

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**

**May 5, 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 APRIL 19, 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. EDC Report
2. Staff Reports
3. Engineer Report
4. Council Committee Reports

**G. ITEMS FOR APPROVAL:**

1. Resolution #2009-10 – Authorizing Mayor to sign Amendment #1 BCEMS Interlocal Agreement
2. Second Reading - Ordinance 855 - Ord. Amending Section 13A.08.030
3. Concrete Pumping – Tennis Courts
4. Conditional Use Permit Application – 1103 Horne
5. Engineer Qualifications – 7<sup>th</sup> Street Sidewalk Project
6. No Dumping Sign near Recycle Area
7. Butterfly Garden Rock/Fabric Purchase
8. VOUCHERS

**H. ITEMS FOR DISCUSSION:**

1. School District Land Swap
2. I-82 Land Sale Update
3. Tennis Courts – Jack Rose
4. Carrucel Daycare – Playground Fundraiser

**I. GENERAL COUNCIL COMMENTS**

**J. ADJOURNMENT –Chair**

**City of Benton City  
Regular Council Meeting Minutes  
April 21<sup>st</sup>, 2009**

**CALL TO ORDER** –Mayor Carnahan called the April 21<sup>st</sup>, 2009 Regular Council meeting to order at 7:00 p.m. (82/2/444)

**ROLL CALL** – (85/1/115) Council Members Present –  
**Honda Johnson**  
**Lorna Deckert**  
**Lisa Stade** (Tardy – in at 7:08 p.m.)  
**Bob Bruce**

City Staff Absent –  
**Lynn Johnson** – (Excused)

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

Other Professionals Present –  
**Bob Spink, City Engineer**  
**Lee Kerr, City Attorney**  
**Lt. Brian White, Benton County Sheriff's Office**

**Councilwoman Deckert:** Mr. Mayor, I move to excuse Mr. Johnson because of illness.

**Councilman Bruce:** Second.

**MOTION #1-** C. L. Deckert moved and C. B. Bruce seconded to excuse Councilman Johnson from the April 21<sup>st</sup>, 2009 Regular Council Meeting due to illness.

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

**PRESENTATION OF THE COLORS** – Ms. Hoegh led the Council and audience in the Pledge of Allegiance. (105/4/373)

**READING AND APPROVAL OF MINUTES** (120/1/760)  
- **REGULAR MEETING APRIL 7<sup>TH</sup>, 2009**

**Councilwoman Deckert:** Mr. Mayor, I would move to approve the minutes of the Regular Meeting of April 7<sup>th</sup>, 2009 as typed.

**Councilwoman Johnson:** I'll second.

**MOTION #2-** C. L. Deckert moved and C. H. Johnson seconded to approve the minutes of the April 7<sup>th</sup>, 2009 Regular Council Meeting as presented.

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

**OPENING REMARKS, "HOUSEKEEPING" ITEMS, EXECUTIVE SESSION REQUESTS, ETC. –**  
None (136/4/839)  
**APPROVAL OF AGENDA** – (140/2/640)

**Councilwoman Deckert:** Mr. Mayor, I move that we approve of the Agenda with one addition of Resolution #2009-05.

**Councilman Bruce:** I second.

**MOTION #3-** C. H. Deckert moved and C. B. Bruce seconded to approve the Agenda with the addition of Resolution #2009-05.

**VOICE VOTE #3-** C. H. Johnson, C. L. Deckert, C. B. Bruce  
**ALL YEAS. Motion carried.**

**1. VISITOR COMMENTS** – None (179/1/822)

**Derrick Deitrich**

Update on Spring Clean Up

- Good time
- Well behaved
- Increase 61 customers (343 customers total)
- Increase 18 tons (~58 tons)
  - More brush/wood waste than last year
- About of ton of scrap metal recycled
- Say thank you to Benton County, Benton City and Ron

**Councilwoman Deckert** – Thank you to Derrick for all he does for Benton City  
- Donation of porta-potties for next week's event

**REGULAR REPORTS**

**1. SHERIFFS REPORT** (284/4/597)

**Lt. Brian White, Benton County Sheriff's Office**

312 Calls for Service v. 262 in 2008

35 Case Offenses v. 39 in 2008

23 Infraction Offenses were issued.

Record of Major Crime Rates for First Quarter 2009

- Increase in the number of calls for service
- 43% increase over 2008 in First Quarter
- Attributed to deputies doing more proactive work

**Councilwoman Johnson** – Same people calling?  
- Certain neighborhoods?

**Lt. White** – Domestic Violence – Patterns  
- Driving Offenses/DUI – Often repeat offenders

**2. STAFF REPORTS** (358/3/949)

**Mayor Carnahan** – Discussing land swap with school district  
- Beneficial to both school district and City  
- Land between bike path and the park where dirt is being put  
- Landlocked for school district  
- Addition to park  
- Superintendent to bring proposal to next Council Meeting

**Councilwoman Stade** - Earth Day – Volunteers/Celeste Pace/21<sup>st</sup> Century/City of Benton City  
- 1M/5K with prizes

- Bike Rodeo with free bike helmets and Segways to rent
- 8<sup>th</sup> Grade Recyclables projects
- Skateboard Exhibition – 70 kids
  - Very polite
  - Mosaiks
- 21<sup>st</sup> Century – Prizes
- City – blocked routes for runners
  - Special thanks to Stephanie for her help

### 3. ENGINEER REPORT (456/4/020)

#### Bob Spink, Benton City Engineer

Port of Benton contractor – 515 9<sup>th</sup> St.

- Begin work soon
- Paved parking lot
- Storm water plan

Tom Adrian – work stopped on 9<sup>th</sup> St.

- Floodplain Permit
- Certification of Elevation
- Embankment – change flood path
- He is to provide engineer to certify embankment won't cause issues

7<sup>th</sup> Street Sidewalk Project

- Good shape for ARRA Project
- Prospectus for Mayor to sign
- Local Agency Agreement

Force Main

- Best Route for Force Main

Owner of Bigelow Property – Sold to Bob Rose and partner

- Plans for subdivision
- Letter to Stephanie
- Sewer information
- Manholes have not been channeled properly

**Councilwoman Johnson** – Paving at 515 9<sup>th</sup> St.

- Drainage
- Pave up to W. Campbell's building

**Councilwoman Deckert** – Alley behind 515 9<sup>th</sup> St.

**Councilwoman Johnson** – What fund does 7<sup>th</sup> St. Sidewalk Project come out of?

- Will irrigation affect manhole issue?

**Councilwoman Deckert** – Order of approval?

### 4. COUNCIL COMMITTEE REPORT (845/3/662)

**Councilwoman Johnson** – Tomorrow Night

**Councilman Bruce** – Good Roads April 15<sup>th</sup> - Presentation and Brochures

- President's position with local Good Roads is the same
- Next meeting Walla Walla June 17<sup>th</sup>

**Mayor Carnahan** – Ben Franklin Council of Governments

**Councilwoman Deckert** – Emergency Services Meeting Thursday  
- Mosquito Control next Monday

**Councilwoman Stade** – Pass

**ITEMS FOR APPROVAL:**

**1. RESOLUTION #2009-07 – PUBLIC RECORDS REQUEST (877/4/201)**

**Councilwoman Deckert:** Mr. Mayor, I move for the approval Resolution #2009-07, a resolution of the City of Benton City, Washington, amending Resolution #2006-23 regarding Public Records Requests.

**Councilman Bruce:** I'll second.

**MOTION #4-** C. L. Deckert moved and C. B. Bruce seconded to approve Resolution #2009-06, a resolution of the City of Benton City, Washington, amending Resolution #2006-23 regarding Public Records Requests.

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

**2. RESOLUTION #2009-09 – AUTHORIZING MAYOR TO SIGN AGREEMENT WITH BIAS AND XPRESS BILL PAY (932/1/779)**

**Councilwoman Stade:** Mr. Mayor, I make a motion that we approve Resolution #2009-09, a resolution of the City of Benton City, Washington, authorizing the Mayor to sign the agreement with BIAS Software.

**Councilwoman Deckert:** I'll second that.

**MOTION #5–** C. L. Stade moved and C. L. Deckert seconded approve Resolution #2009-09, a resolution of the City of Benton City, Washington, authorizing the Mayor to sign the agreement with BIAS Software.

**VOICE VOTE #5-** C. L. Stade, C. B. Bruce, C. L. Deckert, C. H. Johnson  
**ALL YEAS. Motion carried.**

**3. WSDOT – SR 224/SR 225 INTERSECTION PLANNING STUDY DRAFT (1015/3/430)**

**Councilwoman Deckert:** Mr. Mayor, I move that the Council approve the planning study as presented and that a letter be written to the Washington State Department of Transportation letting them know that we accept the study.

**Councilwoman Johnson:** Second.

**MOTION #6–** C. L. Deckert moved and C. H. Johnson seconded to approve the planning study as presented with a letter to WSDOT notifying them of Council's acceptance.

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

**4. AWARD BID FOR NORTH END/ALMA WATER LINE PROJECTS (1099/1/648)**

**Councilwoman Deckert:** Mr. Mayor, I move a awarding of the bid for the water line on Alma Avenue and North End water line connection for a total of \$37,354.40 and that bid is by Premier Excavation.

**Councilman Bruce:** I second.

**MOTION #7– C. L. Deckert moved and C. B. Bruce seconded to award the bid for the Alma Avenue and North End water line connection to Premier Excavation for a total not to exceed \$37,354.40.**

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

#### **5. TENNIS COURT REPAIR (1352/3/779)**

**Councilwoman Deckert:** Mr. Mayor, I move for the approval of the estimate for, or the awarding of the job to Atlas Track and Tennis to resurface existing tennis courts for a total of \$15,477 not including sales tax for the work to begin after Memorial Day.

**Councilman Bruce:** I'll second.

**MOTION #8– C. L. Deckert moved and C. L. Bruce seconded to approve the awarding of the job to Atlas Track and Tennis to resurface existing tennis courts for a total of \$15,477 not including sales tax for the work to begin after Memorial Day.**

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

**Mayor Carnahan – Golpher hole – patch**

- Pressurized concrete filling
- Done before resurfacing
- Price at next meeting

#### **6. VOUCHERS (1600/1/595)**

**Councilwoman Deckert:** Mr. Mayor, I move that we the City Council of the City of Benton City, Washington, do hereby authorize payment of voucher check number 22018 thru 22043, as listed in the amount of \$36,868.81, Payroll Check numbers 21879, 21903 thru 21913, 21944 thru 21965 as listed in the amount of \$52,919.78. These checks are for payment this 21<sup>st</sup> day of April, 2009.

**Councilman Bruce:** I'll second.

**MOTION #9– C. L. Deckert moved and C. B. Bruce seconded for the City Council of the City of Benton City, Washington, to hereby authorize payment of Voucher Check Numbers 22018 thru 22043, as listed in the amount of \$36,868.81, payroll Check numbers 21879, 21903 thru 21913, 21944 thru 21965 as listed in the amount of \$52,919.78. These checks are approved for payment this 21<sup>st</sup> day of April, 2009.**

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

#### **7. RESOLUTION #2009-05 APPROVING CONTRACT FOR PERSONAL/PROFESSIONAL SERVICES BETWEEN ENTITIES FOR PREPARATION OF I-82 INTERCHANGE ECONOMIC**

## **IMPACT ANALYSIS REPORT (1636/4/712)**

**Councilwoman Deckert:** Mr. Mayor, I move for approval of Resolution #2009-05, a resolution approving a contract for personal and professional services between the City of West Richland, Benton County, Benton Rural Electric Association, the City of Benton City, and Barney & Worth, Inc. for preparation of the I-82 Interchange Economic Impact Analysis Report.

**Councilwoman Stade:** I second that.

**MOTION #10– C. L. Deckert moved and C. L. Stade seconded to approve Resolution #2009-05, a resolution of the City of Benton City, Washington, approving a contract between the City of West Richland, Benton County, Benton Rural Electric Association, the City of Benton City, and Barney & Worth, Inc. for preparation of the I-82 Interchange Economic Impact Analysis Report.**

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

**ITEMS FOR DISCUSSION – None (1693/2/031)**

**GENERAL COUNCIL COMMENTS – (1694/2/232)**

**Councilwoman Stade – Thank you**

**Councilwoman Deckert – Benton City Car and Bike Show – 7:00 a.m.**

- Public – 9 a.m. – 4 p.m.
- Excused from May 5<sup>th</sup>, 2009 Regular Council Meeting

**Councilwoman Johnson – Nothing**

**Councilman Bruce - Nothing**

**Mayor Carnahan – Ongoing discussion every Friday**

- Roundabout funding
  - Purchase Right-of-Way by Dorsey's old property
  - Public Park on Westside of River
  - Park & Ride – Eastside of Conoco
- Report –
  - Webber Canyon Underpass –
  - FTD -> \$ swap for road under RR overpass
  - Started by about 1<sup>st</sup> of June
  - Done by end of 2009
- Webber Canyon – graveled -> paved -> Middle of May
- Request to Doc Hastings
  - \$24 million request for Red Mountain Interchange
  - Chris - Qualify for federal money
- Pre-Con – Chip seal -> June – sweep streets

**ADJOURNMENT – Mayor Carnahan (1912/3/344)**

**Councilwoman Deckert:** Mr. Mayor, I would move to adjourn.

**Councilman Bruce:** I would second.

**MOTION #11**– C. L. Deckert moved and C. B. Bruce seconded to adjourn the April 21<sup>st</sup>, 2009 Regular Council Meeting.

**VOICE VOTE #11**– C. L. Deckert, C. H. Johnson, C. B. Bruce, C. L. Stade  
ALL YEAS. Motion carried.

Meeting adjourned at 8:02 p.m. (1918/1/791)

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Lloyd Carnahan  
Mayor, City of Benton City

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Stephanie Hoegh  
City Clerk-Treasurer

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

First Reading: 3/17/09

Second Reading:

**ORDINANCE NO. 855**

**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.

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Lloyd R. Carnahan  
*Mayor*

Attest:

Approved as to Form:

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Stephanie Hoegh  
*City Clerk-Treasurer*

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Leland B. Kerr  
*City Attorney*