

BINGEN CITY COUNCIL MINUTES

December 16, 2008

The meeting was called to order by Mayor Prigel at 7:00 p.m. Council members present: Betty Barnes, Laura Mann, Tim Hearn and Sandi Dickey. Council members absent: Terry Trantow. City Administrator Jan Brending and Attorney Tad Connors were present. Audience: Wendy Willow, Craig Juris, Tim O'Neill, Ken Alexander, Mallory Taylor.

Public Comment

Tim O'Neill and Craig Juris, Klickitat County Prosecutor's Office

Tim O'Neill and Craig Juris with the Klickitat County Prosecutor's office reported to the city council on the dog bite case. O'Neill said 4 felony counts have been charged on the dog bites – one for each victim. He said the trial will be set for February or early March. O'Neill said the county has taken the situation very seriously and there will be some form of criminal conviction. He said overall crime is down in the entire county.

The city council discussed the city's leash law with the representatives from the prosecutor's office.

Tim O'Neill said the city is in good hands with Tad Connors.

Laura Mann said that the last time O'Neill and Juris attended a city council meeting was right after a body had been found in the marina.

Craig Juris said the county is still investigating the case but does not believe there was anything criminal.

The city council, city staff and prosecutor's office discussed the idea of the county implementing the criminal justice sales tax to help provide funding for criminal justice in the three cities and the county.

Approval of Minutes – December 2, 2008

Betty Barnes moved to approve the minutes of the December 2, 2008 city council meeting. Sandi Dickey seconded the motion and it was unanimously passed.

Conditional Use Permit Application 2008-003, Innovative Composites Engineering Inc.

Jan Brending said the city has received a conditional use permit application from Innovative Composites Engineering Inc. to locate a light industrial business at 405 E. Steuben, the former Carquest building. She said storage and shipping of components that are manufactured at the Port facility will take place at 405 E. Steuben. Brending said 6 to 7 employees will be located at the facility on Steuben.

Wendy Willow, representing Innovative Composites Engineering Inc. said the facility will only be used for storage and shipping of the components they manufacture down at the Port. She said that no hazardous materials will be stored at the Steuben facility.

Brian Prigel said there will be no manufacturing taking place at the Steuben facility nor will there be any storage of composites. He said he feels the proposed business is of the same general nature as the former Carquest facility.

Tad Connors noted that the use is similar to those that are outright permitted in the Commercial zone.

Laura Mann asked if the facility is currently being used by Innovative Composites Engineering.

Jan Brending said they have started using the facility. She said she has been working with the owners of the business for several months after she noticed that someone was using the building.

Laura Mann suggested that the conditional use permit have a yearly review if approved.

Tim Hearn asked why the proposed business is not commercial.

Tad Connors said it does not fall within the definitions of uses allowed outright in the Commercial zone but is similar.

Tim Hearn moved to approve the conditional use permit application submitted by Innovative Composites Engineering Inc. based on the use is similar to that allowed outright in the Commercial zone

with the following conditions: 1) all storage of materials must be contained within the existing structure; 2) there shall be no dust, odors or noises that are detectable outside of the facility, 3) the conditional use permit shall be reviewed annually; 4) all signage must be approved by the city; 5) an occupancy permit from the city is required; and the conditional use permit applies to the business proposed and to Innovative Composites Engineering. Laura Mann seconded the motion and it was unanimously passed.

Public Hearing – Adoption of Water System Plan

Ken Alexander and Mallory Taylor provided an overview of the changes that were made to the water system plan in response to the Department of Ecology and the Department of Health's comments.

Ken Alexander pointed out that the water system plan contains a chapter regarding water use efficiency and that when the council adopts the water system plan it should note that it is also adopting Chapter 4, Water Use Efficiency Program.

Ken Alexander noted that both the City of White Salmon and Klickitat County completed a consistency checklist and took no exceptions to the plan.

Ken Alexander said Gray & Osborne is studying the odor issue and will produce a technical memorandum about the issue that describes the problem(s) and possible solutions.

Brian Prigel said he recommends the council adopt the water system plan. He notes that it is a plan for the council to follow.

There was no public testimony regarding the water system plan.

Laura Mann moved to adopt the water system plan for the City of Bingen dated December 2008 and also adopts Chapter 4, Water Use Efficiency Program. Sandi Dickey seconded the motion and it was unanimously passed.

Ken Alexander said he would be willing to look at the city's first annual water use efficiency report before it is submitted to the Department of Health.

Betty Barnes asked if David Spratt had been instructed on how to account for water usage for fire hydrants. Ken Alexander said he will provide information to David Spratt.

Ken Alexander said it was a pleasure to work with the city's staff. He said they were the reason why Gray & Osborne was able to accomplish completing the plan in the short timeframe that was allocated to the project.

Jan Brending said she wanted to thank Ken Alexander and Mallory Taylor for their work on the plan. She said Gray & Osborne has been very helpful and good to work with.

Laura Mann said she also thanks the engineers as they have helped make the information clear when she knew nothing about the issues.

Public Hearing – 2008 Budget Amendments

Jan Brending said the budget amendments put into place a number of items the city council has previously authorized in addition to addressing actual revenues and expenditures through early December.

Laura Mann moved to approve Ordinance 08-12-553 amending the 2008 budget. Tim Hearn seconded the motion and it was unanimously passed.

Public Hearing – 2009 Budget

Jan Brending provided an overview of the 2009 budget. She said the budget committee met to discuss reductions in the proposed budget. Brending said the budget in front of the city council does not include any reductions in administration staff hours. She said reductions have been taken in other places but the current expense budget continues to use \$66,913 in beginning cash to balance the budget. Brending noted the budget committee did consider reductions in administrative staff hours which would save an additional \$11,881. She said the committee has also reviewed possible new revenue sources. Brending said the committee has identified the allocation of the optional ½ percent sales tax as a possible revenue source for the current expense budget. She said the city current has an ordinance that allocates the optional ½ percent sales tax to the community development fund. Brending said the city would need to amend that ordinance in order to allocate all or a portion of it to the current expense fund.

Laura Mann said the budget committee met for about 2 hours to discuss the 2009 budget. She suggested the city council adopt the budget as it is presented. Mann said the city council can come back in 2009 and make a decision about whether or not to reallocate the optional sales tax revenue.

Betty Barnes said she thinks the comments made by Gray & Osborne supports the need for staff. She said it is going to take some time to see what is going to happen regarding the economy. Barnes said the city should be proud of its staff. She said the city has to take a look at a couple of years in recuperating funds that have been spent on larger projects.

Jan Brending noted that she supports the budget committee's recommendation but remains somewhat concerned due to the economy.

Betty Barnes said it is important that staff understand the need to watch expenses. She said the city staff should be notified that the city will not likely authorize the use of a landscape service for the Steuben Street landscaping.

Brian Prigel said the city is not in as bad of shape as other cities in the state. He said the city has some cushion but needs to take proactive measures to protect itself.

Betty Barnes moved to consider a proposed ordinance at the first meeting in January which would reallocate the optional sales tax based on 91% going to current expense and 9% going to the community development fund. Laura Mann seconded the motion and it was unanimously passed.

Laura Mann moved to issue a memorandum to staff regarding the council's budget policy and expenditure limitations for 2009. Betty Barnes seconded the motion and it was unanimously passed.

Laura Mann moved to approve Ordinance 08-13-554, Adopting the 2009 Budget. Sandi Dickey seconded the motion and it was unanimously passed.

Small Works Roster Project – Gutter & Downspouts, Bingen Plant Digester

Jan Brending said there is a need to install a gutter and downspouts on the Bingen Plant digester. She said the city previously issued a bid without any bidders. Brending said the bid was reissued with one bid being received: C&M Gutters Inc. for \$903.00 including sales tax. She said the contractor meets all the state contractor requirements.

Tim Hearn moved to accept the bid by C&M Gutters Inc. for \$903 for installing a gutter and downspouts on the Bingen Plant digester. Betty Barnes seconded the motion and it was unanimously passed.

Personal Services Contract Amendment, Gray & Osborne

Jan Brending said the amendment to the personal services contract with Gray & Osborne is to extend the time of the contract so that final reports, including the report on the odor issues, can be completed.

Tim Hearn moved to approve the amendment to the personal services contract with Gray & Osborne. Sandi Dickey seconded the motion and it was unanimously passed.

Interlocal Mutual Law Enforcement Assistance Agreement, Mid-Columbia Law Enforcement

Jan Brending and Tad Connors said the interlocal agreement is one that the city council previously approved. Connors said that minor language changes were made and that he still recommends approval of the agreement.

Tim Hearn moved to approve the Interlocal Mutual Law Enforcement Assistance Agreement between Mid-Columbia law enforcement. Betty Barnes seconded the motion and it was unanimously passed.

Interlocal Agreement – City of Bingen and City of Goldendale, Animal Control

Jan Brending said the amendment extends the agreement between the two cities for animal control through 2009. She said the same arrangements remain in place with animal control costing the city \$15,000 per year.

Tim Hearn asked if a dog is euthanized does it cost the city extra. Jan Brending said no, the city is not billed anything in addition to the \$15,000.

Tim Hearn moved to approve the extension of the interlocal agreement between the Bingen and Goldendale through 2009. Sandi Dickey seconded the motion and it was unanimously passed.

Intergovernmental Agreement – City of Bingen and Hood River County, Building Services

Jan Brending said the amendment clarifies the duration of the agreement – through 2009 and requires the two entities to begin negotiating a new agreement in June of 2009.

Betty Barnes moved to approve the amendment to the Intergovernmental Agreement between Bingen and Hood River County for building services, extending the agreement through 2009. Laura Mann seconded the motion and it was passed unanimously.

Treasurer's Report – November 2008

Jan Brending presented the Treasurer's Report for November 2008.

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

Old Business

Javier Sanchez – Variance Request

Sandi Dickey asked if Javier Sanchez has submitted a variance application. Jan Brending said he has not come in to complete the application. Brending said she will follow-up with Sanchez.

Mayor's Update and Council Comments

RTC Meeting

Brian Prigel said he attended the Skamania/Klickitat County RTC meeting in Goldendale. He said the primary topic was the Hood River bridge project but that other transportation needs in Klickitat and Skamania County were also discussed.

Fire Hydrant Use

Betty Barnes asked that letters be sent to the Port and to the two city fire departments asking them to keep track of when the fire hydrants are used and to provide an estimate of water used for each instance of use.

Tim Hearn – Resignation from City Council

Tim Hearn submitted a written resignation from the city council effective December 31.

There was consensus from the city council to consider candidates for the vacant seat at the 2nd meeting in January to allow enough time for advertising the position.

Storm Water Runoff – Old Theater

Jan Brending said the old theater is being renovated. She said the owner and the city have learned that storm water from the roof was being handled through the facility's sewer connection which is not allowed. Brending said the option that has been presented to the city is run the storm water runoff through pipes underneath the sidewalk onto Oak (Highway 141). She said she has spoken to the Washington State Department of Transportation about the situation. Brending said WSDOT is not supportive of the idea of adding runoff to the state highway or even in trying to connect it to the Highway 14 system which is not designed to handle new runoff.

Brian Prigel said the city may have no other option but to allow the proposal. He suggested the owner of the property find out whether or not it is feasible to put in a dry well on the egress easement that is located on the property to the south.

There was consensus of the city council to have the property owner consider other options before allowing the runoff to be routed to Oak Street (Highway 141).

Police Committee

Sandi Dickey said she would like to serve on the police committee as a replacement for Tim Hearn.

Brian Prigel appointed Sandi Dickey to the police committee.

Betty Barnes asked if the police committee could be changed to the police and fire committee.

Brian Prigel said that would be fine.

Budget Committee and Water/Sewer Committee

Betty Barnes said that if Sandi Dickey would be interested in serving on the Budget Committee then she would be interested in transferring to the Water/Sewer Committee.

Sandi Dickey said she will think about serving on the Budget Committee.

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 December 16, 2008. The council by unanimous vote does approve for payment the following list: checks 10755, 10772 through 10795 totaling \$32,904.28. Current – \$12,967.19; Street - \$280.55; Community Development - \$1,150.00; Street Construction & Maintenance - \$7,052.18; Water - \$781.76; Sewer - \$282.19; Bingen Treatment Plant - \$883.95; 73/95 Bond Redemption - \$3,450.00; Sewer Construction & Maintenance - \$6,056.46.

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 December 16, 2008. The council by unanimous vote does approve for payment the following list: payroll checks 10756 through 10771 totaling \$10,995.47. Current - \$5,189.77; Street - \$876.67; Water – \$1,354.56; Sewer - \$526.00; Bingen Treatment Plant - \$3,048.47.

At 9:10 p.m. the city council adjourned.

City Clerk

Mayor