

BINGEN CITY COUNCIL MINUTES

September 2, 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 and Betty Barnes. City Administrator Jan Brending and Attorney Tad Connors were present. Audience: Dottie Niemela, Traci Niemela, Hailee Niemela, Julie Howard, Elora Conklin, Chance Scott, Joyce Schultz, Craig Vance, Timi Keene, Christina Baker, Dan Baker, Caitlyn Baker, Cindy Douglas, Wiley Douglas, Rebecca Dugger, Karla Spratt, Doug Shewey, Sherry Shewey, Kathryn Landgren, Barbara Hylton, Pat Marlow, Ray Paskey, Jeanette Fentie, Lea Rachford, Tracy, and others not identified.

Approval of Minutes – August 19, 2008

Changes to the August 19 city council meeting minutes were noted as follows:

Page 3, 9th paragraph, 3rd sentence should read: “Barnes said David Spratt and the Director of Public Safety, Rich Cortese, have also provided here with some statistical information regarding dog bites.”

Sandi Dickey moved to approve the minutes of the August 19 city council meeting as amended. Betty Barnes seconded the motion and it was unanimously passed.

Public Hearing – Dog Ordinance

Brian Prigel provided background information as to the need for the public hearing. He said after the incident with the pit bull attacking four people in Bingen the city council agreed to explore options for strengthening the city’s dog ordinance and to get feedback from the community. Prigel said the city council will not make any decisions at the city council meeting tonight but will likely give staff direction in regards to the development of ordinance language.

Brian Prigel said the city has several options available including banning certain breeds of dogs. He said he believes that banning certain breeds of dogs would be difficult to enforce and that in his opinion an ordinance that cannot be enforced is worse than no ordinance. Prigel said the city can also adopt additional restrictions for dogs that bite or are aggressive.

Brian Prigel said there is nothing the city can do that will truly prevent all incidents but is looking to try to prevent the really bad incidents.

Tad Connors, attorney for the city, provided a review of Washington state “dog law” including civil remedies that are available to the victims of dog bites. Connors reviewed the state laws regarding “potentially dangerous dogs” and “dangerous dogs.” He said that if a dog is designated a “dangerous dog” the owner is required to keep the dog in an enclosure with signage, have a bond or \$250,000 insurance policy to cover the dog, and when the dog leaves the enclosure it must be muzzled. He noted that the city’s ordinance does not address “potentially dangerous dogs” or “dangerous dogs” because the city follows the state law.

Julie Howard asked what happens if a dog is wrongly accused of being a dangerous dog.

Tad Connors said an individual can appeal the designation.

Barbara Hylton, Bingen

Barbara Hylton said that she has had several instances with a couple of dogs though none of them were pit bulls. She said that she lives next door to the 2 of the nicest dogs she has ever met which are pit bulls. Hylton said banning dogs is not the way to go and the onerous should be put on the dog owners. She said she is concerned with the liability for the city if the city was to ban certain types of dogs.

Tad Connors said the city can be liable if it does not do something it is supposed to do.

Brian Prigel asked how other cities are enforcing ordinances that include breed specific language.

Tad Connors said there is at least one city in the state that bans certain types of dogs while others have restrictions that include breed specific language, i.e. automatically designating certain types of dogs as “aggressive” or “potentially dangerous.” He said cities have to develop a process to monitor dogs and determine what type of dog each dog is and what type of mix.

Brian Prigel said the city has no means to determine what breed a dog is or what percentage of breed a dog is. He said he feels it is almost impossible to truly enforce.

Wiley Douglas, White Salmon

Wiley Douglas said he does not have a problem in complying with dog ordinances. He said he does have a problem with ordinances that focus on "pit bulls." He said he has no problem in leaving his grandchildren with his pit bull. Douglas said pit bulls should not be generalized and that if treated properly they are not a problem.

Pat Douthit, Bingen

Pat Douthit said the use of breed specific language is irrelevant. He said any dog can bite. Douthit said he owns an American bulldog which is sometimes included in breed specific language either banning dogs or requiring extra restrictions. He said the owners of dogs should be responsible and in complete control of their dogs at all times. Douthit said that an owner of a dog that growls at people should take precautions.

Tracy, White Salmon

Tracy said she has 2 pit bull mixes. She said that when she walks her dogs she is accosted by dogs that are not on leashes. Tracy said the ordinance amendments should be pointed towards the owners of dogs.

Brian Prigel noted that the City of Bingen has taken steps to address dogs running loose and has hired an animal control officer.

Jeanette Fentie, Bingen

Jeanette Fentie suggested the city identify dogs that are aggressive regardless of the breed. She said the responsibility has to be on the owners of dogs. Fentie said she has a neighbor that received a dangerous dog designation but there was no follow up. She said that it is important the city implement compliance control.

Traci Niemela, Bingen

Traci Niemela said she keeps an eye on her dogs. She said she sees dogs running through her yard. Niemela said the city shouldn't ban pit bulls and that her daughter is afraid the city will take her dog away.

Pat Marlow, Snowden

Pat Marlow said she has worked quite a bit with dogs. She said the city's ordinance needs to be updated but should not include a ban on breeds. Marlow said she does not believe in putting dogs down. She said the city should educate people about the city's dog ordinance and that one way is to provide information to people who sign up for a water and sewer account. Marlow said dog owners should be required to take a basic obedience class with their dogs. She said the animal control officer says that most of the dogs are not licensed. She said those are the problems and the city needs to go after those who are not complying with the city's ordinance.

Dan Baker, Bingen

Dan Baker said he is present to make sure that responsible dog owners are not told that they can't have their dogs because of irresponsible dog owners. He said dogs that are not socialized are the problem.

Ray Paskey, NW Communications

Ray Paskey says he owns a pit bull that comes to work with him everyday in Bingen. He said that has raised and bred pit bulls for many years. Paskey said he has been in show rings with many pit bulls with no problems. He said the issue is how to deal with an aggressive dog and how to enforce the laws. Paskey said he believes that dog owners do not understand the temperament of their dogs which can be a problem. He said if the city could encourage dog owners to go through an obedience class that would be great. Paskey also suggested that if a dog is designated as aggressive or dangerous it should go through temperament testing.

Brian Prigel asked what can the city do to allow a dog to remain in the neighborhood if the dog has exhibited aggressive behavior. Ray Paskey and Pat Marlow said testing and training would be helpful.

Members of the audience suggested that all dogs should be fenced in and that dogs should not be kept on a chain.

Jeanette Fentie suggested that any dog that is labeled aggressive should include the restriction of having the property signed so that people can avoid the area. She suggested the city keep a list of the dogs and

location so that people can be aware of where these dogs are located. Fentie said aggressive dogs should also be kept in a 5-side enclosure and muzzled when out of the enclosure.

Ray Paskey noted that a higher gauge of chain-link might be required because some dogs can break through normal chain link fencing.

Betty Barnes asked what kinds of behavior could require a special designation other than “dangerous dog” or “potentially dangerous dogs.”

Jeanette Fentie said any dog that exhibits aggressive behavior and those that are designated “potentially dangerous.”

Jeanette Fentie suggested the city might want its ordinance to address neglected and abused dogs.

Lea Rachford, Husum

Lea Rachford said she commends Bingen for hiring an animal control officer. She said the services of the officer have been refused by White Salmon and Klickitat county. Rachford said she owns a pit bull mix that she found and took in. She said the city should be proactive in addressing dogs that exhibit aggressive behavior and is in favor of more dog control. Rachford said obedience training can make a huge difference.

Ray Paskey said no dogs should be chained and there is no reason to own a dog without a fence.

Laura Mann thanked the public for coming. Mann said the city’s ordinance currently allows dogs to be on the owner’s property without a fence or lead but on voice control.

Ray Paskey said it is important for dogs to be on a leash if the property is open to the public. He said verbal command does not always work. Paskey said he believes a fencing requirement is reasonable.

Doug Shewey asked if the city’s proposal will affect property outside of the city limits.

Brain Prigel said the city has no authorization outside of the city limits only if the dog comes into the city.

Betty Barnes noted that a lot of the public attending the meeting are from White Salmon or outside of Bingen. She said that if the city banned certain breeds of dogs dog owners from outside the city would not be allowed to bring those breeds into Bingen to the local vet.

Craig Vance, Alpine Vet

Craig Vance said the people in the audience are responsible dog owners. He said the city needs an ordinance that is workable and enforceable. Vance said the ordinance should be behavior specific and not breed specific. He said more careful attention to enforcement and compliance is needed. Vance said breed specific language is well intended but misguided.

Ray Paskey noted that the Netherlands has repealed its breed ban because the ban had no effect on the number of dog bites.

Dottie Niemela said she has noticed that some owners have too long of leashes and has problems with dog owners using her property has a bathroom which then excites her dogs. She noted that she does not have a full fence on her property and uses voice control with her dogs.

Tim Hearn said he feels it is important that the public report incidents with dogs.

Bruce Brending said it is also helpful to report where the dog lives if that is known.

Laura Mann asked Bruce Brending what happens when a dog is designated “potentially dangerous.” Bruce Brending said the owner is given a letter and briefed on what could happen if another incident happens.

Audience members said it is important the citizens of Bingen know what the laws are. Jeanette Fentie suggested contacting landowners to make sure information is received by their tenants.

Jan Brending noted the city sends out several newsletters each year which have included information about the requirement for licensing and the law regarding dogs running at large. She said that in addition the city also put notices on the water and sewer billing several times a year regarding the need for all

dogs in Bingen to be licensed. Brending said adding information to the web page and developing a handout for new citizens could also help.

Council members thanked the public for coming to the public hearing and making their comments known. It was suggested that those who reside in White Salmon should also attend the upcoming public hearing in White Salmon.

Betty Barnes said that she feels amendments to the ordinance should be about biting dogs and not about breeds. She said she has kept an open mind and is glad to hear the public feels the same way as she does.

Laura Mann said she agrees that new residents need to know what the laws are. She said she supports increased requirements if a dog is designated “potentially dangerous” including behavior testings, fencing. Mann asked if the city needs to have an appeals board.

Tad Connors said there is a state appeals process but the city should establish an appeals process if it develops additional requirements beyond the state.

Betty Barnes said the city may want to take a look at the issue of dog abuse.

There was a consensus of the city council for staff to develop amendments to the dog ordinance that develops a definition of “aggressive dog” including labeling any dog that has been designated “potentially dangerous” as an aggressive dog. The draft amendments would include additional requirements for an “aggressive dog” including training, testing, fencing, signage, etc. A proposed amendment to the dog ordinance will be presented to the city council at the October 7 city council meeting with another public hearing scheduled at that time.

Presentation of Preliminary Draft Plans – Community Center and Park Planning

The presentation of the preliminary draft plans for the community center and park planning has been postponed until the October 7 city council meeting.

Engineering Contract – Bell Design, West Steuben Storm Water Project – Review and Authorization

Jan Brending said the city is in need of construction engineering services for the 400 West Steuben Storm Water project. She said Bell Design is the engineering firm that has developed the design for the storm water project. Brending said Bell Design has provided a cost estimate of \$10,090.50 which will include assistance in preparing the bid package and inspection during the construction process.

Tim Hearn moved to authorize the mayor to sign a contract with Bell Design for construction engineering services for the West Steuben Storm Water project for \$10,090.50. Terry Trantow seconded the motion and it was unanimously passed.

Maple Street Reconstruction Project, Proposed Change Orders – Review and Action

Jan Brending said the city council has received two proposed change orders – one to provide electrical outlets at the tree wells for Christmas lights and one to provide for the installation of trees and irrigation.

Brian Prigel said the plans unfortunately left out the installation of trees and irrigation at the time of the bids.

Jan Brending said the total price for providing electrical outlets is \$5,542.80. She said Nutter provided two options for the irrigation and trees – an electrically controlled irrigation system at \$24,601.92 or a battery operated system at \$16,822.40. Brending said she has spoken with David Spratt regarding the irrigation system. She said Spratt says the White Salmon system is controlled by batteries and they have had no problems with the control system. Brending said Spratt recommends going with a battery controlled irrigation system.

Laura Mann moved to approve the proposed change orders using the battery operated control system for the irrigation. Tim Hearn seconded the motion and it was unanimously passed.

Fire Department Request – Authorization to Spend Funds

Jan Brending said the fire department has submitted a request for authorization to spend funds from the fire equipment reserve fund. She said monies that have been paid to the city from BNSF for fighting railroad caused fires have been deposited into the fire equipment fund.

Jan Brending said the department is asking for authorization to spend approximately \$1,000 for 5 SCBA face masks and approximately another \$1,000 for 3 new radios.

Tim Hearn moved to authorize the fire department to purchase 5 new SCBA face masks and 3 new radios using funds from the fire equipment reserve fund. Laura Mann seconded the motion and it was unanimously passed.

Treasurer's Report – July 2008

Jan Brending presented the treasurer's report for July 2008.

Laura Mann asked what the expenditures out of the water and sewer equipment fund were for. Jan Brending said for the purchase of meters as authorized in the budget.

Betty Barnes moved to accept the July 2008 treasurer's report. Terry Trantow seconded the motion and it was unanimously passed.

Old Business

Agreement with Klickitat County, Correction and Detention Facility – Review and Action

Tad Connors said Klickitat County has finally agreed to the language submitted by Bingen and White Salmon. He noted that the contract is actually good through December 31, 2009. Connors noted that the only increase in costs is the transportation fee went up by \$2.00 which is appropriate due to fuel costs.

Laura Mann moved to authorize the mayor to sign the agreement with Klickitat County for the use of the correction and detention facility as amended. Sandi Dickey seconded the motion and it was unanimously passed.

Letter to Bureau of Indian Affairs, Cascade Locks Casino

Jan Brending said the draft letter to the Bureau of Indian Affairs is in response to the formal request for comments. She said she has added a paragraph regarding the setting of precedent.

Betty Barnes moved to authorize the mayor to sign the letter to the Bureau of Indian Affairs regarding the Cascade Locks casino. Terry Trantow seconded the motion. The motion carried 4 to 1 with the following vote: Barnes – Aye, Dickey – Aye, Hearn – Nay, Mann – Aye, Trantow – Aye.

Mayor's Update and City Council Comments

Joint Police Committee Meeting Minutes

Tim Hearn said that he wanted the council to know that he has never noticed officers at any of the local restaurants for any extended period of time. He said he does not feel that it is a problem.

Columbia Ranch Proposal

Jan Brending said the "Gotts" property has been purchased by Michael Hilb. She said she has been talking to Hilb about the property and recently Hilb met with her, David Spratt and Brian Prigel to discuss a proposed development on the property. Brending presented the council with a draft plan noting that the number of units on the property has decreased. She said that in the meeting with Hilb it was noted that access related to fire danger still remains a priority issue. Brending said the current proposal does not adequately address the fire danger. She said that Hilb is looking for some input from the council regarding the proposal. Brending noted that development of the property is likely to occur at some future date whether it is in Bingen's city limits, White Salmon city limits or in the county. She suggested it might be better for Bingen to have control over the development.

Tim Hearn agreed that it would be better for Bingen if it was in Bingen's city limits.

Brian Prigel said his main concern is about the safety of people on the property related to fire danger.

There was consensus from the city council that fire danger concerns and safety still remain a priority and that if it could be appropriately addressed the city might consider annexation of the property.

Handicap Signage

Betty Barnes said the city has received a memorandum from Rich Cortese regarding misleading information on the handicap signage along Steuben. She noted that Jan Brending has informed the public works department and asked them to make the corrections.

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 September 2, 2008. The council by unanimous vote does approve for payment the following list: checks 2421 through 2422 totaling \$2,416.33. Current - \$2,416.33

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 September 2, 2008. The council by unanimous vote does approve for payment the following list: payroll checks 10419 through 10429 totaling \$17,772.88. Current - \$7,988.25; Street - \$1,572.13; Water – \$2,413.13; Sewer - \$943.29; Bingen Treatment Plant - \$4,856.08.

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 September 2, 2008. The council by unanimous vote does approve for payment the following list: checks 10434 through 10463 totaling \$135,286.95. Current - \$4,775.09; Street - \$600.56; Community Development - \$1,595.00; Street Maintenance and Construction - \$124,568.05; Water - \$1,393.98; Sewer - \$182.94, Bingen Treatment Plant - \$2,171.33.

At 9:02 p.m. the city council adjourned.

City Clerk

Mayor