

# BINGEN CITY COUNCIL MINUTES

March 18, 2008

The meeting was called to order by Mayor Prigel at 7:00 p.m. Council members present: Sandi Dickey, Betty Barnes, Tim Hearn, Terry Trantow, and Laura Mann. City Clerk Treasurer Jan Brending and Attorney Tad Connors were present. Audience: Bruce Brending, Bill Eling, Etta Hepner, Barbara Sexton, Judy Farrell, Jesse Burkhardt.

## Public Comment

### *Bill Eling, Attorney for Rich Cortese*

Bill Eling said he is Rich Cortese's attorney and that he is making comments before the city council based on the article in The Enterprise. He said that he is surprised by the Bingen city council's limitations on the options that might be available to settle the issue. Eling urged Bingen to speak with White Salmon to see what can be done.

Tad Connors noted that Bill Eling served as the Bingen city attorney for years. He said that he does not believe the Bingen city council was as narrowly focused as the article might have portrayed.

Betty Barnes said the city is focused on how many officers the police department will have and how the White Salmon financial situation that was presented will affect the department.

## Approval of Minutes – March 4, 2008

Corrections to the minutes of the March 4, 2008 city council meeting were noted as follows:

Page 1, 1<sup>st</sup> paragraph, last sentence should read as follows: "Audience: Bruce Brending, Bruce Bolme, Jesse Burkhardt, Etta Hepner, David Spratt, Kevin Kelly, Barbara Sexton."

Page 2, 7<sup>th</sup> paragraph should read "The city council reviewed a proposed interlocal agreement between the City of Bingen and the Washington State Patrol for reimbursement of fire mobilization costs when the city responds to fires outside of the city limits."

Page 3, 8<sup>th</sup> paragraph should read: "It was agreed the city will remove any underground utilities from the property leaving the water hookup."

Page 4, 6<sup>th</sup> paragraph, 5<sup>th</sup> sentence should read "Barnes said that the mayor of White Salmon stated that it is possible that the department could have less than 5 officers including the chief depending on the outcome of the lawsuit and financial implications."

Page 4, 10<sup>th</sup> paragraph, add the following sentence at the end of the paragraph: "Brending said he assumes the city council is looking at cuts across the board."

Page 4, 13<sup>th</sup> paragraph should read as follows: "Brian Prigel said he believes Bingen has had the best police coverage since the merge of the departments. He said the city needs to look out for the safety and welfare of the citizens of Bingen. Prigel said that he hopes the situation does not play out as it possibly could and that the department can continue. He said he hopes that White Salmon recognizes that 24/7 coverage is important and is one of the reasons why the merge took place. Prigel said Bingen needs to know its options."

Page 5, 3<sup>rd</sup> paragraph, 2<sup>nd</sup> sentence should read as follows: "She said a situation recently occurred that brought to light that it might not be a good idea to share a back hoe between the water department and treatment plant."

Laura Mann moved to approve the minutes of the March 4, 2008 city council meeting as amended. Betty Barnes seconded the motion and it was unanimously passed.

## Proposed Request for Proposals, Museum Planning – Review and Request for Authorization to Issue

Betty Barnes said she will step down from the city council temporarily while it is discussing the museum planning.

Jan Brending said the joint museum planning committee met to review the draft request for proposals. She said the committee agreed to forward the draft document to the city council supporting the request for authorization to issue. Brending said about a year ago she originally estimated about \$10,000 to

complete the planning. She said at that time she was not including an assessment of the existing facility and that could add to the project costs. Brending said the city has also not discussed with the museum board the option of having the museum pay a portion of the planning costs. She said she is not recommending that option at this time but wanted to make the city council aware that there might be an opportunity for the board to help out with funding.

Brian Prigel said the city council has talked about this issue for a long time and that last year it had agreed to move forward. He said that he believes the planning process will be very helpful to both entities.

Terry Trantow suggested that references to the Susksdorf house be deleted.

Jan Brending said she deleted the section that required an assessment of moving the Susksdorf house but felt it was important to keep the other references in the document because it is something the museum wants to consider in the planning process.

Terry Trantow asked that the Suksdorf House be referenced as the Wilhelm Suksdorf House.

Staff and city council discussed the evaluation criteria. Jan Brending noted it is the same criteria that is being used in the RFP process for the community center/park planning.

Laura Mann said she thinks the RFP looks good and the process should move forward.

Tim Hearn noted that he is a member of the museum.

Betty Barnes and Terry Trantow recused themselves from voting on the project.

Laura Mann moved to authorize the release of the Request for Proposals for Museum Planning. Tim Hearn seconded the motion and it was passed unanimously.

#### **Public Hearing – Proposed Ordinance 08-02-543, Adopting BMC 9.30 Disorderly Conduct**

Bruce Brending provided an overview of the proposed disorderly conduct ordinance. He provided examples of situations that can occur which are not covered by state law.

Tad Connors said he did modify the proposed ordinance slightly from the version that has been adopted by the City of Goldendale and City of White Salmon.

Laura Mann said she is concerned about adopting the ordinance as it is too restrictive. She said she has concerns particularly 9.30.010 B and F. Mann said she feels the ordinance is too restrictive of people's good judgment. She said that could not find any communities that have adopted a similar ordinance.

City council members and staff discussed different scenarios in which the ordinance might be applied.

Betty Barnes moved to adopt Ordinance 08-02-543, Adopting Bingen Municipal Code 9.30 Disorderly Conduct. Terry Trantow seconded the motion. The motion carried 3 to 2 with the following vote: Barnes – Aye, Dickey – Aye, Hearn – Nay, Mann – Nay, Trantow – Aye.

#### **Maple Street Reconstruction Bid Results – Discussion of Next Steps**

Brian Prigel provided an overview of the memorandum updating city council members on the Maple Street Reconstruction Project (see memorandum dated March 14, 2008). He said bids results were opened on March 7 with the apparent low bidder at \$449,355. Prigel noted the engineer's estimated as \$403,355. Prigel said the city presented a request for funding to the Klickitat County EDA Board who recommended that the city make request to the County Commissioners. He said he and Jan Brending will make a presentation to the county commissioners on March 25. Prigel said the city will also be making a presentation to the Transportation Improvement Board on March 27 for additional funding.

The city council discussed funding scenarios and the possibility of identifying some options that could be removed from the project to save money.

Jan Brending said she will present additional information to the city council at its April 1 meeting with hopefully a recommendation to award the project.

## **Treasurer's Report – January and February 2008**

Jan Brending presented the treasurer's reports for January and February 2008. She said she will be asking for a budget committee meeting soon to begin developing the first budget amendments to the 2008 budget.

Laura Mann moved to accept the Treasurer's Reports for January and February 2008. Sandi Dickey seconded the motion and it was unanimously passed.

## **Old Business**

### ***Purchase of Backhoe***

Brian Prigel said David Spratt and Tom Hons have inspected the backhoe owned by the City of Vancouver. He said it was determined not to be in good of condition as expected but still acceptable. Prigel said the City of Vancouver reduced the price from \$15,000 to \$12,300.

## **Mayor's Update and City Council Comments**

### ***White Salmon Water Ordinance Amendment***

Laura Mann asked if White Salmon fixed its ordinance as it relates to the city of Bingen.

Jan Brending said an amendment to the ordinance was adopted at the last White Salmon city council meeting. She said the ordinance provides that the purchase of water by Bingen will be handled through an interlocal agreement.

### ***Bingen-White Salmon Police Department***

Bruce Brending said he has ordered the gear for the new officer who has passed the requirements to attend the academy. He said the officer is due to start on Monday. Brending said Mayor Poucher with say yes or no to the officer moving forward after the city council meeting on Wednesday. He said that he hopes things will go forward but at this point none of it is definitive.

Tad Connors said he thinks Bill Eling was saying that it is not just the choice of taking care of Richard Cortese with a result in cutting the department. He said he thinks that Eling was trying to tell Bingen that there is a possible solution where everyone would win.

Bruce Brending said that he hopes the Bingen council members would trust the officers of the Bingen-White Salmon Police Department not to wreck havoc on its citizens with the passage of the disorderly conduct ordinance. He said he really does think the ordinance will better serve the community.

Bruce Brending said the county and the two police departments applied for a small block grant which has resulted in the opportunity to purchase another speed trailer. He said there will now be 2 speed trailers available in the county.

### ***Parking***

Betty Barnes noted that there has been a car parked in front of 400 W. Steuben for several weeks with a "For Sale" sign on it. She asked that it be taken care of as soon as possible.

### ***Signage***

Betty Barnes said the sandwich board sign for Gorge Rent It is located directly in the middle of the sidewalk and is blocking pedestrian passage.

Sandi Dickey said she will take care of the problem.

### ***Eagles Sidewalk***

Betty Barnes raised the issue with the incomplete sidewalk on the west side of the Eagles along Walnut.

Jan Brending said she will contact someone to see how much it will cost to address the issue. She noted that is more complicated than just installing concrete due to the door on the west wall.

### ***Parking – Steuben Street***

Betty Barnes said she has received a complaint from a business located on Steuben about other business employees using Steuben for parking.

Jan Brending said she is contacting businesses about parking on Depot and can also address the Steuben Street issue at the same time.

**Executive Session**

At 8:35 p.m., Brian Prigel announced the city council will enter into executive session for 35 minutes to discuss potential litigation.

At 9:00 p.m., the city council resumed regular session.

**Bingen-White Salmon Police Department 2008 Budget**

The city council discussed offering a one time payment to the City of White Salmon for the 2008 police budget with the possibility of amending the interlocal agreement to provide for a 5-year extension of the agreement as currently written.

Betty Barnes moved to authorize Mayor Prigel to talk to the mayor of White Salmon about applying the \$37,310.02 overpaid for 2007 services to the 2008 police budget (in addition to the amount that would normally be paid by Bingen) with the understanding that White Salmon will extend the current agreement as written for a 5-year period and that White Salmon would hold harmless the city and its employees, agents, and officers harmless. Laura Mann seconded the motion and it was passed unanimously.

**Vouchers**

Vouchers audited and certified as required by RCW 42.24.080 and expense reimbursement claims certified as required by RCW 42.24.090 as of this date March 18, 2008. The council by unanimous vote does approve for payment the following list: checks 9851 through 9879 totaling \$28,290.47 and payroll checks 9833 through 9850 totaling \$11,851.47 and manual checks 9832 for a total of \$11.58 for a grand total of \$40,153.52. Current - \$9,154.93; Street - \$1,358.04; Community Development - \$4,287.50; Street Construction & Maintenance - \$2,625.00; Water – \$1,377.86; Sewer - \$603.92; Bingen Treatment Plant - \$3,127.11; Dallesport Treatment Plant – \$4,310.56; Treatment Plant Replacement - \$13,308.60.

At 9:12 p.m. the council adjourned.

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City Clerk

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Mayor