

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

November 4, 2008

### 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
- B. ROLL CALL
- C. READING AND APPROVAL OF MINUTES FOR REGULAR MEETING OCTOBER 21, 2008. AND WORKSHOP ON OCTOBER 21, 2008
- 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. Out-of-order comments restricted (purpose of Council meeting is ONLY for Council to conduct Business). If you wish to speak on an item on the agenda, or not on the agenda, complete the Citizen Comment form, and pass it to the City Clerk to be considered by Chair. 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  
-Code Report
- (3) Engineer Report
- (4) Council Committee Report

#### G. ITEMS FOR APPROVAL:

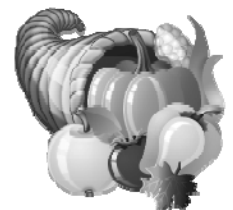
- 7:30**
- 1. Public Hearing – 2009 Preliminary Budget
  - 2. Resolution 2008-27- Auth. Mayor to sign Ed's Disposal Agreement
  - 3. Second Reading – Ord. 842 – 2009 Ad Valorem Tax
  - 4. Second Reading – Ord. 843 - Water/Sewer Code Changes
  - 5. First Reading – Amending Flood Codes
  - 6. I-82 Grading Job Acceptance
  - 7. 7<sup>th</sup> Street Sidewalk Bids
  - 8. Tennis Court Retaining Wall
  - 9. Recycle Bin parking lot gravel
  - 10. Shop Heater Revamp
  - 11. December 24<sup>th</sup>- Afternoon City Hall Closure
  - 12. VOUCHERS

#### H. ITEMS FOR DISCUSSION:

- 1. Aquatic Park

#### I. GENERAL COUNCIL COMMENTS

#### J. ADJOURNMENT –Chair



**City of Benton City  
Regular Council Meeting Minutes  
October 21, 2008**

**CALL TO ORDER – (2/3/175)** Mayor Carnahan called the regular Council meeting to order at 7:00 p.m.

**ROLL CALL – (4/2/000)** Council Members Present –

**Lynn Johnson  
Lorna Deckert  
Honda Johnson  
Lisa Stade**

Council Members Absent –

**Bob Bruce (Illness)**

City Staff Present –

**Stephanie Hoegh, City Clerk/Treasurer**

Other Professionals Present –

**Bob Spink, City Engineer  
Lee Kerr, City Attorney  
Randy Rutledge, Benton City EDC**

**Councilman Johnson:** Mr. Mayor, I move to excuse Councilman Bruce due to illness.

**Councilwoman Deckert:** I second that.

**MOTION #1 – C. L. Johnson moved and C. L. Deckert seconded to approve to excuse Mr. Bruce from the October 21<sup>st</sup>, 2008 Council Meeting due to illness.**

**VOICE VOTE #1 – C. L. Deckert, C. L. Stade, C. H. Johnson, C. L. Johnson  
ALL YEAS. Motion carried.**

**PLEDGE OF ALLEGIANCE TO THE FLAG –** Local Boy Scout Troop #205 presented Colors and led the Pledge of Allegiance. (18/1/565)

**OPENING REMARKS, “HOUSEKEEPING” ITEMS, EXECUTIVE SESSION REQUESTS, ETC. –  
(57/1/804)**

**Mayor Carnahan:** Opening remarks; I'll start off right with here with a notice. Flu shots will be offered 10/22 and 24 at 1:30 to 4:30 at the Benton City Clinic. The cost is \$30 and insurance or Medicare may be used so it's available, flu shots are available for you. I would like to have one item moved...reading and approval, oh, we need reading and approval of minutes? All right, we'll back up and have the reading and approval of minutes.

**READING AND APPROVAL OF MINUTES FOR REGULAR MEETING OCTOBER 7<sup>TH</sup>, 2008 AND COUNCIL WORKSHOP ON SEPTEMBER 30<sup>TH</sup>, 2008 AND OCTOBER 14<sup>TH</sup>, 2008 -  
(73/1/774)**

**Mayor Carnahan:** Any additions or corrections to the minutes? Hearing none, I look for a motion.

**Councilwoman Deckert:** Mr. Mayor, I would move to approve the minutes.

**Councilwoman Johnson:** Second.

**MOTION #2 - C. L. Deckert moved and C. H. Johnson seconded to approve the minutes of the Regular Council Meeting of October 7th, 2008 and the Council Workshop of September 30<sup>th</sup>, 2008 and October 14<sup>th</sup>, 2008 as presented.**

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

**APPROVAL OF AGENDA – (90/1/810)**

**Mayor Carnahan:** Now I can have Approval of the Agenda. I would like to move the Desert Rose Terrace Richland Housing Authority up to the first item right after Visitors' Comments. Can I get a motion on the Agenda unless you have something else.

**Councilwoman Deckert:** Mr. Mayor, under Council Comments, I'd like to add something about the automobiles that are abandoned in town; can I discussed that under General Council Comments?

**Councilman Johnson:** Mr. Mayor, I move to approve the Agenda as amended.

**Councilwoman Deckert:** Second.

**MOTION #3 - C. L. Johnson moved and C. L. Deckert seconded to approve the Agenda as amended.**

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

**1. VISITOR COMMENTS – (117/2/231) None**

**ITEMS FOR DISCUSSION (126/1/287)**

**4. DESERT ROSE TERRACE/RICHLAND HOUSING AUTHORITY (128/3/217)**

**Mr. Ball:** My name is Robert Ball, and my wife and I live at Desert Rose Terrace. Last time, we told you what was going on at the beginning of this; we wish to thank several people. A couple of the congresswomen were there in the meeting; Randy Rutledge was there; Wayne Campbell was there, someone from some agency was there and they even attended the individual meetings we had with the Richland Housing Authority, and we wish to thank you; thank you for your support for being there with us and I guess we've had some success. Several of us have agreed on a rent with them. Some some have not; some of them still haven't gotten that figured out. We checked with one of the ladies across the way and hers, what they agreed with for her was 33.2% of her income, according to my figures, which seems high. We'd like to continue to work on that; that seems high; she's alone and that, that doesn't seem to be good. We think that they think they snowed us in the meeting, they had all the answers and they talked like they really knew what was going on, and I think that they were surprised that we had so many people there. They had their whole office there and I think they thought they would overcome us with their numbers. But we had a lot of people there and a lot of people talking. I think we had a good meeting with them, but it's not complete. We don't think that they are doing exactly what should be done. We think they're still mistreating some of the people and we understand that the people who are there with us, Mr. Rutledge, Mr. Campbell are still with us, looking into this and helping us along. Did the City do anything about those lights that are burnt out there, that are needing replaced?

**Mr. Kerr** (218/4/229)

**REGULAR REPORTS -**

**1. SHERIFF REPORT** (263/3/722)

**Captain Steve Keane, Benton County Sheriff Department**

- 360 call for service v. 213 in 2007
- 30 Case Offenses v. 33 in 2007
- 17 Infraction Offenses

**2. STAFF REPORTS –** (320/1/145)

**Stephanie Hoegh**

- November 6<sup>th</sup> & 7<sup>th</sup> – beginning implementing new software
- Start with Utility Billing
- November's bill will be done thru new system
- Beginning of 2009 – will implement Payroll, Budget and Permitting into new system

**Mayor Carnahan** - Mechanic's Shop needs new heater – Will be taking quotes by next Council Meeting.

**Councilwoman Johnson** – Status of online payments

**Ms. Hoegh** – Goal is to begin taking online payment at the first of the year

**3. ENGINEER REPORT –** (366/2/638)

**Bob Spink, City Engineer -**

- UGA
  - Council Workshop previous week
  - Make application – a lot of requirements to approve it
  - Prepared map
  - Tom Harrison – Water system
  - Acreage of land use
  - Spreadsheet
  - Must Satisfy
    - Existing – 70% buildup in order to expand
    - We are at ~60%
  - 20 years in future
    - Pro growth – we don't have enough space
    - Would comply
  - No guarantee
    - Case Law / Thurston County
    - Out of statute – Market Value 25%

**Mr. Kerr** – Good idea to ask

- Appeal process available
- Five year cycle limits changes
- Application needs to be submitted by December 1<sup>st</sup>, 2008 for 2009 process

**Mayor Carnahan** – Orchard to north already in City limits

- Part of land keeping us from making our 30% growth
- City can't annex agricultural land into City

- Has to come in as Residential, Commercial, etc.
- Capital Improvements Plan and Infrastructure Plan must be in place
- Comprehensive Plans Updates must be in place
- All this must be done by December 1<sup>st</sup>, at cost of \$30,000 max
- Only four weeks to deadline
- City budget may not have \$30,000
- Increased work to City to meet deadlines

**Councilwoman Johnson** – UGA set in stone?

**Councilman Johnson** – Make an attempt

- Delay could be detrimental to City
- Benefit the City in the long run

**Councilwoman Deckert** – Agrees with Mr. Johnson

- Including moving out towards West Richland
- To do otherwise could result in lost opportunity

**Ms. Hoegh** – Will check General Fund

- Could possibly absorb the cost

**Mr. Spink** – Difficult to estimate cost to City

- City's Capital Facilities Plan not that involved
- Have staff available to prepare application and additional paperwork within deadline

**Mr. Rutledge** – Red Mountain plans include twenty more wineries in area in 3-1/2 years

- Great properties available for Commercial purposes in Red Mountain area
  - Will require city services to develop
- Smith Property – UGA and City Services and Zoning Requirements
  - Currently zoned for five acre parcels
- Makes sense to be in game
  - Five years will not decrease the pressure
  - New tax base is needed to fund expansion and growth
  - Now or five years down the road, we will pay

**Mr. Kerr** – We would be partners with the County in case of appeal of County's decision

- Some costs likely incurred in association with appeal
- May be facing number of legal battles
- Would happen under Land Use Petition Act Appeal
  - Processes would be relatively short due to records
  - Possibly two to three years resolved

**Councilman Johnson** – Need to start getting innovation going in Benton City

**Mayor Carnahan** – Public Hearing scheduled for November 18<sup>th</sup>, 2008

- UGA as previously approved at workshop
- Has discussed with School District possibility of hosting Public Hearing
- Would like to push Public Hearing back to November 20<sup>th</sup>, 2008

**Councilwoman Deckert:** Mr. Mayor, I would move that we change the date of the Special Meeting to November the 20<sup>th</sup>, 2008 for the Urban Growth Public Hearing at 7:00 p.m.

**Councilman Johnson:** Second.

**MOTION #4 - C. L. Deckert moved and C. L. Johnson seconded change the date of the Urban Growth Public Hearing to November 20<sup>th</sup>, 2008 at 7:00 p.m. at a Ki-Be School facility.**

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

**4. COUNCIL COMMITTEE REPORT – (1429/4/204)**

**Councilwoman Johnson** – Next Wednesday

**Councilman Johnson** – American Public Transportation Conference in California

**Mayor Carnahan** – PAC Meeting – Global Warming  
- Board – investments  
- Small Cities – Shoreline Management Act – Joint Effort

**Councilwoman Deckert** – Kennewick Chamber of Commerce Luncheon with Dino Rossi

**Councilwoman Stade** - None

**ITEMS FOR APPROVAL:**

**1. RESOLUTION #2008-25 – AUTHORIZING THE MAYOR TO SIGN AGREEMENT WITH ARMADA**  
**(1516/2/028)**

**Councilwoman Deckert:** Mr. Mayor, I move the approval Resolution #2008-25, a resolution authorizing the Mayor of the City of Benton City, to sign the Professional Services Agreement between the City of Benton City and Armada Corporation.

**Councilwoman Stade:** Second.

**MOTION #5 - C. L. Deckert moved and C. L. Stade seconded to approve Resolution #2008-25, a resolution authorizing the Mayor of the City of Benton City, Washington to sign the Professional Services Agreement between the City of Benton City and Armada Corporation.**

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

**2. RESOLUTION #2008-26 – METROPOLITAN PARK DISTRICT – REVERSE RESOLUTION**  
**#2008-06 (1573/1/283)**

**Councilwoman Stade:** Mr. Mayor, I move to approve Resolution No. 2008-26, a resolution of the City of Benton City, Washington, repealing Resolution No. 2008-06 calling for the initiation of a Metropolitan Park District and Special Election.

**Councilman Johnson:** Second.

**MOTION #6 – C. L. Stade moved and C. L. Johnson seconded to approve Resolution No. 2008-26, a resolution of the City of Benton City, Washington, repealing Resolution No. 2008-06 calling for the initiation of a Metropolitan Park District and Special Election.**

**VOICE VOTE #6 – C. L. Johnson, C. L. Deckert, C. H. Johnson, C. L. Stade**  
**ALL YEAS. Motion carries.**

### 3. FIRST READING – ORDINANCE #841 – ANIMAL CODE UPDATES (1604/1/601)

**Councilwoman Deckert:** Mr. Mayor, I move for the approval of Ordinance No. 841, an ordinance of the City of Benton City, Washington, repealing Chapter 6.04 “Definitions”; Chapter 6.08 “Animal Regulations Generally”; Chapter 6.12 “Dog Licenses”; Chapter 6.16 “Impoundment”; Chapter 6.20 “Kennels”; Chapter 6.24 “Rabies Control”; Chapter 6.28 “Violation – Penalty”; and enacting Chapter 6.03 “Animal Control”, on the Second Reading.

**Councilman Johnson:** Second.

**MOTION #7 – C. L. Deckert moved and C. L. Johnson seconded to approve on the Second Reading Ordinance No. 839, an ordinance of the City of Benton City, Washington, repealing Chapter 6.04 “Definitions”; Chapter 6.08 “Animal Regulations Generally”; Chapter 6.12 “Dog Licenses”; Chapter 6.16 “Impoundment”; Chapter 6.20 “Kennels”; Chapter 6.24 “Rabies Control”; Chapter 6.28 “Violation – Penalty”; and enacting Chapter 6.03 “Animal Control”.**

**VOICE VOTE #7 – C. H. Johnson, C. L. Deckert, C. L. Stade, C. L. Johnson  
ALL YEAS. Motion carries.**

### 4. FIRST READING – WATER/SEWER CODE CHANGES (1649/4/848)

**Councilwoman Deckert:** Mr. Mayor, I move the approval for the First Reading only of an ordinance of the City of Benton City, Washington, amending Section 13A.16.040 “Delinquent Payment – Service Cutoff –Hearing”; amending Section 13A.28.140 “Meter Accuracy Check”; amending Section 13A.28.145 “Billing Procedures – Meter Reading”; amending Section 13A.28.150 “Due Date”; and amending Section 13A.28.170 “Delinquent Payment – Service Shutoff”; and Section 13A.28.180 “Hearing – Notice”, on the First Reading.

**Councilwoman Stade:** I’ll second that.

**MOTION #8 – C. L. Deckert moved and C. L. Stade seconded to approve on the First Reading, an ordinance of the City of Benton City, Washington, amending Section 13A.16.040 “Delinquent Payment – Service Cutoff –Hearing”; amending Section 13A.28.140 “Meter Accuracy Check”; amending Section 13A.28.145 “Billing Procedures – Meter Reading”; amending Section 13A.28.150 “Due Date”; and amending Section 13A.28.170 “Delinquent Payment – Service Shutoff”; and Section 13A.28.180 “Hearing – Notice”.**

**VOICE VOTE #8 – C. H. Johnson, C. L. Deckert, C. L. Johnson, C. L. Stade  
ALL YEAS. Motion carries.**

### 5. FIRST READING – AD VALOREM TAX (1719/3/047)

**Councilman Johnson:** Mr. Mayor, I would move for approval on the First Reading, a Benton City ordinance, Washington, for Benton City, Washington setting a tax levy for Benton City, Washington and fixing the amount of Ad Valorem Taxes for the Year 2009, which is 1%.

**Councilwoman Deckert:** I second that.

**MOTION #9 – C. L. Johnson moved and C. L. Deckert seconded for approval on the First Reading an ordinance of the City of Benton City, Washington, setting the tax levy for the City of Benton City and fixing the amount of Ad Valorem taxes for the Year 2009.**

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

**6. I-82 ADVERTISEMENT (1803/4/039)**

**Councilwoman Deckert:** Mr. Mayor, I move that we allow the engineer to place the ad for property for sale request for proposal; the City staff concurring with the engineer.

**Councilman Johnson:** Second.

**MOTION #10 – C. L. Deckert moved and C. L. Johnson seconded to allow the Benton City staff in concurrence with the City engineer to place Property for Sale Request for Proposal ads.**

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

**7. VOUCHERS (2222/1/584)**

**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 Numbers 21483 thru 21514 as listed in the amount of \$164,255.08 and Manual Check Numbers 21481 and 21482 as listed in the amount \$4,597.48 and Payroll Check Numbers 7978 thru 7995 and 7997 thru 8033 as listed in the amount of \$50,593.15 are approved for payment this 21<sup>st</sup> day of October, 2008.

**Councilwoman Stade:** I second that.

**MOTION #11 – C. L. Deckert 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 21483 thru 21514 as listed in the amount of \$164,255.08 and Manual Check Numbers 21481 and 21482 as listed in the amount \$4,597.48 and Payroll Check Numbers 7978 thru 7995 and 7997 thru 8033 as listed in the amount of \$50,593.15 are approved for payment this 21<sup>st</sup> day of October, 2008.**

**ROLL CALL VOTE #11 – C. H. Johnson, C. L. Deckert, C. L. Stade, C. L. Johnson  
ALL YEAS. Motion carries.**

**ITEMS FOR DISCUSSION – Cont. (2267/3/130)**

**1. ED'S DISPOSAL CONTRACT CHANGES (2269/4/618)**

**Darrick Dietrich, Ed's Disposal, Inc.**

- 3 Options
  - (1) Spring Clean Up
    - Incorporate Cost into rate base – 8.8% = \$1.18 increase
  - (2) Drop Box Facility
    - Money from tickets would pay for Capital and Maintenance – 20.9% = \$2.82 increase
  - (3) Service Agreement –
- Currently a five year agreement
- Significantly longer now to re-coop the investment

**Daryl (Inaudible), 900 7<sup>th</sup> Street**

- Needs Transfer Station

**Connie Prall, Benton City Citizen**

- Use it a lot
- Used to dump on the hill (McBee Grade)
- Close it and people will dump

**Councilwoman Deckert:** Mr. Mayor, I move that we accept Option #2 on Ed's Disposal, Inc. proposal which will mean an increase of 20.9% raising the current residential rate from \$13.48 to \$16.30 a month.

**Councilwoman Johnson:** I second it.

**Councilman Johnson:** Mr. Mayor, before we get too far ahead of the game here, do you think we should probably make a recommendation on all three options and then have Lee include it into a new contract?

**Mr. Kerr:** Yeah, that gives us a pretty basic question here. What you're talking about right now is just an addendum to the existing contract and then if the intent is to proceed with a renegotiation of the contract, then obviously we would want to take a little closer look; I have a number of suggestions I'd like to make in that contract.

**Councilwoman Deckert:** Okay, I was going to do that separately, just go with the price increase for now, for next year's service.

**Councilwoman Stade:** But for negotiations, shouldn't we have it all be all the terms including that \$300 that they've and the contract terms, that way you can negotiate better.

**Councilwoman Deckert:** Then I'll withdraw my motion.

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

**Mayor Carnahan:** The Option No. 2 is the one that the Council is going with forward and let the attorney work with Mr. Dietrich on getting the contract and then we can bring it back in two weeks and vote on it.

**Councilman Johnson:** One question; we agree on Option No. 2, I think we need a consensus on the term of the contract in order for Lee to incorporate that?

**Mr. Kerr:** Yeah, as you can see from the contract form that's been submitted, there's a number of blanks in there, there's a number of errors that are reserved and I'm not sure if you wanted to try to address that. The surcharge is a formula like we've used in other jurisdictions or do you want to keep that as an open issue or...

**Mr. Dietrich:** That was the intent of the reserved sections was to get guidance from Council and to see if we wanted to incorporate the surcharge, incorporate spring clean up (inaudible), so that really was the intent, was to get guidance and then (inaudible).

**Mr. Kerr:** Now, when did you want to have the effective date on these, on these most recent changes; did you want to do them now or did you want to wait until the completed negotiation of this agreement?

**Mr. Dietrich:** In my mind, I'm not a technical person here, but in my mind, I would, it would be good to do the rates now, that way that's off the table, then frankly at any time frame that's comfortable for the City and for you and we can dial in the agreement on the contract (inaudible)...

**Councilwoman Deckert:** Mr. Mayor, I make the same motion, but it's reinstated.

**Councilwoman Johnson:** I second it.

**MOTION #12 – C. L. Deckert moved and C. H. Johnson seconded to accept Option #2 on Ed's Disposal, Inc. proposal which will mean an increase of 20.9% raising the current residential rate from \$13.48 to \$16.30 a month.**

**ROLL CALL VOTE #12 – C. L. Deckert, C. H. Johnson, C. L. Stade, C. L. Johnson  
ALL YEAS. Motion carries.**

## **2. ENTRYWAY PARK PRESENTATION – (2934/1/869)**

**Mr. Spink - Information Packets for Entryway Park**

- Some changes from original plans
  - New paved roadway at intersection with Abby
  - Project is about 60-65% state grant, remainder 35-40% City
  - Concrete boat ramp finished, some erosion on left side
    - Fish and Game to repair
  - Intersection will be built up for greater visibility when entering roadway
  - Gravel the area with top course rock
  - Suggested we keep the turnabout with three trees to allow handicap greater access to fishing
  - One ton boulders placed to prevent vehicles from entering
  - Paved connection to Boat Ramp
  - Ramp to meet ADA specs
  - Two steel picnic tables fastened to pads
  - Irrigation system and drinking fountain
  - Two area lights on each side
  - Area is visible from highway for safety
  - Planning 1" water line for fountain and sprinklers with battery operated timers
  - Trying to avoid placing things in floodway that could be destroyed or lost
  - Trails to be made out of chips, inexpensive if washed away
  - Two planting areas include recommended shrubs and trees; second area left natural
  - Four trees already growing there

## **3. 7<sup>TH</sup> STREET SIDEWALK PROJECT BID PROPOSALS (3365/1/293)**

**Mr. Spink – Packet of information**

- In process of getting bids from contractors for sidewalk to complete loop
- Small Work Roster – at least three bids
- Not sure can bring this in for \$5,000, Council may have to approve balance over \$5,100

## **GENERAL COUNCIL COMMENTS – (3450/3/923)**

**Councilwoman Deckert – Spoke with Mr. Rutledge**

- Automobiles, Unlicensed Vehicles Training

**Mr. Rutledge - Harold Mason – hauling car**

- State Patrol – Dept. of Licensing – reading VIN –
  - Neg. time
- One Day Course – Free – Tami, CEO could follow up, contract with County
  - Inside City Limits

- Report back to City Council
- License Numbers v. VINs - Lost titles

**ADJOURNMENT** – Mayor Carnahan (3654/1/789)

**Councilwoman Deckert:** Mr. Mayor, I move that we adjourn.

**Councilman Johnson:** Second.

**MOTION #13** – C. L. Deckert moved and C. L. Johnson seconded to adjourn the October 21<sup>st</sup>, 2008 Regular Council Meeting.

**VOICE VOTE #13** – C. L. Deckert, C. H. Johnson, C. L. Stade. C. L. Johnson  
**ALL YEAS. Motion carried.**

Meeting adjourned at 9:02 p.m. (3666/1/450)

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Lloyd Carnahan  
Mayor, City of Benton City

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Stephanie Hoegh  
City Clerk-Treasurer

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

**City of Benton City  
Council Workshop Meeting Minutes  
October 21, 2008**

**1. CALL TO ORDER** – Mayor Carnahan called to order at 6:00 p.m. the Council Workshop Meeting to discuss the Preliminary 2009 Budget. (1/4/931)

**2. ROLL CALL** – (3/2/789) Council Members Present –

**Lorna Deckert  
Lisa Stade  
Lynn Johnson**

Council Members Absent –

**Bob Bruce (Illness)  
Honda Johnson**

Others Professionals Present –

**Stephanie Hoegh, City Clerk/Treasurer  
Bob Spink, Benton City Engineer**

**3. PLEDGE OF ALLEGIANCE TO THE FLAG/U.S.** – Councilwoman Deckert led the Council in the Pledge of Allegiance. (45/1/481)

**4. CITY COUNCIL DISCUSSION REGARDING PRELIMINARY 2009 BUDGET** - (59/2/831)

**Councilman Johnson:** Mr. Mayor, I guess we have a preliminary on a lot of this stuff, but I would just ask that unless there's been any certain areas that there's been any extraordinary changes from the previous year, we might want to highlight or whatever...

**Mayor Carnahan:** We're starting with Revenues first.

**Ms. Hoegh:** I guess maybe I can expedite things. As far as taxes go, everything's pretty much about the same. I think I was a little more conservative on our estimates this year just due to the way the economy is. I believe from the way the Streamline Sales Tax that we will actually benefit from that change as opposed to being hurt by it, but we've only received one remittance since the change took effect, and it was higher than normal, so I'm not sure, I haven't received October yet. I've separated by bar code. The next section is Permits and Licenses. Pretty much everything is just taking the data from years past and what we've received year-to-date and just doing an estimate.

**Councilwoman Deckert:** I was wondering why there was a drop in the electric income from the business tax in the first group of numbers. It dropped from \$135,000 on the 2008 Budget to \$120,000 on the...

**Ms. Hoegh:** I was just looking at what we had received in the past and it appeared to me that \$135,000 seemed rather high from what we'd actually received in years past, so I was a little more conservative on what I was estimating.

**Councilwoman Deckert:** Okay, because we're already at \$103,000 and I figured that was for nine months, so it would be like a third, a quarter...

**Ms. Hoegh:** We're actually only at \$69,000; the \$103,000 is estimate to keep...to what...and how I calculated that, I just took what we had month to date and divided it monthly and estimated it that way.

**Mayor Carnahan:** Okay, are there any further questions in the first set, for a total of \$603,050.00. We're down into Business Licenses and that now; any questions in that? Down into the next section; any questions there? Turning page, going into 01 which is the Abatement, Removal Hazards and that type of thing...Code Violations...down on thru interest, checking account and down thru, any questions on the second page all the way thru...are we ready for the third page?

**Councilman Johnson:** How come our Interest and Investments is...it's not a lot lower, but it is, it is lower?

**Mayor Carnahan:** It's going to be lower than that next year because we've taken a lot of money out.

**Ms. Hoegh:** That and the interest rate on itself is just decreased dramatically.

**Mayor Carnahan:** And next year, it's even going to be worse because right now because of the way the Market is.

**Councilwoman Deckert:** Actually if inflation kicks in, interest rates may go sky high for investing so that may help.

**Mayor Carnahan:** That's true. Are we thru with the second page?

**Councilman Johnson:** But fiscal revenue is up anyway, substantially so...

**Mayor Carnahan:** Alright, into Cost of General Property, that type of thing, Street Patching, Street Cuts, down the line, move to the next part there, the \$67,000. Did I get ahead of you, Lorna? Should be the third page?

**Councilman Johnson:** Liquor profits are down. What's the liquor profits based on?

**Ms. Hoegh:** It's distributed from the state; it's just the revenue on sales.

**Mayor Carnahan:** Which one are you looking at, Lynn? The 2008 is \$8,700. This is an estimate and it is actually better, it's higher than the 2008 Budget was, it's \$3,000...\$300 higher, so...and we've got Street Utility Tax Fee and Transfer from one of them on the fourth page. Any others on the fourth page? Well, let's just let you people look thru it and if you've got a question, say what you want.

**Ms. Hoegh:** I can say one change I did this year is in Fund 103, I appropriated \$2,000, it's a transfer from General Fund and that is going to go towards Diana's work in working downstairs and improving our archiving and she's also working on a grant to get a microfilm scanner to start electronically documenting all of our records.

**Mayor Carnahan:** How about the 302 Fund? Anything on 106? Anything on 302? This is all revenue, now.

**Councilwoman Stade:** I just see that the Bike Trail was more than the budgeted amount.

**Mayor Carnahan:** Definitely! Yes...we've picked up \$62,000 from the County and then the City, we've picked up our first one year borrowing ahead program which was \$31,000 for that and we still got, when they come up with how much money is available, we'll have another \$31,000 plus or minus, coming again for us for '010.

**Councilwoman Deckert:** Good. Now, have we received the money in from the County for their portion of it yet?

**Mayor Carnahan:** Yeah, we've received that already. Anything on 302? Turn the page, and then I think we're into 350. Anything on 350? 401; which is the Water/Sewer funds? Any questions on that page?

**Councilwoman Stade:** Well, good, we're, our income is greater on water sales than what we proposed in the budget.

**Mayor Carnahan:** We may have a little question on that for next year or whatever, because we're, somehow we're showing that we're billing for more water than what we're pumping, so...it's a...what we're going to end up having to do is go up and check our meters and make sure that our meters at the wells are right and we may have to adjust some meters so that when they come around to 90, they're supposed to have so many diameters of pipe before you put the meters in and some of them are just close and we may have to spread them out so that we get the, a better accurate reading from the pump into the tank.

**Councilwoman Stade:** Did you mention that we're changing to a different meter reading device?

**Mayor Carnahan:** That was for the house meters, yes, this other's for meters into the tank, so...yeah, in the pump house.

**Ms. Hoegh:** And that device is just a recording device, it's not changing the meters.

**Councilman Johnson:** Isn't there a method for calibrating those, or...

**Mr. Spink:** Actually, the best way is just to go out there about three in the morning, turn the pump on and keep track of the level in the reservoir, because there are very few people using water at three o'clock, and you can time it and get a pretty accurate (*inaudible*) that way, so that's what we were suggesting. It's okay to get up at 2:30 once in awhile...

**Mayor Carnahan:** All right, 350 we were thru, the 401, we were in; any questions on that...any more besides that one I mentioned about? The 404?

**Councilwoman Deckert:** I do have a question; what is the hydrant rental? What hydrant do we rent?

**Ms. Hoegh:** That's when we have bulk sales, so like with the Ki-Be Road, they hook the flow meter up to the hydrants and there's an \$800 deposit for the actual equipment and then there's a \$50.00 permit fee.

**Mayor Carnahan:** We will be renting to the contractor that's doing the Badger Road. They've got their, I see they've got their water tank set up over there already and that will start the first of November...yeah, the Webber Canyon Badger, Webber Canyon Road, yeah and that, I don't know if they've come in and talked to the City yet, but their tank is over there, so I'm pretty sure they're going to be notified if they start taking water, so...405? Anything on 405? Any questions on 406? 407? Turn the page. What happened to 408? No 408? All right, messes up my toes and fingers. 409? These are pretty well, not much you can do with these, I think these are our outstanding bonds and stuff, revenues and things, so, and 4010; that should be the revenue.

**Councilwoman Deckert:** Do we have any bonds that we'll be retiring this year?

**Ms. Hoegh:** Not this year, we retired one last year which would be 404 and 405, which (*inaudible*) ...

**Councilwoman Deckert:** Yeah, I saw those, too, but of the new ones, the ones we still have going, do we have any...? Not yet? Okay, okay.

**Mayor Carnahan:** Well, then we'll do the same thing with the Expenditures...we'll look at, we did that with the Revenue. All right, we're into the 01 system and that covers about three pages.

**Councilwoman Deckert:** I have a question; have you figured in the COLA that came out on Thursday; the pay raise for all the staff in the budget that we're looking at? It is figured in.

**Ms. Hoegh:** Yes, we have a six percent.

**Councilwoman Deckert:** Six percent, yeah, I think it came out to 5.8% is what they announced.

**Ms. Hoegh:** Well, we have a six percent raise agreed by the collective bargaining agreement.

**Mayor Carnahan:** 401 Fund is the first four pages, I believe. I'll give you time to look at it.

**Councilman Johnson:** Council salaries; they won't change until after the next election, will they? All right, okay, so that won't be in this year's.

**Councilwoman Stade:** So travel's a little higher than what we was, the budget?

**Councilwoman Deckert:** No, it's still under the budget. Are you looking at the year-to-date?

**Councilwoman Stade:** Yeah, but it's only nine months into the year. I'm looking up here. I'm looking in the 001; so what's the difference in travel between the 001 and the other one?

**Ms. Hoegh:** The 511, that's Council's travel; 513 would be the Mayor and 514 is financial staff or clerical.

**Councilman Johnson:** I like the legal fees.

**Mayor Carnahan:** Yes, but they're not down as much as I'd like, but we're still getting there, and as long as we start new projects, and same type of thing, we're going to have legal fees.

**Councilwoman Stade:** I like the Administrative Overtime is year-to-date, zero, that's excellent. I'm on 514.

**Mayor Carnahan:** Now for the Tri City Herald's benefit, this is just a preliminary, first workshop on the budget, so we're not approving or doing much tonight except looking at it; just a workshop.

**Councilman Johnson:** I have one question; we've got Animal Control equipment, we've got \$20,000...

**Ms. Hoegh:** She's due for a new truck in the rotation to replacement. There's also, later on, you'll see that there's money budgeted for a new Waste Water truck as well.

**Councilwoman Stade:** How are we looking for the snow equipment? What did we decide? I know purchased some sand...

**Mayor Carnahan:** We haven't; we're not going to do much snow removal. Probably, if we have to, we'll rent it this year.

**Councilwoman Stade:** Okay. And we discussed that last year. And did we find a product that was kind of like a mixture of sand and something that was more...

**Ms. Hoegh:** Yes, we have a contract with WASHDOT, where we can go get it as needed and it's a special mix that they use on the highways that we can go get.

**Mayor Carnahan:** Yeah, we did and it gets to the place where it's just too expensive for a small town to have our own graders and stuff like this. Okay, are we ready to go to the 569's? 576? When you get done with that page, let me know.

**Councilwoman Deckert:** Now, this is on the Park Maintenance area and I didn't see anything in here for redoing the tennis courts. Are we going to resurface the tennis courts that we talked about last year?

**Ms. Hoegh:** Part of the park maintenance comes from the General Fund, but it also comes from 302 so there's money for projects and the parks in 302.

**Mayor Carnahan:** Are you ready to move on down to 597 or...Lorna, are you ahead of us? How about 550, 542... 595...?

**Ms. Hoegh:** This is in a Street Fund.

**Councilwoman Stade:** So in the Maintenance in 542, is that just done with the weeds or what aspects is that dealing with? The Maintenance overtime, that's what I'm looking at.

**Ms. Hoegh:** That is all of the Utility and Maintenance workers; their salaries are split between Streets and Water/Sewer and this is the portion that comes from streets, so it's just a portion of their total salaries.

**Mayor Carnahan:** Okay, are we done with the 101?

**Councilwoman Deckert:** I had a question on the 101; the street lighting, did we allow for any new street lights in that or is that just the maintenance of what we have now?

**Ms. Hoegh:** I did not budget for new street lights; that is to cover our monthly expenses for electricity.

**Councilwoman Stade:** Should we increase the amount of the Cold Mix/Sand/Gravel on 542, because it looks like what we're using is a lot more expensive? The budget was \$2,000 and the year-to-date has been \$9,000? On 542...?

**Ms. Hoegh:** I think there've been several projects this year that we purchased gravel and we've also done some patches that required us to purchase a larger than normal amount.

**Councilwoman Stade:** So you think that would be about go back to less? A hike?

**Ms. Hoegh:** It was kind of a one time thing.

**Councilman Johnson:** What is the SR225 Walkway?

*(Inaudible)*

**Mayor Carnahan:** That's that, the, which one is it? \$60,000, that's our Bike Path...

**Ms. Hoegh:** No, that's the proposed walkway along Horne Drive between, it connects the...Bob will know.

**Mr. Spink:** The upper, yeah, it would be a paved walkway next to 225 or the east side that would connect the northern part of town so they can walk to school and back. It would be from...

**Mayor Carnahan:** I thought we had a walkway on both sides of 225 up to the school.

**Councilwoman Deckert:** (No)...not from Wolfie's; not from Wolfie's on there's nothing to the school. There's a bicycle lane and a ditch. The kids walk on the side of the road going to the grocery store; it's really dangerous. On both sides, there's not a side walk on either side, Lloyd.

**Mayor Carnahan:** Going to the 103 now, which is self-explanatory. 106, the Skate Board Park; we should end up finishing that up next year. I'll get off my rear and get that done. I'll make it a Number One priority to get that done next spring. All that's left on that is to put the blocks out there that's got the names on them. And we got a couple little of loops around that we have to do for handicapped people.

**Councilwoman Deckert:** And we need to replace some lawn that was taken out for the State Park.

**Mayor Carnahan:** Well, that is going to come in with the redoing where the recycle bins go and that will come in at that time, Lorna, we're going to come out around on that with that type of thing. Make them where we don't use for the recycle area, then the rest of that around there will be grassed and sprinklers and stuff on that. That's what the plan is anyway. And we've got to decide pretty quick whether we're going to go for the blacktop, either that or just putting gravel up there this winter up there so we can get the recycle bins started. It's getting too cold to blacktop now anyway, probably. All right, 302, or we...?

**Councilwoman Stade:** Yeah, tell me about the plans for the Park Improved Stage Community Center.

**Ms. Hoegh:** That one is split between; it's General Park Improvement...one of the things with this budget are these are the line items from previous years and sometimes they include specific, like for the Community Center...but it's not necessarily...it's a generalized fund or line item for park improvement.

**Councilman Johnson:** We don't budget anything for Parks Maintenance and Operation? What does that fall under? Does that fall under something else, or...like mowing the parks, maintaining the parks, and...?

**Ms. Hoegh:** That's split, it's up in the General Fund for...as far as what's budgeted in 302 would be the Capital Improvements such as purchasing play equipment as far as equipment and things, that's all in the General Fund which there's budgeted for a new mower and then the wages and supplies come out of the General Fund.

**Councilwoman Stade:** Have we received revenue from the recycling bins that goes towards the parks?

**Mayor Carnahan:** That doesn't come to us. That goes to the Chamber of Commerce; we don't get anything.

**Councilman Johnson:** Aquatic Park, have we got anything under engineering costs or anything for...?

**Mayor Carnahan:** \$15,000's all we got.

**Councilman Johnson:** Okay, but that comes under the engineering stuff?

*(Inaudible)*

**Mayor Carnahan:** We're on 350 now...401...in 401, have you added any extended lines and repair on our lines and stuff like this, Stephanie, do we want to...

**Ms. Hoegh:** It's on the next page; there's for 596 Capital Outlay for Water and Sewer...and there's also some...

**Mayor Carnahan:** All right, when we get there, we'll talk about it. 404, or are you still on 401? I don't feel like there'll be any hiring or any removal of people or personnel this year, so all personnel should be about the same. George will be staying at part time, at status quo, just like we have now. I don't foresee hiring anymore just yet until we get more stuff we need over in I-82, more stuff built across the river. 404, or are you still on 401?

**Councilwoman Deckert:** Well, I'm surprised at the big jump that the uniforms took.

**Ms. Hoegh:** We now have a uniform service which was also negotiated in the contract, the collective bargaining agreement, so we now pay U.S. Linen to...

**Councilwoman Deckert:** I have a question; why doesn't Council ever get to the Collective Bargaining Agreement?

**Ms. Hoegh:** It was negotiated with Council last October. It's a four year contract.

**Mayor Carnahan:** I made it a four year contract so we wouldn't have to worry about it; everything rolls over and at the next election, whoever runs for mayor can help go thru and negotiate the contract. Still on 404...or 405? 401? Okay, that should be more or less into the transfer of funds and that type of thing. The 405 now, you're on? All right, 5, 6, 7, 8, 9 and 10, and I would like to skip back and talk about Capital Improvements because we need to...that's one fund that we do have money in and we need to start doing some Capital Improvements. Capital Improvement, Wells, that type of thing. We have a...are we all thru with the other parts of the budget tonight, now? Everything else, we'll drop back up the way then, and Mr. Spinks can help me out on this on what we need to do. We've got an inner tie we want to make between the wells to the tank; we've got some, we've taken some videos of our sewer lines and they're concrete lines and in desperate need of replacement and this is over on, well, it's down on 9<sup>th</sup> Street, back up on the alley by Daddy-O's; there's two or three other places where we need to redo our sewer lines. We need to also probably look at some places to start increasing our sizes because the Legion Heights and up beyond north of Legion Heights we have areas up there that we are to capacity of our sewer system so we're going to have to start figuring out back at the manholes and increasing our sizes and our lift pumps coming to our lift stations, so I don't know how much money we got put in here but we need to...Mr. Spinks, what a, just a round number, what...two hundred?

**Mr. Spink:** Well, I think I might have given you two hundred but I think we had to cut it to a hundred.

**Ms. Hoegh:** It's to seventy five.

**Mr. Spink:** But the main thing is that we have the sewer lines TV'd *(inaudible)* so that we are making good judgments on where we're going to replace them, because we need to.

**Mayor Carnahan:** Right, but right now what I need to do is just making sure we get the budget, get the money budgeted from transferred from the Sewer/Water Fund to the Capital Outlays so we have the money there to when we decide on a project that's available to us, and I'd rather go, due to the fact that we have got the money in that fund, I'd rather transfer out say, \$300,000 and then work projects into it.

**Councilwoman Deckert:** Do we have to repair them before they're broken? I'm sort of have a...

**Mayor Carnahan:** Yes, yes, you can't wait until they break. Sewer lines, you'd be contaminated the soil, Lorna. You've got to get them repaired, the you'd have really a problem if you get...replacing, right well, not repairing...it's repairing all right with the replacement.

**Councilwoman Stade:** So we'd have to assess which ones need it first.

**Mr. Spink:** Yeah, we need to get one of the TV outfits...do we have a TV?

**Mayor Carnahan:** We don't have but we hire it done.

**Mr. Spink:** Right, well, we need to pick one of the outfits that's very good at it and then we can get a good video and they can really report to us and we can see what's needed (*inaudible*)...

**Mayor Carnahan:** We already worked with a person that way, and we got TV or we got videos, I think of three of the lines right now that need to be replaced, and there's also two the type the water pipe, we still have some of the old steel water pipe in this town and some of it's only four inch and that needs to be replaced to a six or an eight inch and some meters, some fire hydrants, I think are still on the old four inch line. They need to be replaced out so there's; we need to do quite a bit of infrastructure working this year. Yes?

**Mr. Spink:** There are also some main line valves that are broken and don't work and it makes it tougher for the City crew to isolate parts of town and I know a couple of years ago, they started to replace this big one up here on 225 and they backed off because it looked like too much of a chore, so I know there are some valves that need to be replaced.

**Mayor Carnahan:** Right, what I would like to see, or what I would suggest that the Council does or whatever work forward to is to get a grid like of valves that you can in and shut and section off every block so that and have water supplied to the other sides of them so that we can have a block shut off to work on and not have the rest of the town shut down. There are some places that, in this town, we have to shut off a whole section of it to repair a piece of pipe that's busted and eventually I'd like to see us get water valves installed that will control everything; we can shutoff three valves and still have a mainline running on some places, so that's something that we need to work for and it doesn't necessarily we'll have to do it all this year, but we can do it over a period two, three years and I think we got that, how much have we got?

**Councilwoman Stade:** A hundred and fifty total.

**Mayor Carnahan:** How much have we got into this now, for this type of work?

**Ms. Hoegh:** For Maintenance, we have \$20,000, and for Outlay...for Water, we have \$85,000; for Sewer, \$75,000.

**Mayor Carnahan:** Well, I'd like to see us get, I'd like to see us transfer more water, more funds into this to cover, or can we do this...we can do this as a amended type budget...we can do that.

**Ms. Hoegh:** We've used quite a bit of money this year in our Water/Sewer Fund paying for the I-82 and actually we had to reduce the suggestions by Bob Spink because we did not have enough to fund those projects this year. We need to give the fund time to recuperate.

**Councilwoman Deckert:** Then I would suggest, Lloyd that we leave it at \$75,000, if we need more, if it's in the fund, we can use...if it's not in the fund, we can't do it until next year.

**Mayor Carnahan:** And then we can transfer, that's right...right, we'll work it that way.

**Councilman Johnson:** Right, or amend the budget, if we have to...

**Councilman Deckert:** Now is there any way, are there any grants available for infrastructure like that?

**Mayor Carnahan:** Not that I know of. We can look into it, but I don't know...

**Mr. Spink:** Don't know any to replace lines...

**Mayor Carnahan:** No. You can get new, but it's awful hard to get replacement lines.

**Councilwoman Stade:** What about the tennis courts? We were going to go back to that item, about resurfacing the tennis courts to see if there was any budget proposed for that.

**Ms. Hoegh:** There's not a specific line item for that project; there is a \$100,000 for park improvements and I budgeted that way with the intention of Council using it as they wished.

**Mayor Carnahan:** All right, is there anything on the budget tonight? If there isn't, we'll, looking for adjournment motion.

**Councilman Johnson:** So our closing budget is just shy of \$4 million; \$3,900...and what was it?

**Councilwoman Deckert:** \$24,089.89.

## **5. ADJOURNMENT – (1208/3/718)**

**Mayor Carnahan:** Do I hear a motion?

**Councilman Johnson:** I move to adjourn the workshop.

**Councilwoman Deckert:** I second.

**MOTION #1 – C. L. Johnson moved and C. L. Deckert seconded to adjourn the Council Workshop Meeting discussion of the Preliminary 2009 Budget.**

**VOICE VOTE #1 – C. L. Johnson, C. L. Deckert, C. L. Stade  
ALL YEAS. Motion carried.**

Council Workshop Meeting adjourned at 6:45 p.m. (1217/4/909)

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Lloyd Carnahan  
Mayor, City of Benton City

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Stephanie Hoegh  
City Clerk-Treasurer

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

**RESOLUTION NO. 2008- 27**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN  
THE FIFTH AMENDMENT TO THE SOLID WASTE  
COLLECTION SERVICE AGREEMENT WITH ED'S  
DISPOSAL, INC.**

**WHEREAS**, the City has maintained a long-term solid waste disposal franchise with Ed's Disposal, Inc., with the most recent Solid Waste Collection Service Agreement being entered into on October 1, 1999; and

**WHEREAS**, several Amendments have occurred over the years since the implementation of this Agreement providing, in addition to the modification of service rates, additional services including an annual Spring Cleanup solid waste collection and a Drop-Box Facility for the collection and transfer of solid waste; and

**WHEREAS**, the City has received a request from Ed's Disposal, Inc. for an increase in rates as provided under the Agreement to provide for the increase in costs, including maintaining the annual Spring Cleanup event and the continued operation of the Drop-Box Facility; and

**WHEREAS**, the City Council has determined that the rate increases are justified under the terms of the Agreement and consistent with the best interest of the City and its citizens; NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF BENTON CITY, WASHINGTON**, hereby resolves as follows:

That the Mayor of the City of Benton City, Washington, be and hereby is authorized and directed to sign the Fifth Amendment to the Solid Waste Collection Service Agreement with Ed's Disposal, Inc., a Washington Corporation, granting the Schedule of Rates pursuant to the terms and conditions of the Fifth Amendment, which is attached hereto and incorporated by this reference as Exhibit 1, which rates shall become effective November 1, 2008.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2008, by the City Council of the City of Benton City, Washington, and signed in authentication of its passage this \_\_\_ day of \_\_\_\_\_, 2008.

Resolution 2008-27 filed and recorded in the office of the City Clerk of the City of Benton City, Washington, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
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*

**FIFTH AMENDMENT TO  
SOLID WASTE COLLECTION SERVICE AGREEMENT**

**THIS FIFTH AMENDMENT** is made and entered into and effective as of the 1st day of November, 2008 (the "Effective Date"), by and between the City of Benton City, Washington, a Municipal Corporation, hereinafter referred to as "City", and Ed's Disposal Inc., a Washington Corporation, herein referred to as "Contractor."

**WHEREAS**, the City has entered into a Solid Waste Collection Service Agreement on October 1, 1999, which Agreement has, pursuant to its terms, been subject to four previous Amendments; and

**WHEREAS**, the Solid Waste Collection Service Agreement provides for recalculation and adjustments of rates to be effective on the first day of November of each year during the term of the Agreement; and

**WHEREAS**, the First Amendment to the Solid Waste Collection Service Agreement provided for the installation and operation of the City Transfer Station Operation referred to as the "Drop-Box Facility"; and

**WHEREAS**, the Contractor has provided for an annual "Spring Cleanup" outside the terms of the Solid Waste Collection Service Agreement as an additional uncompensated benefit to the City; and

**WHEREAS**, the Contractor having given the City notice that due to increase in costs of operation, this continued provision of the annual Spring Cleanup and the operation of the Drop-Box Facility cannot be continued without an increase in rates and has submitted a proposed increase in rates to sustain the continuation of the annual Spring Cleanup and the operation of the Drop-Box Facility.

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein, the Parties agree as follows:

1. That the First Amendment to the Solid Waste Collection Service Agreement providing for a new Section 15 entitled "City Transfer Station Operation" providing for the continued operation of a Transfer Station designated as the "Drop-Box Facility" shall remain in full force and effect during the term of this Agreement.

2. That Contractor shall provide, at a mutually convenient date, the annual "Spring Cleanup" providing for the removal of solid waste without additional charge during the annual City-wide "Spring Cleanup" event in the same manner and subject to the same conditions as established by prior year's custom and usage.

3. That as of November 1, 2008, the Schedule of Rates contained in Section 1 of the Solid Waste Collection Service Agreement shall be and hereby are amended in accordance with the Schedule of Rates contained in Exhibit A, a copy of which is attached hereto and incorporated hereinby this reference. This Amendment supersedes and replaces prior Amendments to Section 1 of the Solid Waste Collection Service Agreement as to rates for services.

4. All remaining terms and conditions of the Solid Waste Collection Service Agreement of October 1, 1999, as amended and extended, shall remain in full force and effect.

The Parties have signed this Fifth Amendment on this \_\_\_\_ day of November, 2008.

**CITY OF BENTON CITY, WASHINGTON**

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Lloyd 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*

**CONTRACTOR**  
Ed's Disposal, Inc.

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Darrick Dietrich  
*General Manager*



**ED'S DISPOSAL, INC.**

P. O. Box 3850 Pasco, WA 99302-3850

(509)547-2476  
800-642-6447  
(509)547-8617 fax  
2021 N. Commercial Ave.  
Pasco, WA 99301

**Ed's Disposal Inc.  
Benton City Annual CPI Rate Adjustments**

Revised: 8/14/08

Effective: 11/1/08

	<b>CURRENT</b>	<b>ADJUSTED</b> 20.94%
RESIDENT AUTO	\$13.48	\$16.30
2ND CAN	\$2.32	\$2.81
SR CITIZEN	\$8.10	\$9.80
COMMERCIAL AUTO	\$19.51	\$23.60
<b>COMMERICAL CONTAINERS</b>		
1.5 CUBIC YD	\$11.60	\$14.03
2.0 CUBIC YD	\$14.36	\$17.37
3.0 CUBIC YD	\$17.44	\$21.09
4.0 CUBIC YD	\$24.12	\$29.17
6.0 CUBIC YD	\$28.96	\$35.02
8.0 CUBIC YD	\$39.47	\$47.74
DELIVERY FEE-COMMERCIAL CONT	\$30.02	\$36.31
DAILY RENTAL TEMPORARY CONTAINER	\$5.77	\$6.98
EXTRA COMMERCIAL CAN OR BAG	\$1.10	\$1.33
EXTRA YARDS	\$7.19	\$8.70
<b>ROLLOFF CONTAINERS</b>		
11 CUBIC YARDS	\$90.19	\$109.08
15 CUBIC YARDS	\$90.19	\$109.08
20 CUBIC YARDS	\$90.19	\$109.08
30 CUBIC YARDS	\$169.01	\$204.40
40 CUBIC YARDS	\$191.14	\$231.16
45 CUBIC YARDS	\$191.14	\$231.16
50 CUBIC YARDS	\$191.14	\$231.16
DAILY RENTAL TEMPORAY ROLLOFF	\$5.77	\$6.98
DELIVERY FEE	\$30.02	\$36.31
<b>ADDITIONAL RATES</b>		
TRUCK AND CREW PER HOUR	\$67.10	\$81.15
MIELAGE/MILE	\$1.84	\$2.23
REFRIGERATED APPLIANCES	\$37.91	\$45.85
RETURN TRIP	\$18.17	\$21.97
RE-START FEE	\$22.79	\$27.56
DELIVERY FEE AUTO CONTAINER	\$11.55	\$13.97
CAR TIRES	\$3.31	\$4.00
TRUCK TIRES	\$3.31	\$4.00
TRACTOR TIRES	\$16.59	\$20.06
STEAM CLEAN FEE	\$30.02	\$36.31
APPLIANCE	\$16.59	\$20.06
DRIVE IN CHARGE	\$2.88	\$3.48
NSF FEES	\$26.44	\$31.98

First Reading: 10/21/08

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

**ORDINANCE NO. 842**

**AN ORDINANCE OF THE CITY OF BENTON CITY,  
WASHINGTON, SETTING THE TAX LEVY FOR THE CITY  
OF BENTON CITY, AND FIXING THE AMOUNT OF AD  
VALOREM TAXES FOR THE YEAR 2009**

**WHEREAS**, the City pursuant to RCW 35A.33.135 is authorized by Ordinance to set the amount to be raised by ad valorem taxes to be levied; and

**WHEREAS**, as required by RCW 84.55.120, a public hearing was held on the revenue sources for the City's following years current expense budget and included consideration of possible increases in property tax revenues including those levied as ad valorem taxes, was held on the 7<sup>th</sup> day of October, 2008; and

**WHEREAS**, the City having received an increase in assessed valuation due to construction of an electric generation wind turbine facility classified as personal property, and improvements to property and any increase in the value of State-assessed property; and

**WHEREAS**, the City Council having found a substantial need for the maximum or revenues permitted by RCW 84.55.010, and the City Council having approved this Ordinance by a majority plus one vote of the Council, NOW, THEREFORE,

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

**Section 1.** For the purpose of certifying the annual tax levy for the budget year of 2009 for the City of Benton City, Washington, and upon consideration of the total financial requirements for the ensuing year, it is hereby levied a total of \$131,998.45, which constitutes no more than 101% of the amount of regular property taxes lawfully levied for the period provided by RCW 84.55.010, upon all real and personal taxable property within the City of Benton City, Washington, for the year 2009.

**Section 2.** The total amount of ad valorem taxes under this Ordinance shall be levied, fixed to be raised by regular ad valorem property taxes for 2009 in the amount of \$131,998.45 which is calculated by multiplying \$0.001330926/\$1,000 (the levy rate) times the estimated assessed evaluation of the City in the amount of \$99,177,896.00, which sum as levied under this Ordinance is hereby appropriated for use in 2009.

**Section 3.** The City Clerk is directed to transmit a certified copy of this Ordinance to the Board of Benton County Commissioners and to the Benton County Assessor on or before November 30, 2008.

**Section 4.** This Ordinance shall take full force and effect following its passage by a majority plus one of the City Council, and five (5) days after its 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 \_\_\_\_\_, 2008.

\_\_\_\_\_  
Lloyd R. Carnahan  
*Mayor*

Attest:

Approved as to Form:

\_\_\_\_\_  
Stephanie Hoegh  
*City Clerk-Treasurer*

\_\_\_\_\_  
Leland B. Ker  
*City Attorney*

First Reading: 10/21/08

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

**ORDINANCE NO. 843**

**AN ORDINANCE OF THE CITY OF BENTON CITY, WASHINGTON, AMENDING SECTION 13A.16.040 "DELINQUENT PAYMENT – SERVICE CUTOFF - - HEARING"; AMENDING SECTION 13A.28.140 "METER ACCURACY CHECK"; AMENDING SECTION 13A.28.145 "BILLING PROCEDURES – METER READING"; AMENDING SECTION 13A.28.150 "DUE DATE"; AND AMENDING SECTION 13A.28.170 "DELINQUENT PAYMENT - - SERVICE SHUTOFF"; AND SECTION 13A.28.180 'HEARING - - NOTICE"**

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

**Section 1.** That Section 13A.16.040 entitled "Delinquent payment – Service shut off – Hearing" of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

**13A.16.040 Delinquent payment—Service shut off --Hearing.**

- A. All charges for the public sewer services shall be due on the second working day of the month following the month the services were provided and payable at the office of the City Clerk. ~~and~~ Charges for sewer services shall become delinquent if not received at City Hall by 5:00 p.m. and stamped "paid" on or before the 20<sup>th</sup> day of the billing month. If the 20<sup>th</sup> day of the billing month falls on a Saturday, Sunday, or legal holiday, the sewer utility account shall be delinquent if not received and stamped "paid" by the City by 5:00 p.m. on the first working day thereafter. Mail or deposit box payments will not be considered received by the City prior to delinquency unless actually received and stamped "paid" prior to the default date and time. A delinquent fee set by the most current City Fee Schedule Resolution shall be assessed on each sewer account not paid prior to the delinquency.

As an additional and concurrent method of enforcing the lien of the City for sewage services, the Mayor is authorized and directed to shut off the public sewer service from the premises and/or water services to the premises on the last working day of the month such charges are due. Such services to the premises shall not be restored until such time as all charges, costs, penalties, and interest, as provided by the current City Fee Schedule Resolution, together with any additional sums which may be charged for the disconnection, reconnection, or utility account

reinstatement are paid in full.

If payment is not received by the City for such charges by the 20<sup>th</sup> day of the month, the sewer utility customer shall receive notice in writing, notification of the following:

1. Termination of sewer and/or water utility services.
  2. Right to a hearing before the Mayor for determination of a bona fide dispute concerning the correctness of the bill.
  3. That a request for the hearing must be made by the 15<sup>th</sup> of the month such payment is due. If the utility customer prevails and the utility bill is corrected, the delinquency penalty, as set forth in the most recent current City Fee Schedule Resolution, shall be waived.
- B. All persons requesting a hearing as to the correctness of the sewer utility bill shall be notified in writing of the hearing date set therefore before the Mayor, which hearing shall be held not less than seven (7) days prior to the date designated for the termination of services. The hearing shall be before the Mayor to correct the mistake and determination of the sewer utility bill. The determination of the Mayor shall be final and rendered to the utility customer in writing prior to the date designated as the termination of the services. (Ord 731, September, 2001; Ord 696, 2000; Ord. 667,1998; Ord. 622, 1995; Ord. 572, 1992; Ord. 514, 1988; Ord. 494,1986; Ord. 405 S1 (part), 1981.)

**Section 2.** That Section 13A.28.140 entitled “Meter accuracy check” of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

**13A.28.140** **Meter accuracy check.** Should any customer receiving water services through a City water meters having a bona fide dispute regarding the accuracy of that meter, may request in writing to the City Clerk that the meter be checked for accuracy. There will be no charge for such service, however, if the second or subsequent request for accuracy testing be made within the same billing period, a charge in the amount established pursuant to the current City Fee Schedule Resolution shall be paid to the City prior to the meter check. Should the meter, upon checking, be found not to be delivering an amount equal to or greater than that recorded by the meter, the City will refund the charge to the payor as shown by the receipt. (Ord. 667, 1988; Ord. 405 S1 (part), 1981.)

**Section 3.** That Section 13A.28.145 entitled “Billing procedures – Meter Reading” of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

**13A.28.145 Billing procedures – Meter Reading.**

- A. The City shall send the bill for utility services to the owner of the property receiving utility services who shall be deemed for the purpose of this code as the utility customer. The owner may, however, upon written authorization permit the billings for utility services to be mailed to a tenant or other occupant at the service premises. This authorization shall not relieve the owner from liability for utility charges incurred, liens or the obligation to maintain the utility account current as a condition for the receipt of utility services.
- B. Bills for service will be prepared and mailed to each customer on a monthly basis.
- C. Billings for any meter that is not accessible for reading due to vicious dog(s), debris, fencing, vehicle parking or similar circumstances, will be estimated based upon the minimum consumption units. The billing will be adjusted the next reading to reflect the actual water consumption during the period of unaccessibility. (Ord. 732, September 2001; Ord. 696, 2000.)

**Section 4.** That Section 13A.28.150 entitled “Due date” of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

**13A.28.150 Due date.** All charges for the public water services shall be due on the second working day of the month following the month the services were provided and payable at the office of the City Clerk, Charges for public water services shall become delinquent if not received at City Hall by 5:00 p.m. and stamped “paid” on or before the 20<sup>th</sup> day of the billing month. A late fee will be assessed at the beginning of the following working day of such month, and the City will mail a second notice, with the delinquent fee, on or on the following working day after the 20<sup>th</sup>.

If the 20<sup>th</sup> day of the billing month falls on a Saturday, Sunday or legal holiday, public water services shall be delinquent at if not received and stamped “paid” by the City by 5:00 p.m. on the first working day thereafter. Mail or deposit box payments will not be considered received by the City prior to delinquency unless actually received and stamped “paid” prior to the default date and time.

A delinquent fee set by the most current City Fee Schedule Resolution shall be assessed on each water account not paid prior to delinquency. (Ord. 792, April 2005; Ord. 732, September 2001; Ord. 703, 2000; Ord. 667, 1998; Ord 622, 1995; Ord. 549, 1991.)

**Section 5.** That Section 13A.28.170 entitled “Delinquent payment - - Service shutoff” of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

**13A.28.170 Delinquent payment - - Service shutoff.** As an additional and concurrent method of enforcing the lien of the City, unless full payment is received at City Hall by close of business and stamped “paid” by 5:00 p.m., on or before the last business day of each month, services will be shut off on the first business day of each month. Mail or deposit box payments will not be considered received by the City prior to delinquency unless actually received and stamped “paid” prior to the default date and time.

Such services to the premises shall not be restored until such time as all charges, costs, penalties, and interest, as provided by the current City Fee Schedule Resolution, together with any additional sums which may be charged for the disconnection, reconnection, or utility account reinstatement have been paid in full.

The customer will have a right for a review before the Mayor for determination of a bona fide dispute concerning the correctness of the bill.

A request for review must be made within by the 15<sup>th</sup> of the month such payment is due. (Ord. 792, April 2005; Ord. 732, September 2001; Ord 696, 2000; Ord. 667, 1998; Ord. 622, 1995; Ord. 405 SI (part), 1981).

**Section 6.** That Section 13A.28.180 entitled “Hearing - - Notice” of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

**13A.28.180 Hearing - - Notice.** All persons requesting a hearing as to the correctness of the water utility bill shall make such request in writing at the office of the Mayor by the 15<sup>th</sup> day of the month such payment is due. The initial hearing date shall be set prior to the date designated for the termination of services. The hearing shall be before the Mayor to determine and make any necessary correction to the water utility bill. The determination of the Mayor shall be final and rendered to the utility customer in writing prior to the date designated as the termination of services. If the utility customer prevails and the utility bill is corrected, the delinquency penalty, as set by the most current City Fee Schedule Resolution, shall be waived. (Ord. 732, September 2001; Ord. 667, 1998; Ord. 493, 1986; Ord. 405 S1 (part), 1981.)

**Section 7.** 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 \_\_\_\_\_, 2008.

\_\_\_\_\_  
Lloyd R. Carnahan  
*Mayor*

Attest:

Approved as to Form:

\_\_\_\_\_  
Stephanie Hoegh  
*City Clerk-Treasurer*

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

First Reading: \_\_\_\_\_

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

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF BENTON CITY,  
WASHINGTON, AMENDING SECTION 15.10.080  
“DEVELOPMENT”; AND AMENDING SECTION 15.10.320  
“SPECIFIC STANDARDS” TO INCORPORATE  
CHANGES REQUESTED BY THE WASHINGTON STATE  
DEPARTMENT OF ECOLOGY**

**WHEREAS**, the City of Benton City has recently updated Chapter 15.10 “Flood Damage Prevention” by Ordinance No. 840 to be consistent with the changes in State and Federal laws and regulations; and

**WHEREAS**, subsequent to the passage of Ordinance No. 840, the Washington State Department of Ecology has suggested additional changes to be made to the Ordinance and to incorporate such changes; NOW, THEREFORE,

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

**Section 1.** That Section 15.10.080 entitled “Development” of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

**15.10.080** **Development** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, ~~or~~ drilling operations, or storage of equipment or materials located within the area of special flood hazard. (Ord. 506, March 1987.)

**Section 2.** That Section 15.10.320 entitled “Specific Standards” of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

**15.10.320** **Specific Standards.** In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 15.10.220, Basis for Establishing the Areas of Special Flood Hazard or Section 15.10.290B, Use of Other Base Flood Data, the following provisions are required:

A. **Residential Construction.**

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to ~~or~~ one foot or more above base flood elevation.

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all openings shall be no higher than one foot above grade.
  - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement elevated to the level of one foot or more above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below one foot above the regulatory flood level, the structure is watertight with walls substantially impermeable to the passage of water.
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 15.10.290B2.
4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 15.10.320A2.
5. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one

foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).

- C. Manufactured Homes. All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at ~~or~~ one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 15.10.310A2.
  
- D. Recreational Vehicles. Recreational vehicles placed on sites within Zones A, A1-30, and AE, in the City's FIRM, must either (a) be onsite for fewer than 180 consecutive days, or (b) be fully licensed and ready for highway use, be on its wheels, or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanent attached additions; or (c) meet the requirements of Subsection C above. (Ord. 840, October 2008; Ord. 730, September 2001; Ord. 529, July 1989; Ord. 506, March 17, 1987.)

**Section 3.** 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 \_\_\_\_\_, 2008.

\_\_\_\_\_  
Lloyd R. Carnahan  
Mayor

Attest:

Approved as to Form:

\_\_\_\_\_  
Stephanie Hoegh  
City Clerk-Treasurer

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