided a "Request for Bids" to both companies.

One company declined to bid the project due work load and we received one bid from All-Safe Abatement. The bid amount was for \$6,475, but does not include sales tax. This is approximately \$1,000 less than the amount used in the June 1, 2016 Feasibility Study.

Sales tax on \$6,475 is \$556.85. The total with sales tax is \$7,031.85. I recommend the Council Award the contract to All-Safe Abatement in the amount of \$7,031.85

Once the project is awarded, Spink Engineering will prepare the Notice of Award and copies of the contracts and deliver them to All-Safe Abatement for execution. Once All-Safe provides signed copies of the contracts and the appropriate bonds and insurance, Spink Engineering will review them prior to your signature of the contract.

Please call if you have any questions or need additional information.

Sincerely,

Alan Rainey, PE  
SPINK ENGINEERING LLC

Enclosures: Bid Tabulation



August 11, 2016

To: Alan Rainey  
Spink Engineering

Email: alan@spinkeng.com

From: Andy Brandt, Estimator  
All-Safe Abatement

**Re: Proposal to Provide Limited Mold Abatement/Remediation at City of Benton City - City Hall, Benton City, WA**

All-Safe Abatement is pleased to provide estimated costs for the project listed above. The Scope of Work is based on information provided by you and a site visit.

Base Bid:

1. Provide the proper removal and disposal of 255 SF of suspect mold-contaminated carpet located in the old Sheriff's Office (220 SF & 35 SF).
2. Provide the removal and disposal of approximately 400 SF of mold contaminated ceiling tiles located in the Sheriff's Office and the west end of the Archive room located in the women's restroom.

General Mold Work Procedures:

1. Seal off the work area by installing critical barriers made of 6 mil polyethylene sheeting. Install HEPA filtered air scrubbers to filter airborne mold spores and provide negative pressure during the abatement activities.
2. Remove mold contaminated building materials.
3. If required, install dehumidifier(s) to dry wood to a minimum of 15% moisture content.
4. Abate all visible mold growth by sanding, scraping, scrubbing and wire brushing.
5. Decontaminate and treat the inside of the work area enclosure (triple-wash) with "Fiberlock IAQ 2000" a quaternary ammonium chloride blend, an EPA registered sanitizer or equivalent product.
6. When final cleaning and third-party visual inspection is completed, lock-down and seal all surfaces with "Fiberlock IAQ 6000" EPA approved anti-microbial sealant or equivalent product.
7. Remove work area enclosures after post-abatement air-o-cell cassette mold air testing has been completed and analyzed by a qualified laboratory.

Alan Rainey  
Spink Engineering  
Proposal: Limited Mold & Asbestos Abatement/Remediation  
**City of Benton City – City Hall**  
August 11, 2016  
Page 2

Cost Includes:

1. Labor (Prevailing wages), materials, equipment, fees and insurance necessary to complete the project as specified, except as noted below in "Bid Exclusions".
2. Mold abatement trained supervisor and workers conducting all mold abatement.
3. Scope of work as listed above.
4. Proper packaging, handling and disposal of mold-contaminated waste.
5. Single mobilization to conduct the work.

Bid Exclusions:

1. Repair of water leak(s) or water intrusion to be performed by others.
2. Washington State Sales Tax.
3. Work in excess of 8 hours per day, 40 hours/week or legal holidays.
4. Replacement of removed materials to be performed by others.
5. Removal of non-fixed items to be removed prior to All-Safe arriving on site.
6. Removal of any asbestos-containing materials.

Cost Estimate: (lump sum)

Base Bid (Mold Remediation) \$6,475



**From:** Todd Lee <todd@asbmldsolutions.com>  
**Sent:** Wednesday, August 10, 2016 10:19 AM  
**To:** 'Alan Rainey'  
**Subject:** RE: Benton City - City Hall Mold Removal

Alan,

We regret to inform you that we currently are extremely busy.  
We would not be able to respond to the schedule  
that is in place .

Thank You

Todd K. Lee  
Environmental Manager



Ph.509.943.1104  
Fax.509.946.9644

---

**From:** Alan Rainey [<mailto:alan@spinkeng.com>]  
**Sent:** Tuesday, August 9, 2016 4:19 PM  
**To:** [todd@asbmldsolutions.com](mailto:todd@asbmldsolutions.com)  
**Cc:** [michele@nwrestoration.net](mailto:michele@nwrestoration.net)  
**Subject:** Benton City - City Hall Mold Removal

Todd:

Attached is the Request for Bids and air sampling report for the Benton City mold removal project. We can schedule a walk through any time between 8:00 and 4:00 at your convenience if you are interested in the project. It bids Thursday at 5:00.

Call if you have any questions.

Alan Rainey  
Spink Engineering LLC  
1045 Jadwin Ave, Suite E  
Richland, WA 99352  
O (509)946-1581  
F (509)946-6483  
C (509)948-2977  
Email: [alan@spinkeng.com](mailto:alan@spinkeng.com)

# CITY OF BENTON CITY

*City Council Agenda Item*



## PROCESS INFORMATION

**SUBJECT:** City Hall Structural Engineer and Architect Task Order - Spink Engineering      **DATE/ITEM:** 08-16-16- H 7

## BUDGET INFORMATION

**DEPT:** All

**BUDGETED?**

**FUND:** General

**EXPENDITURE:** \$78,000

## DESCRIPTION/SUMMARY

### ACTION

Consideration of approval of Task Order No. 2016-3, to complete plans and specifications with Building Department's approval, conduct bidding process, perform Project Administration, perform On-Site Inspection when required, and provide updates to Mayor and Council regarding City Hall Renovations.

### HISTORY

## ATTACHMENTS

- |                       |    |
|-----------------------|----|
| 1) Task Order 2016-03 | 3) |
| 2)                    | 4) |

## RECOMMENDED ACTION/SAMPLE MOTION

I move to approve Engineering Services Agreement Task Order # 2016-3, authorizing Spink Engineering to complete plans and specifications with Building Department's approval, conduct bidding process, perform Project Administration, perform On-Site Inspection when required, and provide updates to Mayor and Council regarding the City Hall Renovations.

City of Benton City  
Engineering Services Agreement  
TASK ORDER NO. 2016 - 3

PROJECT: City Hall Remodel, Job #16-103

Submitted to: Linda Lehman  
Mayor  
City of Benton City

Reference: "Renewing Engineering Services Agreement" between City of Benton City  
(Owner) and Spink Engineering (Engineer), City Resolution NO. 2015 - 26.

Upon execution of this Task Order by the Owner and the Engineer in the space provided below, this Task Order will serve as authorization for the Engineer to carry out and complete the services set forth below in accordance with the referenced agreement between the Owner and Engineer.

1. Scope of Services:

- Complete plans and specifications with Building Department's approval
- Conduct bidding process
- Perform Project Administration
- Perform On-site Inspection when required
- Provide updates to Mayor and Council

2. Time for Performance of Services:

Service will be provided during design, construction and closeout phases of the project.

3. Fees for Services: SPINK ENGINEERING shall be paid on a "Time-plus-expense" basis for the performance of services under this agreement using the rates indicated in the attached fee schedule, dated March 31, 2016, included as part of this agreement.

The maximum compensation shall be Seventy Eight Thousand dollars (\$78,000), or such greater amounts when authorized by written notice from the Owner.

ENGINEER:  
Spink Engineering, LLC

OWNER:  
City of Benton City

By Alan Rainey

By: Linda Lehman

Signed: \_\_\_\_\_

Signed: \_\_\_\_\_

Title: Principal Engineer/Owner

Title: Mayor

Date: 8/16/16

Date: 8/16/16  
(Authorization Date)

Effective March 31, 2016

**FEE SCHEDULE**

Principal Engineer .....	\$100/hour
Project Engineer II .....	\$95/hour
Design Engineer .....	\$90/hour
Engineering Technician .....	\$90/hour
CAD Draftsman .....	\$75/hour
Secretarial/Clerical .....	\$ No Charge
Mileage Rate .....	\$0.50/mile

# CITY OF BENTON CITY

*City Council Agenda Item*



## PROCESS INFORMATION

**SUBJECT:** Well # 5 -Change Order #5- Gravel Purchase- Spink  
Engineering

**DATE/ITEM:** 08-16-16- H 8

## BUDGET INFORMATION

**DEPT:** All

**BUDGETED?**

**FUND:** General

**EXPENDITURE:** \$17,097.98 or \$11,120.64

## DESCRIPTION/SUMMARY

### ACTION

Consideration of approval of Change Order #5, for additional gravel for the access road around the well house and reservoir. Council needs to consider doing the work now at a higher rate, which they will submit to DWSRF as part of the loan, or wait to complete the work later in the year at a lower cost, but using money from the water budget.

### HISTORY

## ATTACHMENTS

- |                                |    |
|--------------------------------|----|
| 1) Change Order # 5            | 3) |
| 2) Memo from Spink Engineering | 4) |

## RECOMMENDED ACTION/SAMPLE MOTION

I move to approve Change Order # 5 for the Well #5 Well House and Site Work in the amount of \$17,097.98 for a total contract total of \$270,506.29.

**CITY OF BENTON CITY  
CONTRACT CHANGE ORDER**

Change Order No. 5

Job # 09-132

Date: 8/10/16

Contract for:	Well #5 Well House and Site Work
Owner:	City of Benton City, 708 9 <sup>th</sup> Street, Benton City, WA 98320
To:	Culbert Construction, Inc., 3905 E. A Street, Pasco, WA 99301

Description of Changes (Supplemental Plans and Specifications Attached)	DECREASE in Contract Price	INCREASE in Contract Price
1. Gravel additional area outside fence & "berm road" 12,800 sf x \$1.23/sf = \$15,744		\$15,744.00
Subtotal		<b>\$15,744.00</b>
Sales Tax – 8.6%		<b>\$1,353.98</b>
<b>TOTAL</b>		<b>\$17,097.98</b>

Original Contract Amount	\$248,369.23	% Project Change
Current Contract Amount	\$253,408.31	
Change Order Amount	\$17,097.98	6.88%
Contract Total After this Change Order	\$270,506.29	8.91%

Justifications:

1. Extending the existing fence to the north has made it difficult for Public Works vehicles to turn around at the gate area. By adding additional gravel to the west of the fenced area and the "berm road," city staff will have an all-weather access road for access to the reservoir and well site. Commerce has approved an additional expenditure on the placement of gravel in this area.

Approved \_\_\_\_\_ Date: \_\_\_\_\_  
(Contractor)

Recommended Alan Rainy Date: 8/10/16  
(Owner's Engineer)

Approved \_\_\_\_\_ Date: \_\_\_\_\_  
(Owner)

**From:** Dan DeRousie <Dan@CULBERTCONSTRUCTION.COM>  
**Sent:** Monday, July 25, 2016 3:46 PM  
**To:** Alan Rainey  
**Subject:** RE: Additional Gravel

Alan,

Our pricing for the additional gravel work is \$1.23 per SF for a total of \$15,744.00. This doesn't include any taxes.

This pricing is only good for the full quantity.

Please let me know if this will work. Otherwise, I can put together alternate pricing for a smaller quantity.

Thanks,

**Dan DeRousie**

Culbert Construction, Inc.

3905 E "A" Street Pasco, Wa 99301

509-544-0229 x 206 Office

509-544-6655 Fax

509-412-5356 Cell

[dan@culbertconstruction.com](mailto:dan@culbertconstruction.com)



**From:** Alan Rainey [<mailto:alan@spinkeng.com>]

**Sent:** Thursday, June 30, 2016 8:25 PM

**To:** Dan DeRousie <[Dan@CULBERTCONSTRUCTION.COM](mailto:Dan@CULBERTCONSTRUCTION.COM)>

**Cc:** [llehman@ci.benton-city.wa.us](mailto:llehman@ci.benton-city.wa.us); Stephanie Haug <[shaug@ci.benton-city.wa.us](mailto:shaug@ci.benton-city.wa.us)>; Kyle Kurth <[kkurth@ci.benton-city.wa.us](mailto:kkurth@ci.benton-city.wa.us)>

**Subject:** Additiona Gravel

Dan:

DWSRF/Commerce will allow the additional rock if the Council approves the quote. Attached is a drawing for the additional gravel. We would like a price per SF or SY for placing and compacting base course such that the compacted thickness is 3" thick. "Black" rock from the Central Washington pit is acceptable.

Approximate area: 12,800 sf

Compacted Depth: 3 inches

Volume: 118.5 cy

I would like to give the Council the opportunity to scale back the amount of work, up to 50%, if they feel they don't have the budget to have the entire 12,800 sf rocked. Spink Engineering will help keep track of the area and rock amount during placement in either case.

Thanks.

Alan Rainey

Spink Engineering LLC

1045 Jadwin Ave, Suite E

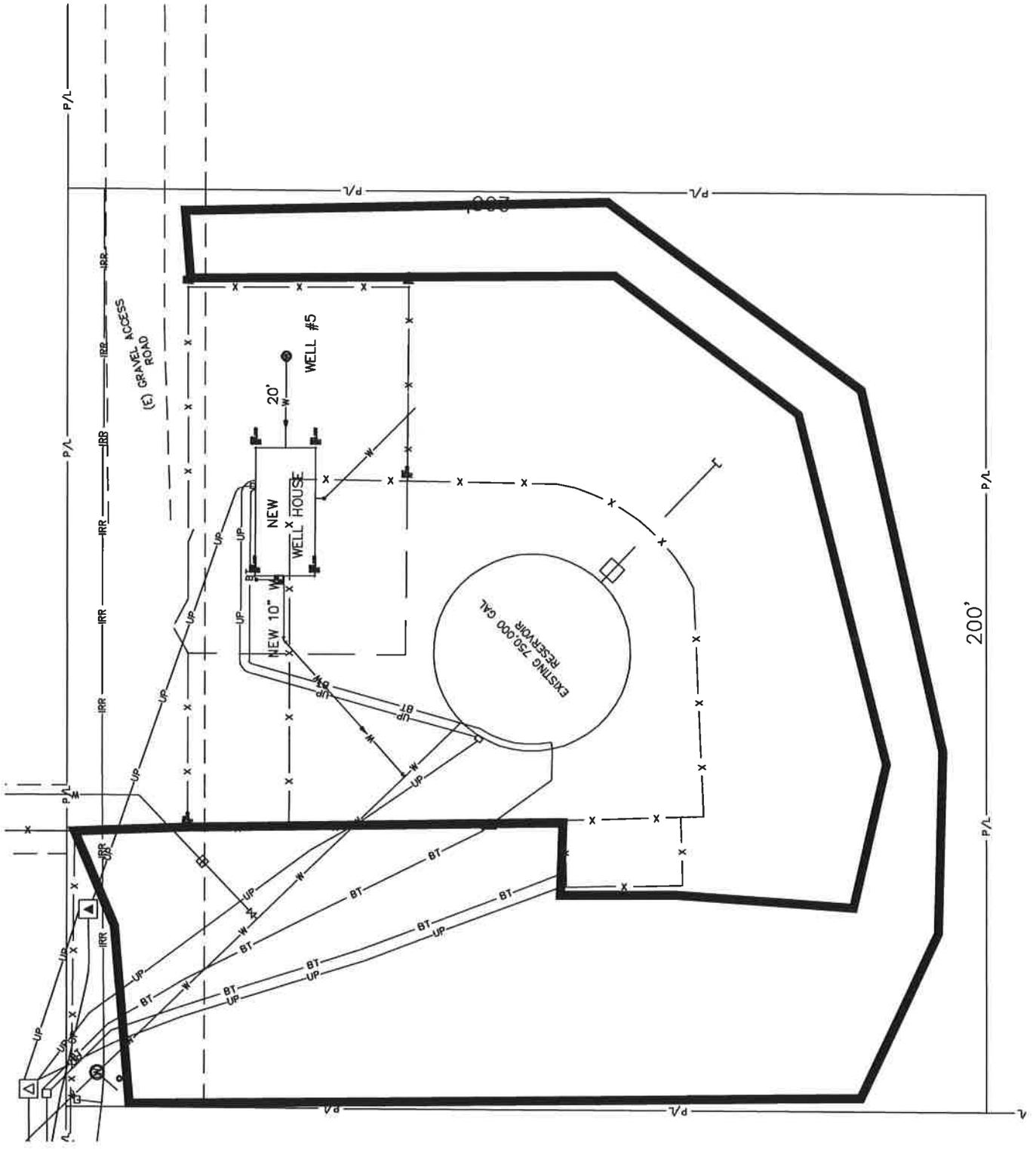
Richland, WA 99352

O (509)946-1581

F (509)946-6483

C (509)948-2977

Email: [alan@spinkeng.com](mailto:alan@spinkeng.com)





1045 Jadwin Ave. Suite E ▪ 509.946.1581 ▪ Richland, WA 99352 ▪ [www.spinkeng.com](http://www.spinkeng.com)

## MEMORANDUM

August 11, 2016

Well #5 – Well House and Site Work  
Change Order 5 – Additional Gravel  
Job #09-132

### Discussion:

The additional gravel area shown on the map is 12,800 sf in size. The proposed price of \$1.23/sf from Culbert Construction is higher than was expected. I discuss the cost with a paving company in the Tri-City area. They indicated that all the paving and excavation companies are extremely busy right now and the price of \$1.23/sf seems fair at this time.

I discussed the option of doing this work during the winter months when contractors will be slower. He said you could expect the price to be around \$0.80/sf.

### Doing it Now:

Cost with tax:	\$17,097.98
Funding source:	DWSRF Loan

### Doing it Later:

Cost with Tax:	\$11,120.64
Funding Source:	City Water Fund

Is this a critical item? No, but the additional gravel will make the area more passible for Public Works staff, make it an "all season access road" and help keep weeds and dust down in the area. This area was left off the original project to help ensure the funding amount would cover the cost of the essential items of the project first.

**The question is does the City want to add \$17,097.98 to the loan amount and pay it off over 20 years, or pay \$11,120.64 out of the water fund in six months?**

# CITY OF BENTON CITY

*City Council Agenda Item*



## PROCESS INFORMATION

**SUBJECT:** City Park Grading Project- Spink Engineering

**DATE/ITEM:** 08-16-16- H 9

## BUDGET INFORMATION

**DEPT:** General

**BUDGETED?**

**FUND:** Parks

**EXPENDITURE:** Approx. \$12,270

## DESCRIPTION/SUMMARY

### ACTION

Consideration of approval of the Park Grading Project, with an estimated cost of \$12,270 plus Wa State Sales Tax

### HISTORY

## ATTACHMENTS

1) Project Drawings

3) Railing Estimate

2) Cost Estimate

4)

## RECOMMENDED ACTION/SAMPLE MOTION

I move to approve the Park Grading Project with an estimated cost of \$12,270 plus WSST









1045 Jadwin Ave. Suite E ▪ 509.946.1581 ▪ Richland, WA 99352 ▪ [www.spinkeng.com](http://www.spinkeng.com)

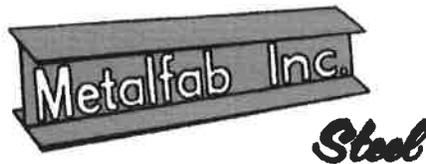
---

Benton City  
Job #12-111  
City Park Grading Project  
August 11, 2016

### MATERIALS COST

1. Blocks	1,500 @ \$3.17	=	\$4,755
2. Sod Pallets		=	\$500
3. Hand Rail		=	<u>\$7,015</u>
<b>Total</b>		=	<b>\$12,270</b>

FABRICATION  
STEEL SUPPLIES



ERECTION  
CRANE SERVICE

TELEPHONE (509) 967-2946 FAX: (509) 967-2755  
5302 W. Van Giesen • West Richland, WA 99353

*"Quality Products Built With Pride"*

The cost for approximately 123 linear feet of two rail guard rail, two stair rails for a 2'-0" drop, will be \$7,515.00. Metalfab will be willing to donate the first \$500 dollars towards this project because it is being paid for by the City. This will reduce the price to \$7,015.00.

This includes fabrication prime paint delivery and installation.

Excludes grouting in the rail

This price is good for 30 days.

John Springer  
Vice President  
Metalfab Inc.

# CITY OF BENTON CITY

*City Council Agenda Item*



## PROCESS INFORMATION

**SUBJECT:** Munboo Plaza- Moving Cost Estimate

**DATE/ITEM:** 08-16-16- H 10

## BUDGET INFORMATION

**DEPT:** General

**BUDGETED?**

**FUND:** General

**EXPENDITURE:** \$

## DESCRIPTION/SUMMARY

### ACTION

Consideration of approval of moving expenses to move staff to Munboo plaza estimated not to exceed \$16,000.

### HISTORY

City Staff is in the process of obtaining quotes to move operations to Munboo Plaza. So far, we know it will cost approx. \$2200 to move the computers and phones, \$5,000 to wire and build walls, and approx. \$200 for paint. We are still working on obtaining quotes for carpet, furniture and the cost of a moving company to move other equipment, but we estimate the total not to exceed \$16,000.

We hope to have the remaining quotes for you at the meeting on Tuesday, but ask for you approval in the moving costs

## ATTACHMENTS

1)

3)

2)

4)

## RECOMMENDED ACTION/SAMPLE MOTION

I move to approve moving expenditures for relocating to a temporary location no to exceed \$16,000.

**CITY OF BENTON CITY**  
**Voucher Summary Sheet**

*July 20- August 16, 2016*

FUND NAME	FUND NO.	PAYROLL	CLAIMS	TOTAL
CURRENT EXPENSE	001	28,867.01	67,626.81	96,493.82
CITY STREET	101	5,495.74	3,306.19	8,801.93
ARCHIVE	103			0.00
PARK & RECREATION CAPITAL IMPROVEMENT	302			0.00
I-82 BUSINESS PARK	350			0.00
WATER	401	13,141.40	15,951.10	29,092.50
SEWER	402	12,325.25	9,609.58	21,934.83
W/S CAPITAL IMPROVEMENT	406			0.00
W/S CAPITAL MAINTENANCE	407			0.00
'82/'97 W/S BOND REDEMPTION	409			0.00
'82/'97 W/S BOND RESERVE	410			0.00
<b>TOTALS</b>		<b>59,829.40</b>	<b>96,493.68</b>	<b>156,323.08</b>

I, Stephanie Haug, Audit Officer for the City of Benton City, hereby submit for approval vouchers as listed below and recommend these vouchers to be authorized for payment this 16th day of August, 2016.

**VOUCHER APPROVAL**

I move to approve payment of Claim check numbers:

27818 thru 27872 with EFTs as listed in the amount of \$ 96,493.68

And Payroll Check numbers:

27783 & 27807 thru 27817 with EFTs as listed in the amount of \$ 59,829.40

this 16th day of August, 2016.

\_\_\_\_\_  
COUNCIL MEMBER

\_\_\_\_\_  
COUNCIL MEMBER

\_\_\_\_\_  
COUNCIL MEMBER

\_\_\_\_\_  
CITY CLERK/TREASURER

# CHECK REGISTER

City Of Benton City  
MCAG #: 199

07/20/2016 To: 08/16/2016

Time: 12:54:05 Date: 08/11/2016

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2917	08/11/2016	Claims	1	EFT	WA St Dept of Revenue	4,196.66	July Excise Tax
2928	08/16/2016	Claims	1	EFT	Benton PUD	403.37	Acct No. 6958300000
2929	08/16/2016	Claims	1	EFT	Benton PUD	13.06	Acct No. 1628300000
2930	08/16/2016	Claims	1	EFT	Benton PUD	2.36	Acct No. 4708300000
2931	08/16/2016	Claims	1	EFT	Benton PUD	5,324.51	Acct No. 8297300000
2932	08/16/2016	Claims	1	EFT	Benton PUD	41.11	Acct No. 2898300000
2933	08/16/2016	Claims	1	EFT	Wright Express FSC Fleet Conoco	17.33	Acct No. 0203-00-107379-0/Inv No. 46355504
2934	08/16/2016	Claims	1	EFT	Home Depot Credit Services	209.98	Acct No 6035 3220 2492 1912
2935	08/16/2016	Claims	1	27818	A-L Compressed Gases, Inc.	176.48	Acct No. 801015 0/Inv No. 1677623
2936	08/16/2016	Claims	1	27819	Able Tank & Toilet	144.00	Acct No. 3961456/Inv No. 1988227
2937	08/16/2016	Claims	1	27820	Ace Sales & Service, Inc	276.00	Acct No. CITYOFBENT/Inv No. A-32232
2938	08/16/2016	Claims	1	27821	Advanced Analytical Solutions, LLC	73.00	Inv No. 17566
2939	08/16/2016	Claims	1	27822	B.F. Dept. of Human Svcs	210.68	2nd Quarter 2016/2017 Liquor Taxes
2940	08/16/2016	Claims	1	27823	B.F. District Health Dept.	200.00	Acct No. 0101-340; Acct# 0101-340
2941	08/16/2016	Claims	1	27824	Benton City Lion's Club	4,300.00	Partnership Contribution City Celebrations
2942	08/16/2016	Claims	1	27825	Benton Co. Sheriff Office	25,807.88	2016 Law Enforcement Svcs Contract - July
2943	08/16/2016	Claims	1	27826	Benton Franklin Counties	380.00	Acct No COBC/Transaction No 4802 4/1/16-6/30/16
2944	08/16/2016	Claims	1	27827	Benton REA	315.74	Inv. Group No. 602
2945	08/16/2016	Claims	1	27828	Rebecca Bowie	57.43	Refund inactive customer credit balance
2946	08/16/2016	Claims	1	27829	Canon Financial Services	152.05	Acct No. 672589/Inv No. 16345460
2947	08/16/2016	Claims	1	27830	Canon Solutions America, Inc.	124.61	Acct No. 1847649/Inv No.4019846683
2948	08/16/2016	Claims	1	27831	Cascade Analytical, Inc.	1,075.32	Acct No. 5444/Inv No. 229391
2949	08/16/2016	Claims	1	27832	Central Washington Asphalt, Inc.	98.62	Customer No. 16032/Inv No. 13320
2950	08/16/2016	Claims	1	27833	Cintas Corporation #608	162.48	Acct No. 608-01838
2951	08/16/2016	Claims	1	27834	City Of Benton City	954.63	City Water/Sewer Charges
2952	08/16/2016	Claims	1	27835	City of West Richland	1,562.11	Invoice No. 0182246
2953	08/16/2016	Claims	1	27836	Columbia Basin Paper & Supply	479.69	Inv No. L08863; Inv No. L08864
2954	08/16/2016	Claims	1	27837	Crystal Springs	70.76	Acct No. 30112065416923/Inv No. 5416923 071616
2955	08/16/2016	Claims	1	27838	D Square Energy LLC	898.08	Inv No. WO-33361
2956	08/16/2016	Claims	1	27839	Detloff A&M	295.53	Acct No. CITY 34 July Charges
2957	08/16/2016	Claims	1	27840	Ed's Disposal	727.21	Acct No. 2007139/Inv No. 1987900; Acct No. 2901037/Inv No. 1988033; Acct No. 2148806/Inv No. 1987964
2958	08/16/2016	Claims	1	27841	Frontier	1,148.70	City Landlines
2959	08/16/2016	Claims	1	27842	G C Systems, Inc	7,300.09	
2960	08/16/2016	Claims	1	27843	HD Supply Waterworks, LTD.	2,197.58	Acct No. 110448
2961	08/16/2016	Claims	1	27844	Lloyd N. Halverson	1,998.98	Inv No. 502 - PSA - Team Building 7/15/16
2962	08/16/2016	Claims	1	27845	Harringtons Trophies	142.27	Inv No. 75779; Inv No. 75780
2963	08/16/2016	Claims	1	27846	Rosemary Harris	142.30	Refund inactive customer credit balance
2964	08/16/2016	Claims	1	27847	Irrigation Specialist Inc	241.36	Acct No. BENT33/Inv No. 1189448-01; Acct No. BENT33/Inv No. 1189432-01

# CHECK REGISTER

City Of Benton City  
MCAG #: 199

07/20/2016 To: 08/16/2016

Time: 12:54:05 Date: 08/11/2016

Page: 2

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2965	08/16/2016	Claims	1	27848	John Deere Financial	121.73	Acct No. 3322032/Inv No. P22000
2966	08/16/2016	Claims	1	27849	Just A Minute Mart	655.19	July 2016 Fuel Charges
2967	08/16/2016	Claims	1	27850	Kerr Law Group	11,694.00	File #28766-00001 - July
2968	08/16/2016	Claims	1	27851	Ki-Be Market	1.39	Acct No. 200
2969	08/16/2016	Claims	1	27852	Kiona-Benton Sentinel	200.00	Inv No. 238
2970	08/16/2016	Claims	1	27853	Les Schwab Tires	874.93	Acct No. 78300455/Inv No. 78300093498
2971	08/16/2016	Claims	1	27854	North Central Labs	621.19	Acct No 4701/ Inv Nol 37587/Order No 16-024
2972	08/16/2016	Claims	1	27855	Oneza & Associates	4,722.18	Invoice #1-Comp Plan Update
2973	08/16/2016	Claims	1	27856	Patnode's True Value Hardware	107.03	Acct No. 140
2974	08/16/2016	Claims	1	27857	Perfection Glass	973.06	Customer No. 16897/Inv No. 9939649933
2975	08/16/2016	Claims	1	27858	Platt Electric Supplies	40.15	Acct No. 158669/Inv No. J908650/PO#16-025
2976	08/16/2016	Claims	1	27859	Pressworks	419.27	Inv No. 48864
2977	08/16/2016	Claims	1	27860	Prosser Economic Development Assoc.	3,750.00	Grant Writer Agreement - Q2/Inv No. 2339
2978	08/16/2016	Claims	1	27861	Jesus & Adela Rangel	100.00	Community Center Deposit Refund
2979	08/16/2016	Claims	1	27862	Smart Home Pros, Inc.	20.00	Business License Overpayment Refund
2980	08/16/2016	Claims	1	27863	Staples Credit Plan	1,048.19	Acct # 6035 5178 2017 4653
2981	08/16/2016	Claims	1	27864	The Building Department Inc.	5,369.40	Statements 809 & 1004 July
2982	08/16/2016	Claims	1	27865	Tri-City Herald	244.34	Acct No. 447464/June 27, 2016-July 31, 2016
2983	08/16/2016	Claims	1	27866	U.S. Cellular	403.18	Acct No. 952635344/Inv No. 0144634632
2984	08/16/2016	Claims	1	27867	US Bank - Visa	2,209.09	Acct No. 4798 1758 4500 0205
2985	08/16/2016	Claims	1	27868	US Linen	11.28	Acct No. 150450
2986	08/16/2016	Claims	1	27869	Utilities Underground Location Ctr.	36.12	Acct No. 144600/Inv No. 6070106
2987	08/16/2016	Claims	1	27870	W.A.C.E.	200.00	2016 Fall Conference
2988	08/16/2016	Claims	1	27871	WA St Dept of Ecology	600.00	Inv No. NR17074001 - Lab Accreditation Fee
2989	08/16/2016	Claims	1	27872	Washington Municipal Clerks Assoc	150.00	Inv #01693/2016 Fall Academy Registration

001 Current Expense Fund	67,626.81
101 City Street Fund	3,306.19
401 Water Fund	15,951.10
402 Sewer Fund	9,609.58

\* Transaction Has Mixed Revenue And Expense Accounts

	Claims:	96,493.68
		96,493.68

# CHECK REGISTER

City Of Benton City  
MCAG #: 199

07/01/2016 To: 07/31/2016

Time: 12:53:31 Date: 08/11/2016

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2620	07/12/2016	Payroll	1	EFT	Department Of Labor & Ind	3,486.41	2ND Quarter 04/01/2016 - 06/30/2016
2621	07/12/2016	Payroll	1	EFT	WA Employment Security	353.94	Unemployment Quarterly Report
2655	07/15/2016	Payroll	1	EFT		1,215.19	
2656	07/15/2016	Payroll	1	EFT		1,443.82	
2657	07/15/2016	Payroll	1	EFT		1,748.93	
2658	07/15/2016	Payroll	1	EFT		1,781.04	
2659	07/15/2016	Payroll	1	EFT		1,420.66	
2661	07/15/2016	Payroll	1	EFT		1,927.95	
2662	07/15/2016	Payroll	1	EFT		1,390.10	
2801	07/31/2016	Payroll	1	EFT		1,316.21	
2803	07/31/2016	Payroll	1	EFT		1,521.45	
2804	07/31/2016	Payroll	1	EFT		1,620.20	
2805	07/31/2016	Payroll	1	EFT		1,298.17	
2810	07/31/2016	Payroll	1	EFT		1,961.06	
2816	07/31/2016	Payroll	1	EFT	Aflac	599.58	07/01/2016 To 07/31/2016 - Aflac - Accident (Pre); 07/01/2016 To 07/31/2016 - Aflac - STD (Post); 07/01/2016 To 07/31/2016 - Aflac - Hospital IC (Pre)
2817	07/31/2016	Payroll	1	EFT	Department of Retirement Systems	6,536.94	07/01/2016 To 07/31/2016 - PRS2
2818	07/31/2016	Payroll	1	EFT	Department of Retirement Systems	675.00	07/16/2016 To 07/31/2016 - Deferred Comp.
2819	07/31/2016	Payroll	1	EFT	IRS - EFT Processing System	10,071.88	941 Deposit For 07/01/2016 - 07/31/2016
2822	07/15/2016	Payroll	1	EFT	Department of Retirement Systems	675.00	07/01/2016 To 07/15/2016 - Deferred Comp.
2660	07/15/2016	Payroll	1	27783		2,070.66	
2800	07/31/2016	Payroll	1	27807		1,293.26	
2802	07/31/2016	Payroll	1	27808		138.52	
2806	07/31/2016	Payroll	1	27809		1,599.62	
2807	07/31/2016	Payroll	1	27810		711.80	
2808	07/31/2016	Payroll	1	27811		207.79	
2809	07/31/2016	Payroll	1	27812		206.26	
2811	07/31/2016	Payroll	1	27813		207.79	
2812	07/31/2016	Payroll	1	27814		207.79	
2813	07/31/2016	Payroll	1	27815		1,243.38	
2820	07/31/2016	Payroll	1	27816	Teamsters Local 839	391.00	07/01/2016 To 07/31/2016 - TEAMSTERS 839
2821	07/31/2016	Payroll	1	27817	Washington Teamsters Welfare Trust	10,508.00	07/01/2016 To 07/31/2016 - NW Admin
						28,867.01	
						5,495.74	
						13,141.40	
						12,325.25	
						59,829.40	Payroll:
							59,829.40

# CITY OF BENTON CITY

*City Council Agenda Item*



## PROCESS INFORMATION

**SUBJECT:** Force Main and Lift Station Project

**DATE/ITEM:** 08-16-16- | 1

## BUDGET INFORMATION

**DEPT:** Sewer

**BUDGETED?**

**FUND:** Sewer

**EXPENDITURE:**

## DESCRIPTION/SUMMARY

### ACTION

Discuss Project and Funding Opportunity

### HISTORY

## ATTACHMENTS

- |                                |    |
|--------------------------------|----|
| 1) Memo from Spink Engineering | 3) |
| 2)                             | 4) |

## RECOMMENDED ACTION/SAMPLE MOTION

\*\*\*DISCUSSION ONLY\*\*\*



1045 Jadwin Ave. Suite E ▪ 509.946.1581 ▪ Richland, WA 99352 ▪ [www.spinkeng.com](http://www.spinkeng.com)

## MEMORANDUM

August 12, 2016

Preliminary Cost Estimate for Lift Stations and Force Main Extension  
Job #16-109

### Discussion:

#### **Lift Stations**

The lift station on the south side of the river was installed in 2007/2008 as part of the water and sewer extension project. Four of the six lift stations need to be replaced in their entirety. The cost for the lift station were:

Lift Station	\$144,700
8.3 Sales tax	12,000
Engineering	29,000
Total	\$185,700
5% Increase	\$9,300
2016 Cost Est.	\$195,000

4 Lift stations \$780,000

#### **Force Main Extension**

As part of the 2007/2008 water sewer extension project, a force main was installed from the lift station on the south of the river to a manhole on Abbey Avenue. During floods, this manhole will be inundated with flood water, causing sewer to be in affective. This will require the lift station to be turned off, thus cutting off sewer supply to the commercial properties south of river. The cost to extend the force main all the way to the wastewater treatment plant inlet (headworks) is estimated to be approximately \$475,300. A cost breakdown is attached along with a map of the project.

City of Benton City  
Proposed Sanitary Sewer Force Main  
Job # 08-158  
Revised August 11, 2016

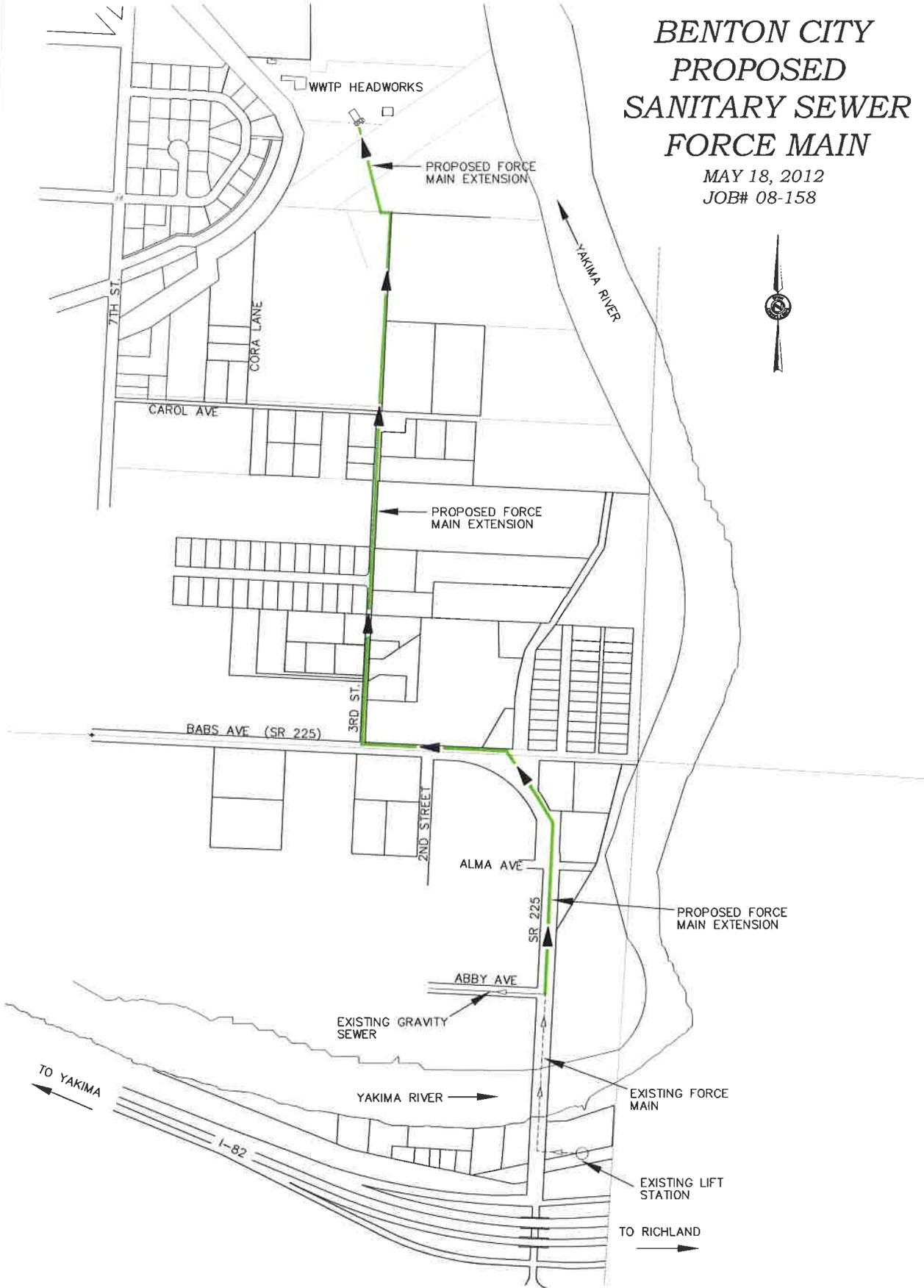
**Project Cost Estimate**

Item	Unit	Unit Price	Unit Price	Quantity	Amount	Amount
1 Mobilization	LS	25,000	26,250.00	1.00	25,000	26,250
2 Traffic Control	LS	25,000	26,250.00	1.00	25,000	26,250
3 Clearing & Grubbing	LS	10,000	10,500.00	1.00	10,000	10,500
4 Gravel Restoration	TN	14	14.70	350.00	4,900	5,145
5 Pavement Repair	SF	4	4.20	11,000.00	44,000	46,200
6 Hydroseeding	AC	2,500	2,625.00	1.20	3,000	3,150
7 4" PVC Force Main	LF	13	13.65	6,250.00	81,250	85,313
8 4" 45° Bend	EA	170	178.50	8.00	1,360	1,428
9 4" Gate Valve	EA	650	682.50	2.00	1,300	1,365
10 4" Clean Out w/ Metal Casting	EA	1,500	1,575.00	3.00	4,500	4,725
11 Trench Excavation & Backfill	LF	5	5.25	6,150.00	30,750	32,288
12 Trench Safety	LF	1	1.05	6,150.00	6,150	6,458
13 Trench Backfill with CDF	LF	25	26.25	100.00	2,500	2,625
14 Connection to existing Manhole	LS	600	630.00	1.00	600	630
15 Connection to existing Force Main	LS	500	525.00	1.00	500	525
16 Lift Station Pump Upgrade	LS	25,000	26,250.00	1.00	25,000	26,250
17 RR Embankment Conduits	LS	30,745	32,282.25	1.00	30,745	32,282
18 Radio Telemetry						25,000
SUBTOTAL					296,555	336,383
Sales Tax @ 8.3%						
		2016 @ 8.6%			24,614	28,929

Engineering (Design, Staking, Inspection & Testing)	74,138	75,000
Administration & Environmental	35,000	35,000
<b>TOTAL</b>	<b>\$430,307</b>	<b>475,311.67</b>

# BENTON CITY PROPOSED SANITARY SEWER FORCE MAIN

MAY 18, 2012  
JOB# 08-158



**SPINK ENGINEERING, LLC**  
1045 JADWIN AVE. SUITE E  
RICHLAND, WASHINGTON 99352  
(509) 946-1581

# CITY OF BENTON CITY

*City Council Agenda Item*



## PROCESS INFORMATION

**SUBJECT:** Goal Setting Survey & Workshop

**DATE/ITEM:** 08-16-16- | 2

## BUDGET INFORMATION

**DEPT:**

**BUDGETED?**

**FUND:**

**EXPENDITURE:**

## DESCRIPTION/SUMMARY

### ACTION

In preparation for a Goal Setting Workshop for Council in October, some preparatory work could be done in order to more effectively focus our time during the workshop. Therefore, if each Council member would please list the top 3 to 4 needs, challenges or goals that you would like to focus on and discuss for the next months or year. Please bring your list to the first council meeting in September. At the September meeting, be prepared to discuss the needs that you have identified and why it is important to you. Stephanie will then combine all of these needs/issues and at the second Council meeting in September we will collectively decide on our top three priorities. Once that is done, and we enter the workshop in October, we can then focus our efforts on the specifics of how to accomplish those top 3 and determine how to include any costs into our budget. -Mayor Lehman

### HISTORY

We also need to schedule a workshop in late October, so please check your schedules and be prepared to select a date at the next meeting between October 17th and October 28th, 2016.

## ATTACHMENTS

- |             |    |
|-------------|----|
| 1) Calendar | 3) |
| 2)          | 4) |

## RECOMMENDED ACTION/SAMPLE MOTION

\*\*\*DISCUSSION ONLY\*\*\*



Benton City Calendar, Benton City Community Center, Holidays in United States

Oct 2016 (Pacific Time)

Sun	Mon	Tue	Wed	Thu	Fri	Sat
25	26	27	28	29	30	1
			2:30pm - Planning Commission 3pm - Planning 6pm - Planning			
2	3	4	5	6	7	8
		2pm - City Council Meeting @ Benton 7pm - City Council	2pm - City Council Meeting @ Benton	5pm - Bingo		
9	10	11	12	13	14	15
	Columbus Day					
16	17	18	19	20	21	22
		2pm - City Council Meeting @ Benton 7pm - City Council	2pm - City Council Meeting @ Benton	5pm - Bingo		
23	24	25	26	27	28	29
			2:30pm - Planning Commission 3pm - Planning 6pm - Planning			
30	31	1	2	3	4	5
	City Halloween Halloween	2pm - City Council Meeting @ Benton 7pm - City Council	2pm - City Council Meeting @ Benton	5pm - Bingo		

# CITY OF BENTON CITY

*City Council Agenda Item*



## PROCESS INFORMATION

**SUBJECT:** Recreation Survey

**DATE/ITEM:** 08-16-16-1 3

## BUDGET INFORMATION

**DEPT:**

**BUDGETED?**

**FUND:**

**EXPENDITURE:**

## DESCRIPTION/SUMMARY

### ACTION

We received the recreation survey from Sue Jetter, and it will be distributed at Benton City Daze, online through our website, in the next utility bill, and available for pick up at City Hall. A copy of the survey is included for your review.

### HISTORY

## ATTACHMENTS

- |           |    |
|-----------|----|
| 1) Survey | 3) |
| 2)        | 4) |

## RECOMMENDED ACTION/SAMPLE MOTION

**Citizen Parks & Recreation Survey  
2016**



**1. Which area parks and facilities do you or other members of your household use? Check all that apply.**

- City Park (downtown; with Community Center & playground)
- Sportsman's Park (Benton City Recreation Area with Boat Launch, near bridge)
- Lion's Club Park/ Field of Dreams (Ellen & 13th; ball fields)
- Legion Heights Park (playground, basketball, horseshoes)
- Archie Borden (Prospect) Park (SR-225; with skatepark)
- Walking / Bike Trail
- Community Center
- Other (please specify) \_\_\_\_\_

**2. Which park and/or facility do you visit most often? Check one:**

- City Park (downtown; with Community Center & playground)
- Sportsman's Park (Benton City Recreation Area with Boat Launch, near bridge)
- Lion's Club Park/ Field of Dreams (Ellen & 13th; ball fields)
- Legion Heights Park (playground, basketball, horseshoes)
- Archie Borden (Prospect) Park (SR-225; with skatepark)
- Walking / Bike Trail
- Community Center
- Other (please specify) \_\_\_\_\_

**3. How important are the following?**

	<b>Not Important</b>	<b>Somewhat Important</b>	<b>Important</b>	<b>Very Important</b>
Amount of Park Land				
Ball Fields				
Open and Natural Spaces				
Park Maintenance				
Pedestrian / Bicycle Facilities				
Preserving River Habitat				
Public River Access				
Variety of Park Facilities				

**4. How would you rate the existing parks and facilities for the following ages?**

	<b>Not Sure</b>	<b>Poor</b>	<b>Fair</b>	<b>Good</b>	<b>Excellent</b>
Pre-School					
Elementary School					
Middle School					
High School					
Adults, Under 55					
Adults, 55 and Over					

**5. What facilities and/or equipment are you interested in seeing more of in Benton City? Check all that apply.**

- Baseball / Softball Fields
- Basketball Courts
- Bicycle Paths/ Racks
- Boat Launch
- Canoe / Kayak Launch
- Fishing Docks
- Hiking Trails
- Horseback Trails
- Walking / Jogging / Running Paths
- Playgrounds
- River Viewpoints
- Skateparks
- Soccer Fields
- Swimming / Water Toys
- Tennis Courts
- Wildlife Habitat
- Youth Recreational Pgms (after-school, etc.)
- Other (please specify)

**6. Which of the following facilities are most important to you? Check three (3).**

- Baseball / Softball Fields
- Basketball Courts
- Bicycle Paths / Racks
- Boat Launch
- Canoe / Kayak Launch
- Fishing Docks
- Hiking Trails
- Horseback Trails
- Walking / Jogging / Running Paths
- Playgrounds
- River Viewpoints
- Skateparks
- Soccer Fields
- Swimming / Water Toys
- Tennis Courts
- Wildlife Habitat
- Youth Recreational Pgms (after-school, etc.)
- Other (please specify)

**7. How interested are you in the following facilities or recreational opportunities?**

	Not Very Interested	Somewhat Interested	Interested	Very Interested
Access to the Yakima River				
Expanded Community Center				
More Ball Fields				
Swimming or Water Play Facility				
Trail Connections to Red Mountain Trail				
Wildlife Areas				

**8. Rank the following in order of their importance to you (from 1-most important to 6-least important):**

- \_\_\_ Access to the Yakima River
- \_\_\_ Expanded Community Center for Youth Recreation Programs
- \_\_\_ More Ball Fields
- \_\_\_ Swimming or Water Play Facility
- \_\_\_ Trail Connections to Red Mountain Trail
- \_\_\_ Wildlife Areas

**9. What is your age?**

- \_\_\_ Under 18
- \_\_\_ 18 - 35
- \_\_\_ 36 - 55
- \_\_\_ Over 55

**10. Do you have children under age 18 living in your household?**

- \_\_\_ Yes
- \_\_\_ No