

Lloyd Carnahan- Mayor
Stephanie Hoegh- City Clerk-Treasurer
Cristy McGee-Deputy Clerk-Treasurer
Bob Spink- City Engineer
Lee Kerr, City Attorney



Lisa Stade-Councilwoman
Lynn Johnson- Councilman
Bob Bruce- Councilman
Lorna Deckert- Councilwoman
Honda Johnson - Councilwoman

REGULAR CITY COUNCIL MEETING

March 17, 2009

A G E N D A

Council Chamber- 7:00 P.M.

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

- REGULAR MEETING MARCH 3, 2009

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

E. APPROVAL OF AGENDA

(Only essential changes not requiring preparation, legal & staff review; public notice, or action may be added).

VISITOR COMMENTS- for not-on-agenda items- comments simply listened to and noted usually without response. 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. Chamber over-flow will be moved to City Community Center.

F. REGULAR REPORTS:

1. Sheriff Report
2. Staff Reports
3. Engineer Report
4. Council Committee Reports

G. ITEMS FOR APPROVAL:

1. First Reading - Ord. Amending Section 13A.08.030
2. Planning Commission Vacancy
3. Earth Day Budget
4. VOUCHERS

H. ITEMS FOR DISCUSSION:

I. GENERAL COUNCIL COMMENTS

J. ADJOURNMENT –Chair



**City of Benton City
Regular Council Meeting Minutes
March 3, 2009**

CALL TO ORDER –Mayor Carnahan called the March 3rd, 2009 Regular Council meeting to order at 7:00 p.m. (*/*/***) - Audio record not available)

PRESENTATION OF THE COLORS – Boy Scout Troop 239 led the Council and audience in the Pledge of Allegiance. (*/*/***)

ROLL CALL – (*/*/***) Council Members Present –
Bob Bruce
Lorna Deckert
Honda Johnson
Lisa Stade
Lynn Johnson

City Staff Present –
Stephanie Hoegh, City Clerk/Treasurer

Other Professionals Present –
Bob Spink, City Engineer
Lee Kerr, City Attorney
Randy Rutledge, Coordinator, Benton City EDC

READING AND APPROVAL OF MINUTES (*/*/***)
- **REGULAR MEETING FEBRUARY 17th, 2009**

Councilwoman Deckert: Mr. Mayor, I would move for approval of minutes of the February 17th Regular Council Meeting as presented.

Councilman Bruce: Second.

MOTION #1 - C. L. Deckert moved and C. B. Bruce seconded to approve the minutes of the February 17th, 2009 Regular Council Meeting as presented.

VOICE VOTE #1 - C. H. Johnson, C. L. Deckert, C. L. Johnson, C. B. Bruce, C. L. Stade
ALL YEAS. Motion carried.

OPENING REMARKS, “HOUSEKEEPING” ITEMS, EXECUTIVE SESSION REQUESTS, ETC. –
None (*/*/***)

APPROVAL OF AGENDA – (*/*/***)

Councilman Johnson: Mr. Mayor, I move to approve of the Agenda as presented.

Councilman Bruce: Second.

MOTION #2 - C. L. Johnson moved and C. B. Bruce seconded to approve the Agenda as presented.

VOICE VOTE #2 - C. H. Johnson, C. L. Deckert, C. L. Johnson, B. Bruce, C. L. Stade
ALL YEAS. Motion carried.

1. VISITOR COMMENTS – (**/**)

- John Cloud, Sr.** - Planning Commission Vacancy
- Served on the Board of La Clinica 86 – 88

Mayor Carnahan – Will get in touch by next Council Meeting

REGULAR REPORTS

1. EDC REPORT (**/**)

Randy Rutledge, Coordinator, Benton County EDC

- Busy month – lots of activity
- Port of Benton – go to bid this month
 - Done by mid summer
- Ripsheets – ribbon-cutting June 11th
 - Hiring – taking people to Seattle
- Cornerstone – press release – Heather Duncan
- Info Center – Bill McKenna, Rod Forseness
 - Big thank you!
- P.U.D. – Meeting – Board
 - Hearing – Contract with PNNL
 - Fiber optic
 - PNNL - \$152,000
 - Will look for funding to bring to Prosser
 - In P.U.D. budget
 - Early as October/late as 2010
 - Hits key service areas
- Mon/Tues – Jason Robinson – E.D. Study
 - Key Stakeholders – DNR/KID/Ports
 - Scope of work of that study \$30,000
 - Grant from CTED (handout)
 - Downtown folks
- Intersection
 - Leo Bowman – Economic Impact Statement
 - Scope of work “on agenda”
- Olympia trip – 70 people – largest from E. WA
 - State 70% of stimulus \$\$
 - County 30% - Webber Canyon
 - Railroad ready
 - Schools – budget reduction
 - Small/rural schools affected
 - Letters of support/House Bill 1410
 - Lisa Brown – Rep. from Spokane – E. vs. W Side
- Nuclear power – renewable energy
- March – Volunteer Banquet
 - John Bequette Award
 - 14th – Delegation in town 1:00 p.m.
 - 22nd – Share Fest – Clean properties
- April – Earth Month – Clean up April 11th – Gloves, baskets, rakes
 - 18th – Celebration Day – Walk/Run
 - 25th – Spring Opener/Car Show – Fundraiser
 - Horizon – Leadership – Grant writing

2. STAFF REPORTS – (**/**/**)

- Mayor Carnahan** – PDC – copy F1S – copies next Council Meeting
- Code Enforcement Report
 - Reminder – March 5th – 3 p.m. Staff meets with Council

3. ENGINEER REPORT – (**/**/**)

- Bob Spink** –
- Open bids – March 17 - \$100,000 > \$120,000
 - Park Project - \$150,000
 - Tennis Courts – reporting soon when company gives cost estimate
 - Waterline – N. end – Combine w/Alma
 - Construction done at same time as park (inspections)
 - Food Bank Site Plan – rec'd approval
 - Street on Stimulus Fund Project list –
 - 7th Street instead of Chris
 - Sidewalk
 - Horne -> N. of Hope (both sides)

ITEMS FOR APPROVAL:

1. PUBLIC HEARING - DAHLIN SHORT PLAT APPEAL – 7:30 P.M. (**/**/**)

Public Hearing opened at 7:30 p.m.

Mr. Kerr – Brief Overview

Mr. J. Ziobro, Dahlin Attorney - Look at from point of applicant

Mr. Ryan Litticoat, Worley Surveying – Comments on documents submitted/accepted

Ms. Darlene Dahlin – Applicant's P.O.V.

Ms. Heather Duncan, Resident – Expressed an opinion

Mr. Bob Spink – Karen Ave.

Mayor Carnahan – Explanation of Decision

Mr. Ziobro – Karen Ave.

Mr. Kerr – Discussion

Ms. Dahlin – Cost

Mr. Ziobro – Value of lot

Councilwoman Stade – Affect on neighbors

Public Hearing closed at 8:18 p.m.

Councilman Johnson - Open Discussion

Councilwoman Johnson – Agree with Councilman Johnson

Councilwoman Deckert – Agree with discussion

Councilwoman Stade – Better decisions; future plans

Councilwoman Johnson – Evident all over town

Councilwoman Stade – Upkeep of driveway – Contract

Councilwoman Johnson – Driveway agreement

Councilwoman Deckert – Short Plat

Mr. Kerr – Additional Condition – Common Road Agreement –

- Council Options –
- Accept
- Reject
- Accept with Conditions

Mr. Rick Russem, Owner, Worley Surveying – Change Mylar from #1 to #2

- Who is paying for road?

Councilwoman Stade – Who will pay for driveway?

Mr. Spink – Buyer of lot

Councilman Bruce – Make motion tonight

Councilman Johnson: Mr. Mayor, I would move to approve the Short Plat as originally presented.

Councilman Bruce – Second

MOTION #3 - C. L. Johnson moved and C. B. Bruce seconded to approve the Dahlin Short Plat as originally submitted.

**VOICE VOTE #3 - C. H. Johnson, C. L. Deckert, C. L. Johnson, B. Bruce – YEAS;
C. L. Stade – NAY. Motion carried.**

REGULAR REPORTS (Cont) (/*/***)**

4. COUNCIL COMMITTEE REPORT – (/*/***)**

Councilwoman Johnson – Development Council – Stimulus Package

- Consultants – Move business to Tri-Cities
- Downsizing acreage
- Jobs

Councilman Bruce – Good Roads Meeting

- Railer train – 80 cars
 - Walla Walla/Kennewick -> NY in 5 days – R.O.W.
 - Climate control
 - 1 owner

Councilman Johnson – Cancelled

Councilwoman Deckert – Mosquito Control Board – gearing up for 2009 season

- New director hiring process
- Emergency Services – Rattlesnake towers
- New site for new tower

Mayor Carnahan – Benton Franklin Council of Government – Stimulus Package

- Benton/Walla Walla/Franklin – Road projects
- Each county – several projects – 3
- 7th Street to city limits
- 9th - \$230,000 for sidewalks
- Secretary/Treasurer of board

ITEMS FOR APPROVAL:

2. SECOND READING – ORDINANCE NO. 854 – AMENDING PAY PERIODS (*/*/***)**

Councilman Johnson: Mr. Mayor, I would move to approve Ordinance No. 854 on the Second Reading.

Councilman Bruce: I second.

MOTION #4- C. L. Johnson moved and C. B. Bruce seconded to approve on the Second Reading, Ordinance No. 854, an ordinance of the City of Benton City, creating Section 2.28.030 “Payment”.

VOICE VOTE #4- C. H. Johnson, C. L. Deckert, C. L. Stade, C. L. Johnson, C. B. Bruce
ALL YEAS. Motion carried.

3. WWTP – TEMPERATURE METER (*/*/***)**

Councilwoman Deckert: Mr. Mayor, I move to approve the \$600 for the equipment necessary for temperature data logging and at this time I’ll approve up to \$800.

Councilwoman Johnson: I second.

MOTION #5– C. L. Deckert moved and C. H. Johnson seconded to approve the purchase of the temporary data logging instruments up to \$800.

Councilman Johnson: I would withdraw my motion at this time.

Councilman Johnson: Mr. Mayor, I move to postpone the water temperature meter until the next Council Meeting March 17, 2009 at which time we’ll have more information on specifically things that we need for final.

Councilwoman Deckert: I second.

MOTION #6- C. L. Johnson moved and C. L. Deckert seconded to postpone decision on purchase of the temperature data logging equipment until more information is received at the next Council Meeting on March 17th, 2009.

ROLL CALL VOTE #6- C. H. Johnson, C. L. Deckert, C. L. Stade, C. L. Johnson, C. B. Bruce
ALL YEAS. Motion carried.

4. BEQUETTE VOLUNTEER AWARD – C. L. DECKERT (*/**/**)**

Councilwoman Deckert – Award Banquet March 7th, 2009 @ 6:00 p.m. – Multi-purpose
- 5 nominated

5. VOUCHERS (*/**/**)**

Councilwoman Deckert: Mr. Mayor, we the City Council of the City of Benton City, Washington, do hereby authorize payment of voucher check numbers 21874 thru 21897 as listed in the amount of \$56,408.75. These checks are approved for payment this 3rd day of March, 2009.

Councilman Johnson: Second.

MOTION #7- C. L. Deckert moved and C. L. Johnson seconded for the City Council of the City of Benton City, Washington, to hereby authorize payment of Voucher Check Numbers 21874 thru 21897 as listed in the amount of \$56,408.75. These checks are approved for payment this 3rd day of March, 2009.

ROLL CALL VOTE #7- C. H. Johnson, C. L. Deckert, C. L. Stade, C. L. Johnson, C. B. Bruce
ALL YEAS. Motion carries.

ITEMS FOR DISCUSSION – (*/**/**)**

1. INTERLOCAL AGREEMENT RE: I-82 INTERCHANGE

Councilwoman Deckert: Mr. Mayor, I would move to approve the Interlocal Cooperative Agreement between Benton County, The City of West Richland and Benton City, Washington for I-82 Interchange Economic Impact Analysis Report to be ratified at the next meeting by resolution.

Councilman Johnson: Second.

MOTION #8- C. L. Deckert moved and C. L. Johnson seconded to approve the Interlocal Cooperative Agreement between Benton County, The City of West Richland and Benton City, Washington for I-82 Interchange Economic Impact Analysis Report to be ratified at the next meeting by resolution.

ROLL CALL VOTE #8- C. L. Stade, C. B. Bruce, C. L. Deckert, C. L. Johnson, C. H. Johnson
ALL YEAS. Motion carries.

2. EXECUTIVE SESSION - LITIGATION

Councilman Johnson excused himself.

Council Meeting closed at 9:02 p.m. for Executive Session

Council Meeting resumed at 9:17 p.m.

Councilwoman Deckert: Mr. Mayor, I move to authorize the Mayor to sign the mutual settlement and waiver of interest in this matter.

Councilwoman Johnson: Second.

MOTION #9– C. L. Deckert moved and C. H. Johnson seconded to authorize the Mayor to sign the mutual settlement and waiver of interest in this matter.

ROLL CALL VOTE #9– C. L. Stade, C. B. Bruce, C. L. Deckert, C. H. Johnson
ALL YEAS. Motion carries.

GENERAL COUNCIL COMMENTS – None (***/**/**)

ADJOURNMENT – Mayor Carnahan (***/**/**)

Councilman Bruce: Move to adjourn, Mr. Mayor.

Councilwoman Deckert: I second.

MOTION #10– C. B. Bruce moved and C. L. Deckert seconded to adjourn the March 3rd, 2009 Regular Council Meeting.

VOICE VOTE #10– C. L. Deckert, C. H. Johnson, C. B. Bruce, C. L. Stade
ALL YEAS. Motion carried.

Meeting adjourned at 9:18 p.m. (***/**/**)

Lloyd Carnahan
Mayor, City of Benton City

Stephanie Hoegh
City Clerk-Treasurer

Date: _____

First Reading: _____

Second Reading: _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF BENTON CITY,
WASHINGTON, AMENDING SECTION 13A.08.030
“VIOLATION - - PENALTY”**

WHEREAS, currently the Benton City Municipal Code declares any person that tampers with or damages any structure, appurtenance, or equipment that is connected to the public water, sewer and sewage disposal system, can be found guilty of a misdemeanor; and

WHEREAS, recently violations of this Chapter demonstrate that a more effective means of enforcement may be punishment of violations as a civil fine; and

WHEREAS, it is necessary to amend Section 13A.08.030 to allow for punishment to include a civil fine; NOW, THEREFORE,

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

Section 1. That Section 13A.08.030 entitled “Violation - - Penalty” of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

13A.08.030 Violation--Penalty. The City at its election may seek any one of the following penalties to enforce this title:

- A. Criminal Penalty. Any person found guilty of violating any provision of this title shall be deemed guilty of a gross misdemeanor.
- B. Civil Penalty. Any person found in violation of this title may be subject to a civil fine of not more than Five Hundred Dollars (\$500.00).
- C. Civil Suit Authorized. In addition to whatever other penalties may be available to enforce this title, civil suit may be commenced in the name of the City to collect any penalty, cost or expenses due to the City. (Ord. 667, 1988; Ord. 405 S1 (part), 1981.)

Section 2. This Ordinance shall take full force and effect five (5) days after its approval, passage 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 _____, 2009.

Lloyd R. Carnahan
Mayor

Attest:

Approved as to Form:

Stephanie Hoegh
City Clerk-Treasurer

Leland B. Kerr
City Attorney