

RESOLUTION NO. 2017-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENTON CITY, WASHINGTON, DECLARING A STATE OF EMERGENCY DUE TO THE PREVIOUS INSTALLATION OF THE INCORRECT WATERLINE PIPE OF A CITY WATERLINE AND RATIFYING ITS IMMEDIATE REPLACEMENT EXEMPT FROM PUBLIC BIDDING

WHEREAS, in March, 2017, it was discovered that a City waterline pipe under a portion of 12th Street in the City of Benton City was previously installed using a 6-inch thick wall C-200 PVC pipe when the pipe should be an 8-inch C-900 PVC pipe, jeopardizing water service to the Wrangler subdivision currently under construction; and

WHEREAS, the City does not have the equipment or the expertise readily available to replace the pipe requiring contracting with RP Development to accomplish the necessary replacement of the waterline pipe in order to supply water to the homes of the citizens of the City of Benton City; and

WHEREAS, RCW 39.04.280(1)(e) allows an exception to normal bidding requirements for public works in the event of an emergency; and

WHEREAS, the City Council, on April 4, 2017, declared the replacement of the waterline to be an emergency and authorized the immediate replacement of the water line to provide water services to the citizens of the City of Benton City, and to avoid material loss or damage to property, bodily injury, or the loss of life if immediate action is not taken; and

WHEREAS, the City Council ratifies the declaration of the emergency and the authorization for the emergency replacement of the waterline pipe, NOW, THEREFORE,

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

Section 1. Declaration of Emergency.

A. The City Council, based upon the findings above, declared on April 4, 2017, that an emergency exists resulting from the installation of incorrect waterline pipe as referenced in the City Council Meeting minutes attached as Exhibit A.

B. The City Council clearly finds and declares that there is a critical need to replace the waterline pipe to supply water services within the City, and to avoid a material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

C. The City Council waives the competitive bidding requirements as provided by RCW 39.04.280(1)(e).

D. The City Council ratifies the action of the Council authorizing an award on behalf of the City to contract with RP Development necessary to address the emergency situation, including the replacement of the pipe and such other services and equipment as may be necessary to complete the project.

ADOPTED this 18 day of April, 2017, by the City Council of the City of Benton City, Washington, at the regular Council meeting held on the 18th day of April, 2017, and signed in authentication of its passage this 18 day of April, 2017.

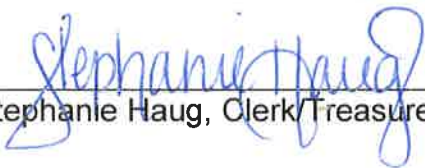
Resolution 2017-05 filed and recorded in the office of the City Clerk of the City of Benton City, Washington, this 18 day of April, 2017.



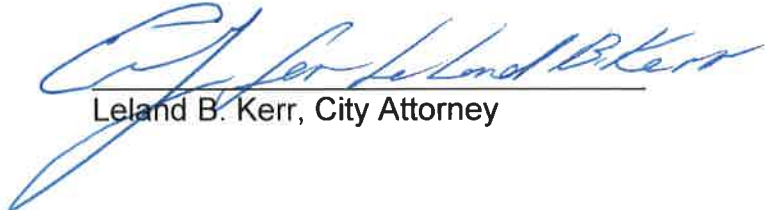
Linda Lehman, Mayor

Attest:

Approved as to Form:



Stephanie Haug, Clerk/Treasurer



Leland B. Kerr, City Attorney

CALL TO ORDER Mayor Lehman called the April 4th, 2017 Regular Council meeting at the Community Center to order at 7:00 p.m. (00:02:54*Audio recording begins)

PRESENTATION OF THE COLORS Randy Rutledge led the Council and audience in the Pledge of Allegiance. (00:03:12*)

ROLL CALL (00:03:41*) Council Members Present

Vanessa Coates
Dave Sandretto
Jake Mokler
Mary Lettau

Council Members Absent
Lisa Stade (Excused)

City Staff Present
Paula Kauer, General Clerk

City Staff Absent
Stephanie Haug, City Clerk/Treasurer
Kyle Kurth, Maintenance Department Foreman

Other Professionals Present –
Eric Ferguson, City Attorney, Kerr Law Group
Alan Rainey, City Engineer, Spink Engineering LLC

Mayor Lehman: Does someone want to move to excuse Councilman Stade?

Councilmember Sandretto: I'll make that motion.

Councilmember Lettau: I second.

MOTION #1-C. D. Sandretto moved and C. M. Lettau seconded to excuse Councilmember Stade from the April 4th, 2017 Regular Council Meeting.

VOICE VOTE #1-C. D. Sandretto, C. V. Coates, C. M. Lettau, C. J. Mokler
ALL YEAS. Motion carried.

READING AND APPROVAL OF MINUTES (00:04:11*) – **REGULAR MEETING MARCH 21ST, 2017**

Councilmember Sandretto: Madam Mayor, I make a motion to approve the Minutes as they are written (inaudible).

Councilmember Coates: I'll second.

MOTION #2-C. D. Sandretto moved and C. V. Coates seconded to approve the Minutes of the March 21st, 2017 Regular Council Meeting as presented.

VOICE VOTE #2-C. D. Sandretto, C. V. Coates, C. M. Lettau, C. J. Mokler
ALL YEAS. Motion carried.

OPENING REMARKS, "HOUSEKEEPING" ITEMS, EXECUTIVE SESSION REQUESTS, ETC. (00:04:39*)

Mr. Ferguson: I need to amend the Executive Session request on the Agenda, looks like we have Executive Session 2, excuse me, 3, under R.C.W.42.30.110(b), we need to add (c) as well, so (b) and (c), please.

APPROVAL OF AGENDA (00:05:08*)

Mayor Lehman: I spoke with Mr. Kerr yesterday, and he would like us to postpone the Second, the First Reading of H.2., Creating a Property Acquisition & Disposition, until he has time to review Mr. Sandretto's alternative. He did not have time to do that before this meeting, so he asked that we postpone it until next, next meeting and he will be there, so I think I need a motion?

Councilmember Sandretto: Make that motion to table until next meeting, to hear Mr. Kerr's review.

Councilmember Coates: I'll second.

MOTION #3-C. D. Sandretto moved and C. V. Coates seconded to table Item H.2. on its First Reading, an ordinance creating 2.30 Property Acquisition & Disposition, until the April 18th, 2017 Council Meeting.

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

Councilmember Lettau: Madam Mayor, I move to approve the Agenda as amended.

Councilmember Mokler: I'll second.

MOTION #4-C. M. Lettau moved and C. J. Mokler seconded to approve the Agenda for the April 4th, 2017 Regular Council Meeting as amended.

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

VISITOR COMMENTS (00:06:37*)

Pam Anderson, 7th Street – Expressed support for the Tim Fulton horse issue

Cathy Page, 712 12th Street – Expressed support for the Tim Fulton horse issue

REGULAR REPORTS (00:15:57*)

1. E.D.C. REPORT (00:16:00*) Randy Rutledge, Benton City E.D.C. Report provided

Mr. Rutledge gave notice of last meeting for Benton City Economic Development Council as Executive Board has decided not to renew his contract. He opened the floor to Mark Laughlin, Caren Wheeler and Eric Weinheimer, agricultural real estate agent, to discuss two hundred plus acres available through Smith Orchards next to Ki-Be Market. It is their belief this location would offer a great location for soccer and softball fields and could be a huge opportunity for Benton City. Mr. Laughlin provided Three Rivers Soccer handouts with information on local area soccer program and projected retail revenues. Mr. Weinheimer detailed the substantial acreage and suggested meeting with school district regarding funding. He also stated several of the residential developers he contacted have expressed interest. Council and community members in attendance expressed enthusiasm and positive support.

2. STAFF REPORTS (00:41:44*) Paula Kauer, General Clerk None

3. ENGINEER REPORT (00:41:52*) Alan Rainey, City Engineer, Spink Engineering LLC

Mr. Rainey gave status report for Liquivision, reservoir cleaners hired by City to clean and repair water towers. Crew began with the reservoir in Legion Park however they were unable to fix the leak in the small tower. He will work with Wade and Kyle on a fix. The rubber gasket seal at the entryway is starting to wear out and should be replaced in three to four years. The water tower will need to be drained to do so. Liquivision unable to access large reservoir due to AT&T mounted antenna over entry hatch, however they don't anticipate build up problems. Company is in the area about twice a year. Biggest cost is mobilization which runs about \$450. Cost for cleaning the tank was \$1,800. Wade is in contact with AT&T regarding the blocked hatch, currently awaiting call back. **Mr. Rainey** suggested City begin looking at increasing connection fees and rates for sewer system. City has four lift stations that need to be replaced at some point. These replacements may not qualify as economic development so the County fund, the '09 money, might not be available. **Mayor Lehman** confirmed County is challenging the qualifying as economic development. **Mr. Rainey** agreed two lift stations possibly covered by the money, but noted four other lift stations needing replacement won't be, three for certain. One possibly covered as economic development where houses are being built, but projects need to generate long term jobs as requirement for qualification. **Mr. Rainey** verified estimates to replace lift stations could be between \$250,000 to \$400,000 per site, depending on size, location and operational status during replacement. He suggested City look at this issue in near future. There were no additional questions or comments by Council or community members.

4. COUNCIL COMMITTEE REPORTS (00:48:12*)

Councilmember Sandretto – Will be unable to attend PAC Meeting on Thursday the 14th due to business travel

ITEMS FOR APPROVAL (00:49:14*)

1. SECOND READING – ORDINANCE #970 ADOPTING THE 2017-2022 CAPITAL FACILITIES PLAN

(00:49:18*)

Councilmember Sandretto: Madam Mayor, I move to approve Ordinance 970 of the City of Benton City, Washington, on its Second Reading, adopting the 2017-2022 Capital Facilities Plan.

Councilmember Mokler: Second.

MOTION #5-C. D. Sandretto moved and C. J. Mokler seconded to approve, on its Second Reading, Ordinance #970, an ordinance of the City of Benton City, Washington, adopting the 2017-2022 Capital Facilities Plan.

VOICE VOTE #5-C. D. Sandretto, C. M. Lettau, C. V. Coates, C. J. Mokler
ALL YEAS. Motion carried.

2. FIRST READING – ORDINANCE – CREATING 2.30 – PROPERTY ACQUISITION & DISPOSITION

(00:49:44*) Item tabled until April 18th, 2017 Council Meeting.

3. AWARD BID – 2017 SEWER LINING WORKS – A. RAINEY (00:49:46*)

Mr. Rainey: We have a bid for the sewer repair work and it came in significantly under our estimate, and talking with the contractor, he said he bid the work to keep a crew busy, so he wanted to make sure he got the work, so, and it's a reputable contractor. We did contact six different contractors, they all have the bid package and we got one big. Quite a few of them are pretty busy.

Councilmember Sandretto: Was this on par with what you expected?

Mr. Rainey: Yeah, it was a little bit less. I know we estimated a little bit high just to make sure we covered because you never know, you know, if everybody's busy and somebody's going to throw out a number, you got to make sure they pay their crew well for being out there.

Councilmember Lettau: Madam Mayor, I move to award the contract for the 2017 Sewer Repair Project to Sharpe & Prezler Construction Co., Inc. in the amount of \$38,482.41.

Councilmember Sandretto: Second.

MOTION #6-C. M. Lettau moved and C. D. Sandretto seconded to award the contract for the 2017 Sewer Repair Project to Sharpe & Prezler Construction Co., Inc. in the amount of \$38,482.41.

ROLL CALL VOTE #6-C. D. Sandretto, C. M. Lettau, C. V. Coates, C. J. Mokler
ALL YEAS. Motion carried.

4. EXISTING WATERLINE REPLACEMENT – WRANGLER ADDITION – A. RAINEY (00:51:32*)

Mr. Rainey: So what we thought we had for a water line going across there, we thought we had eight inch PVC, the standard PVC that you would see in a water system. It was a Class 200 PVC pipe more of what you'd see out of an irrigation system and so, initially we thought it should work okay, I mean it's, the pressure rating is pretty high but then when we came up and found there was actual services on this, for I guess some lots that were laid out years ago, the actual saddle, service saddles on there, were, it's kind of hard to explain it but they were kind of a snap-together glue on PVC. It's something that I've never seen, the inspectors never seen, the contractor's never seen it and there was a supplier that's working, now working for the contractor, he used to work for HD Supply, he's never seen anything like it. So, rather than leave who knows how many of these PVC lines out there, we decided, talking with Kyle, that it's better to have them abandon that one and put a new water line in that we feel pretty comfortable with for the long term. And the, yes, thank you, the size was, on the maps that we've seen, it shows eight inch but in reality it's a six inch line out there. So, we got a quote from the contractor that's doing the work out there, to do the work in place, because he's getting ready to start the water like tomorrow, I guess, as soon as they find out about this.

Mr. Ferguson: One of the things that we'll need to do is, we'll need to make a motion, if you all want to go forward with this, we'll need to make a motion to for emergency exception to the public works bidding requirements and the reason why I would be recommending that is because the maps that the contractor relied on, apparently were not correct. The, we could potentially be in trouble or get on the hook for delays to put in lines that were supposed to be there that aren't. They can do the work, if they can add this to the project they're already doing, so I think it does qualify as an emergency exception to public works bidding process but we probably need to have a motion to have this body find that this does meet that requirement and then we can go forward with the approval of that. That would not (inaudible). Based on, you would be finding based on the facts that Mr. Rainey just told you that besides the pipe is both undersized and what we, what the contractor (inaudible) on their project, and also for the apparent lack of quality.

Councilmember Sandretto: I make a motion to waive bid requirements under emergency status to allow for and the approval of hiring RP Development to upgrade section of water line on 12th Street as recommended by the City Engineer and the Maintenance Foreman in an amount not to exceed \$36,000.

Councilmember Mokler: Second.

MOTION #7-C. D. Sandretto moved and C. J. Mokler seconded to waive bid requirements to allow RP Development to upgrade a section of water line on 12th Street as recommended by the City Engineer and the Maintenance Foreman in an amount not to exceed \$36,000.

ROLL CALL VOTE #7-C. D. Sandretto, C. J. Mokler, C. M. Lettau, C. V. Coates
ALL YEAS. Motion carried.

5. PAVEMENT STRIPING – K. KURTH (00:57:11*)

Councilmember Lettau: Madam Mayor, I move to approve hiring Pavement Surface Control to stripe roads, crosswalks, and City owned parking lots as recommended by the Maintenance Foreman in an amount not to exceed \$8,354.

Councilmember Mokler: Second.

MOTION #8-C. M. Lettau moved and C. J. Mokler seconded to approve hiring Pavement Surface Control to stripe roads, crosswalks and City owned parking lots as recommended by the Maintenance Foreman in an amount not to exceed \$8,354.

ROLL CALL VOTE #8-C. M. Lettau, C. D. Sandretto, C. J. Mokler, C. V. Coates
ALL YEAS. Motion carried.

6. LIBRARY FENCE – K. KURTH (00:59:09*)

Council requested more information regarding the library fence project before proceeding as there are questions regarding placement and access availability. Council chose to table issue until Maintenance Foreman is available to attend meeting.

Councilmember Sandretto: Madam Mayor, I'll make a motion to table this until Kyle is available.

Councilmember Coates: I'll second.

MOTION #9-C. D. Sandretto moved and C. V. Coates seconded to table library fence motion until the April 18th, 2017 Council Meeting to hear from Maintenance Foreman Kyle Kurth.

VOICE VOTE #9-C. M. Lettau, C. D. Sandretto, C. J. Mokler, C. V. Coates
ALL YEAS. Motion carried.

5. VOUCHERS (01:03:56*)

Councilmember Coates: I move to approve payment of Claim check numbers 28356 through 28376 with EFTs as listed in the amount of \$77,415.20 this 4th day of April, 2017.

Councilmember Lettau: Second.

MOTION #10—C. V. Coates moved and C. M. Lettau seconded for the City Council of the City of Benton City, Washington, to hereby authorize payment of Claim Check Numbers 28356 through 28376 with EFTs as listed in the amount of \$77,415.20 this 4th day of April, 2017.

ROLL CALL VOTE #10—C. J. Mokler, C. D. Sandretto, C. V. Coates, C. M. Lettau
ALL YEAS. Motion carries.

ITEMS FOR DISCUSSION (01:04:35*)

1. GRANT OPPORTUNITIES – SUE JETTER (01:04:37*)

Ms. Jetter outlined grant information included in Council Meeting packets, and mentioned number of agencies and entities as possible funding sources. Grants sought through RCO Washington State Office require cities to have an RCO approved plan to be eligible for application for grant funds. Current plan expired in 2008 but now in process of reapplying to be eligible for another six years. March 2018 is deadline for this approval in order to qualify for round of funding available May 2018. Summary for plan framework includes seven sections: four drafts; demands and need analysis; the Capital Improvement Plan and the Public Involvement Survey results.

Councilmember Mokler stated he is a big proponent for more ball fields section relative to sports complex with soccer and softball fields, but wasn't happy with way it was presented in the survey.

Councilmember Coates agreed choice could have been more descriptive.

Ms. Jetter indicated she can change how data is depicted on graphs if desired.

Councilmember Mokler pointed out many of the street names used in results were old city street names no longer in use. The City Engineer is preparing new maps for grant purposes and Paula Kauer will provide updated street names for Ms. Jetter.

Goals and objectives include items pulled from the old Capital Facilities Plan or Growth Management Plan, Shoreline Management Plan, and previously stated Council goals.

Ms. Jetter gave overview of those goals and objectives, provided examples of how they would be used to qualify for future grants, and suggested researching possible funding opportunities through community resources/partnerships. Examples were offered and timelines explained.

Ms. Jetter discussed benefits of Acquisition and Development Grants and other funding sources and explained how Youth Athletic Facilities grants worked. Some funding sources require 501(c)(3) status to qualify. She provided a partial list of national banks, foundations and other entities that may have grant funding available, many requiring a comprehensive application process.

Steve Rouse questioned number of surveys received versus population of City and percentage represented.

Councilmember Lettau inquired about number of households located in Benton City.

Ms. Kauer stated estimated population is 3,200 people with about 975 households connected to City services.

Mr. Rouse was concerned survey did not represent enough of the population of Benton City and felt it should include Kiona-Benton School District and people that would be involved with parks and recreation in area.

Mayor Lehman confirmed surveys were sent to schools, the Red Mountain area and several locations outside the city limits. She asked for suggestions of how to get more of community to respond.

Mr. Rouse reiterated survey response was still less than 25%, yet those people would be expected to pay for improvements. He felt it should represent at least 52% of population of District No. 52.

Councilmember Sandretto verified survey was sent out in water bills.

Mr. Rutledge confirmed survey was handed out at Benton City Daze.

Ms. Jetter established returns represent less than 1%.

Mr. Rouse felt it was inappropriate to tax people if they didn't have a voice.

Councilmember Coates pointed out people have had plenty of opportunities to voice their opinions.

Ms. Jetter noted this survey is not the basis for taxing any projects; it is simply the basis for ideas and where to find grants.

Councilmember Mokler stated Council is only asking the public for their ideas.

Mr. Rouse questioned why trails for both man and beast can't follow KID right-of-ways, stating City would not have to acquire additional property.

Ms. Jetter stated these ideas could be considered by planning group.

Mayor Lehman indicated the next step would be to get together with staff.

Mayor Lehman: So with that, our public meeting portion is closed and we will go into Execution Session now from, which will probably last, let's say half hour? Half hour to forty minutes and then (inaudible). At this time, I'd like us to take a five minute break. (01:47:28*Audio recording ends)

2. EXECUTIVE SESSION – R.C.W.42.30.110(1i)(ii) – Potential Litigation (*)

3. EXECUTIVE SESSION – R.C.W.42.30.110(b) – Real Estate Acquisition (*)

4. EXECUTIVE SESSION – R.C.W.42.30.110(c) – Real Estate (*)

**** Executive Session begins at 8:50 p.m. ****

***** Executive Session ends at 9:20 p.m. *****

GENERAL COUNCIL COMMENTS (*) None

ADJOURNMENT – Mayor Lehman (*)

Councilmember Lettau: *I make a motion that we adjourn.*

Councilmember Mokler: *Second.*

MOTION #11–C. M. Lettau moved and C. J. Mokler seconded to adjourn the April 4th, 2017 Regular Council Meeting at 9:22 p.m. (*)

VOICE VOTE #11–C. D. Sandretto, C. M. Lettau, C. V. Coates, C. J. Mokler
ALL YEAS. Motion carried.

Meeting adjourned at 9:22 p.m. (*)

Linda Lehman
Mayor, City of Benton City

Paula Kauer, General Clerk
City Clerk-Treasurer

Date: _____