

# BINGEN CITY COUNCIL MINUTES

September 1, 2009

The meeting was called to order by Mayor Brian Prigel at 7:00 p.m. Council members present: Clinton Bryan, Sandi Dickey, Betty Barnes, Laura Mann, Catherine Kiewit. City Administrator Jan Brending and Attorney Tad Connors were present. Audience: Jesse Burkhardt, Oliver Pochert, Michelle Halbin.

## **Public Comment**

### ***Oliver Pochert and Michelle Halbin, Bingen***

Oliver Pochert and Michelle Halbin said they own a pet duck and have been told by the animal control officer that they can not keep the duck within the city limits of Bingen. Pochert said he does not feel the ordinance applies to his duck referring to the definition. He said he has a right to have a pet. Pochert and Halbin provided a letter from neighbors, Joan and Michael Lamoreaux. Pochert said he is looking for an agreement with the city so they are able to keep one duck.

Jan Brending noted there are currently two residents that own a duck within the city limits. She said the animal control officer had contacted the residents with information regarding the existing ordinance.

Brian Prigel said that he believes the intent of the ordinance was to originally address livestock. He said however, the ordinance exists today and has to be enforced as it exists. Prigel said it is up to the council to change the ordinance if they so desire. He noted that as a kid he had a pet duck.

Tad Connors said the council could not grant a variance or exemption from the ordinance. He said the ordinance would need to be amended to allow residents to keep a duck.

Council members and staff discussed the possibility of amending the ordinance.

Catherine Kiewit moved to direct staff to research other city ordinances regarding keeping of poultry such as chickens and ducks within city limits and to bring back the information to the council. Laura Mann seconded the motion and it was unanimously passed.

It was noted that until the council makes a decision to amend or not to amend the ordinance the owners of the ducks can keep them.

## **Approval of Minutes – August 18, 2009**

Clinton Bryan moved to approve the minutes of the August 18, 2009 city council meeting. Catherine Kiewit seconded the motion and it was unanimously passed.

## **Water Line Leak – Engineer’s Cost Estimate and Proposal for Engineering Services**

Sandi Dickey stepped down from the council for the discussion of the water leak.

City council members and staff discussed the engineer’s cost estimate to fix a suspected water line leak in State Route 14 that serves businesses on the south of State Route 14 across from Dickey Farms Fruit Stand and Joslyn House.

There was consensus of the council to delay further discussion until the September 15 meeting when additional information and maps can be presented.

Laura Mann asked how the city selects consultants for professional services. Jan Brending explained the city advertises for a professional services roster once a year and then pulls from that roster when services are needed. She said the city uses several engineers and it depends on the type of project and how quickly the work needs to be done. Brending said she chose to work with Bell Design on the water leak because their offices are in Bingen and they are familiar with the city’s water system.

Brian Prigel asked if the water line installed by Dickey Farms has been turned over to the city. Tad Connors said he does not know but the city has handled the line in the past as if it was the city’s.

## **Conditional Use Permit 2009-003, Paul and Jane Agee, Residential Use in Commercial Zone – Review and Approval of Decision**

Catherine Kiewit moved to approve the findings of fact, conclusions of law and decision for Conditional Use Permit 2009-003, Paul and Jane Agee, Residential Use in Commercial Zone. Clinton Bryan seconded the motion and it carried with the following vote: Barnes – Abstain, Bryan – Aye, Dickey – Aye, Kiewit – Aye, Mann – Abstain.

### **Proposed Zoning Ordinance Amendment – Discussion**

Jan Brending presented a proposed ordinance amendment to Bingen Municipal Code 17.40.030, Conditional Uses in Commercial Zoning. She said the ordinance amends the conditional use section identifying that those “manufacturing, compounding, processing, treatment or assembly uses” allowed in the Light Industrial zone may be allowed as a conditional use within the commercial zone. Brending said she took the language from the city’s Mixed-Use Zone noting that currently the city has no property zoned for mixed-use.

Jan Brending said the proposed ordinance amendment also clarifies how a residential use can be allowed in a commercial zone. She said the amendment takes out the language “in conjunction with a use” because it could be interpreted that a residential use in a commercial structure must be lived in by the owner of the business that is established within the structure. Brending said an example is the apartment used by the owners of Beneventi’s Pizza. She said the amendment would allow a residential use to be located within a commercial structure not to exceed 50% of the structure and that the residential use could be used by someone not associated with the commercial use.

Clinton Bryan asked if he had a residential use on property that was zoned commercial and was 2,000 square feet in size, could he add on a 1,000 square foot commercial structure.

Jan Brending said the residential use is grandfathered in and that the residential use cannot be expanded. She said the proposed amendment would not prevent the owner of a grandfathered residential use to build or add on a commercial structure that would then make the residential use out of compliance with the proposed amendment. Brending said the example Bryan provided could be approved.

There was consensus of the council to take the proposed ordinance amendment to public hearing and possible adoption at the next council meeting.

### **Old Business**

#### ***Maple Street***

Jan Brending reported that construction on Maple Street is completed. She said the construction company needs to submit some final paperwork to close out the project. Brending said Coburn Electric installed the controller for the lights south of the railroad.

### **Mayor’s Update and Council Comments**

#### ***Resolution 2009-003, Recognizing the Service Provided to the City by Terry Trantow***

Jan Brending provided proposed Resolution 2009-003, Recognizing the Service Provided to the City by Terry Trantow.

Council members suggested adding language about Trantow’s service on the Civil Service Commission and the word “during: before 1992 and the word “from” before June 2001.

Laura Mann moved to approve Resolution 2009-003, Recognizing the Service Provided to the City by Terry Trantow as amended. Sandi Dickey seconded the motion and it was unanimously passed.

Betty Barnes said the resolution and an award will be presented to Terry Trantow at opening ceremonies of the Huckleberry Festival on Saturday, September 12.

#### ***Recycling Center***

Jan Brending said the city crew has installed gates to prevent individuals from entering the recycling center after hours and on the weekends. She said signs have been installed letting the public know when the facility is open. Brending said she and David Spratt are researching what it would cost to install lighting and a camera. She noted there have been some complaints about the hours and that there was some recycling left the first week outside of the gate. Brending said the incident only happened once.

Jan Brending said the city has received notification from Klickitat County Solid Waste asking for input into the county’s application for the Department of Ecology Coordinated Prevention Grant. She suggested the city write a letter suggesting that some of the funding be used to assist in providing a light and camera at the recycling center at the public works location.

There was consensus of the city council to write such a letter to Klickitat County Solid Waste.

#### ***Governor’s Visit***

Brian Prigel reported that Governor Gregoire will be in town on Friday to make a formal presentation to Insitu and will then meet with Klickitat County officials at the Pioneer Center.

***Huckleberry Festival Cleanup***

Betty Barnes said she has two areas in town that need some cleanup – the leaves around the post office and the debris that has built up behind the bench on the southwest corner of Walnut.

***Mid-Columbia Economic Development District Representation (MCEDD)***

Jan Brending reported that the county is seeking input from the Bingen city council on the appointment to the MCEDD board representing the three cities of Klickitat County. Brending said she currently serves in that position. She said the position needs to be reappointed to serve through August 2010. Brending said White Salmon and Goldendale have sent approval to the county for her to continue to serve in the position.

There was consensus of the city council for Jan Brending to continue to serve on the Mid-Columbia Economic Development District board through August 2010.

***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 1, 2009. The council by unanimous vote does approve for payment the following list: checks 11518-11547 totaling \$92231.97. Current – \$71259.74; Street - \$1727.00; Fire Equipment Reserve - \$526.31; Street Construction & Maintenance - \$110.64; Water - \$12688.26; Sewer - \$146.57; Treatment Plant - \$3635.05; Sewer Construction & Maintenance - \$2138.40.

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 1, 2009. The council by unanimous vote does approve for payment the following list: checks 11515 - 11517 totaling \$3624.53. Current- \$1680.93.

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 1, 2009. The council by unanimous vote does approve for payment the following list: payroll checks 11503-11514 totaling \$18608.52. Current - \$7852.01 Street - \$1918.65; Water – \$2689.46; Sewer - \$711.01; Bingen Treatment Plant - \$5437.39.

At 8:50 p.m. the city council adjourned.

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City Clerk

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Mayor