

BINGEN CITY COUNCIL MINUTES

August 5, 2008

The meeting was called to order by Mayor Prigel at 7:00 p.m. Council members present: Terry Trantow, Tim Hearn, Laura Mann, Sandi Dickey. Council members absent: Betty Barnes. City Clerk Treasurer Jan Brending and Attorney Tad Connors were present. Audience: Bruce Brending, Kitty Landgren, Mamie Potter, Cesar Sanchez, Mariam Sanchez, Javier Sanchez, Tom Fitzgibbons.

Public Comments

Tom Fitzgibbons, City of Goldendale – Animal Control and Bruce Brending, Bingen-White Salmon Police Department

Tom Fitzgibbons said that he was not in town when the two incidents took place.

Bruce Brending provided information to the city council regarding the first incident when the pit bull bit an individual. He said the dog was designated a “potentially dangerous” dog and the dog owner was notified of the requirements to keep the dog under control. He noted that the incident started out as a challenge to another dog and when one of the dog owners tried to separate the dogs that is when the owner was bitten.

Laura Mann asked if the dog is a larger dog.

Bruce Brending said it is a pit-bull mix.

Brian Prigel said it is his understanding that the designation of a dog as “potentially dangerous” puts the owners on notice and any subsequent incident will result in a different designation.

Tad Connors said that is correct. Connors reviewed the requirements for a “dangerous” dog designation. He said a very thorough report for the April 2008 incident was filed by the police officer.

The city council discussed the definition of “potentially dangerous dog.”

Terry Trantow said with the second offense a dog is deemed dangerous and requires the owner to have additional responsibilities. He said a dog owner has a responsibility to handle their dog.

Brian Prigel said the city can consider several options: banning pit bulls or adding additional restrictions when a dog is designated “potentially dangerous.”

Tad Connors said banning dogs is difficult to do and difficult to enforce. He said the city could consider looking at the definition of “potentially dangerous dogs” and do something similar to how it handled its parking ordinance. Connors said it is important to remember that whatever is adopted must be followed and implemented.

Cesar Sanchez and Mariam Sanchez, Bingen

Cesar Sanchez said their family members were the ones who were attacked by the pit bull. He said they want to make sure it never happens again. Sanchez said he is particularly concerned about children as there is a bus stop in the area. He said he wants the city to do something about the issue so that it does not happen again. Sanchez said it hurt to see the family members wounded and that there was blood everywhere. He said the dog had previously attacked or bitten other people in the neighborhood. Sanchez asked the city council to make sure something like this does not happen again and that it should take extreme measures. He said a life was not lost but it could happen the next time.

Brian Prigel said the city’s sympathy goes out to the family. He said it was a very unfortunate incident and would hate to see it happen again.

Brian Prigel explained that the city is currently operating under state law regarding the designation of dogs as “potentially dangerous” and “dangerous.” He said that depending on the situation the first incident of a bite can result in the dog being deemed “potentially dangerous” with a 2nd incident resulting in the “dangerous” designation. Prigel said the city can take two routes in tightening restrictions on dogs (1) banning breeds of dogs which can be difficult to enforce or (2) developing restrictions on dogs that are deemed aggressive or potentially dangerous. He said he would like to hear from the council as to how they feel the city should proceed.

Tim Hearn said he would like to see pit bulls banned from town.

Sandi Dickey said she agrees. She said that when she walks in town she carries a club. Dickey said that after the incident she didn't walk in town for awhile. Dickey said this is something that the city needs to look at. She said she knew nothing of the first incident and feels that the first victim was also traumatized.

Javier Sanchez said there were other incidents with the same dog but people were afraid to come forward though he did not know why.

Jan Brending said there have been no other reports to city hall about this specific dog or incidents involving aggressive behavior.

Cesar Sanchez said the fence in which the dog was being contained was not high enough.

Bruce Brending said the dog was seized and placed in quarantine. He said with agreement from the dog owner it has been put down and will not be coming back to Bingen.

Tom Fitzgibbons said that with the first incident the dog was also quarantined for 10 days but the dog was then released back to the owner. He said it is his understanding that a citation was issued with the first incident.

Terry Trantow said the council has discussed this issue in the past. He said he does not believe the council can do much about banning dog breeds but feels the council can develop an ordinance that is more restrictive than the state regarding potentially dangerous dogs.

Tad Connors said the issue of whether or not the incident could have been prevented is subject to discussion. He said the county attorney is considering whether or not the case will be prosecuted at a felony level.

Mamie Potter said if the dog owner is responsible than there is not a problem.

Tom Fitzgibbons said that if the dog is designated "dangerous" under the state statute a dog owner must obtain additional insurance, keep the dog in an enclosure that has very specific requirements, and the dog must be muzzled whenever it leaves the enclosure.

Bruce Brending said that if a dog was designated "dangerous" the premises would be inspected and proof of insurance would be required before the dog was returned to the owner.

Brian Prigel noted that Betty Barnes submitted comments to the city council regarding the incident. He said she has suggested the city consider amending its ordinance to develop a new classification with additional restrictions.

Laura Mann said she has a dog that menaced a newspaper boy which resulted in the dog being designated "potentially dangerous." She said no one knew that she owned a "potentially dangerous" dog. Mann said it might help if people knew where these dogs were located by public posting or through the newspaper. Mann said she is not looking to single out certain dogs. She said she feels the city has to have laws for all dogs.

Terry Trantow said the dog owner must have responsibility.

There was council consensus to explore strengthening the city's dog ordinance.

Javier Sanchez said that he feels the city council should focus on things like dogs instead of a noise ordinance.

Brian Prigel said it was unfortunate that the city was not notified of the prior incidents involving the dog.

The city council agreed that staff will develop several options for amending the dog ordinance and hold a public hearing at the first meeting in September.

Brian Prigel thanked the Sanchez family for attending the meeting and said the city will look at what it can do.

Cesar Sanchez said he appreciates the city considering options.

Approval of Minutes – July 15, 2008

Changes to the July 15 city council meeting minutes were noted as follows:

Page 3, 6th paragraph should read: “Brian Prigel said the proposed resolution supports his decision to declare an emergency when the Park Well pump failed and to establish a sole source contract with M-K Drilling to pull and replace the pump.”

Laura Mann moved to approve the minutes of the July 15, 2008 city council meeting as amended. Terry Trantow seconded the motion and it was unanimously passed.

Interlocal Agreement with White Salmon – Purchase of Water

Jan Brending said the interlocal agreement provides for the cost of the water purchased by Bingen from White Salmon. She said the agreement has been reviewed by Tad Connors. Brending noted that if the council approves the agreement it will be forwarded to White Salmon for approval.

Corrections to the agreement were noted as follows: Page 1: change “PUROSE” to “PURPOSE” and Page 2: change “effect” to “effective.”

Terry Trantow moved to approve the interlocal agreement as corrected with White Salmon for the purchase of water. Sandi Dickey seconded the motion. The motion carried with the following vote: Barnes – Absent, Dickey – Aye, Hearn – Abstain, Mann – Aye, Trantow – Aye.

Interlocal Agreement with White Salmon – Wastewater Treatment Plan Operations and Maintenance Funding

Jan Brending said the interlocal agreement provides for how the operations and maintenance of the wastewater treatment plan is funded. She said the agreement has been reviewed by Tad Connors. Brending said the agreement, if approved by the council, will also be forwarded to White Salmon for approval.

Corrections to the agreement were noted as follows: Page 1: change “PUROSE” to “PURPOSE” and Page 2: change “effect” to “effective.”

City council members and staff discussed items 11 and 12 in the agreement. It was noted that the prior agreement of March 5, 1991 and amended June 6, 1995 is not replaced by this interlocal agreement.

Laura Mann moved to approve the interlocal agreement as corrected with White Salmon for the purchase of water. Terry Trantow seconded the motion and it was passed unanimously.

Charter Communications Franchise – Extension

Jan Brending said Charter Communications is again pursuing renewing the franchise with the city. She said an extension of the franchise is necessary.

Laura Mann moved to approve the franchise extension with Charter Communications. Terry Trantow seconded the motion. The motion carried with the following vote: Barnes – Absent, Dickey – Aye, Hearn – Nay, Mann – Aye, Trantow – Aye.

Mayor’s Update and Council Comments

Park Grass

Brian Prigel said that when the city experienced the well pump failure the grass in the park was not watered for several weeks. He said the grass began to go dormant but it is now being watered everyday to help it become greener in time for Huckleberry Festival.

White Salmon Water

Brian Prigel said he recently attended a meeting in White Salmon regarding the White Salmon water situation. He said the meeting involved legislative representatives and representatives from the Department of Ecology and Department of Health. Prigel said White Salmon has developed a pilot project for filtering Buck Creek. He said White Salmon is seeking permission to begin the design of the permanent filtration plant. Prigel said the Department of Health said there is a slight risk of moving ahead with design before all testing is completed. He said he believes the risk is minimal.

Insitu

Brian Prigel said that most everyone has heard the news that Boeing has acquired Insitu. He said Insitu will be operated as a stand alone company. Prigel said the board will be made of half Boeing members and half Insitu members. He said the company currently has 364 employees.

Gorge Games Skate Park Facility

Laura Mann said she received a phone call from Betty Barnes asked about the status of the “skate park facility” constructed for Gorge Games.

Jan Brending said she was contacted by an individual who is friends with the individual who constructed the facility for Gorge Games. She said she was told that if the city could convince SDS to pay/donate the materials that was used for the facility then it could be donated to the city. Brending noted the city intends to design and construct a permanent skate park next spring and summer. She said the city would have to identify a location, prepare the site, and try to move the facility for only a short period of usage.

The city council agreed not to pursue obtaining the Gorge Games skate park facility.

Business Loss

Jan Brending said three different businesses have closed: Gorge Wine Merchants, Viento, and Ice Train/Café on the Corner.

Bingen-White Salmon Police Department

Bruce Brending said that the new police officer graduated from the academy 5th in the class. He said he is now working with other officers. Brending said the department now has six officers including the police chief. He said the normal training period is 10 weeks but it could be less. Brending said because of the officer’s experience as a reserve he comes with a lot of qualifications.

Brian Prigel asked if the department will be hiring more officers.

Bruce Brending said possibly. He said he is fighting to increase staff. Brending said he is waiting for the audit report from LEMAP.

Brending noted that the first accident on the Maple Street project occurred. He said it was likely related to a gate failure/error.

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 August 5, 2008. The council by unanimous vote does approve for payment the following list: checks 10283, 10297 through 10300, 10342 through 10343, 10345 totaling \$2,575.20. Current - \$2,019.20; Street - \$16.34; Water – \$245.33; Sewer - \$245.33; Bingen Treatment Plant – \$49.00.

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 August 5, 2008. The council by unanimous vote does approve for payment the following list: payroll checks 10282, 10284 through 10293 and 10296 totaling \$18,094.89. Current - \$7,905.90; Street - \$1,559.19; Water – \$2,458.88; Sewer - \$933.53; Bingen Treatment Plant - \$5,162.60, Dallesport Treatment Plant - \$72.79.

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 August 5, 2008. The council by unanimous vote does approve for payment the following list: checks 10301 through 10303 totaling \$1,578.78: Current - \$1,578.78.

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 August 5, 2008. The council by unanimous vote does approve for payment the following list: checks 10346 through 10378 totaling \$29,406.18. Current - \$8,527.14; Street - \$1,752.31; Community Development – \$1,035.00; Water - \$13,735.16; Sewer - \$484.34; Bingen Treatment Plant – \$3,011.89; Dallesport Treatment Plant - \$682.38; 73/95 Water/Sewer Bond Redemption - \$177.96.

At 8:40 p.m. the city council adjourned.

City Clerk

Mayor