

# BINGEN CITY COUNCIL MINUTES

**December 1, 2009**

The meeting was called to order by Mayor Brian Prigel at 7:00 p.m. Council members present: Clinton Bryan, Betty Barnes, Laura Mann, Sandi Dickey, Catherine Kiewit. City Administrator Jan Brending and Attorney Tad Connors were present. Audience: Barbara Sexton, Mildred E. Lykens, Etta Hepner, Judy Farrell, Gail Logan, Mary Kapp, Sally Stillman.

## **Approval of Minutes – November 3 and November 17, 2009**

There were no changes to the minutes of the November 3, 2009 city council meeting.

Changes to the minutes of the November 17, 2009 city council meeting were noted as follows:

Page 3, 6<sup>th</sup> paragraph should read as follows: “Lori Kreps asked if the treatment plant pays a part of Bingen’s overhead costs.”

Page 4, 11<sup>th</sup> paragraph, 2<sup>nd</sup> sentence should read: “He said that if an entry level officer is hired the earliest he could get them into the academy would be the first of February.”

Catherine Kiewit moved to approve the minutes of the November 3 and November 17, 2009 city council meetings as corrected. Clinton Bryan seconded the motion and it was unanimously passed.

## **Old Business**

### ***Gorge Heritage Museum***

Brian Prigel provided some background information on the Gorge Heritage Museum to the city council.

Jan Brending said she collected some background history related to city ownership of the building and leasing the facility to the museum. She said the information has been provided to the city council and to the museum board. Brending said the information includes copies of two statutory warranty deeds conveying the property to the city (the second deed is a correction of the first), copies of city council meeting minutes, and copies of leases with the historical society. Brending said the information also includes a copy of an e-mail response from Municipal Research Services from 2007 in answer to a question posed by the city about selling the subject property directly to the museum.

Tad Connors commented on the e-mail from Municipal Research Services. He said he believes the most prudent thing to do would be to offer the property publicly. Connors said that if the property was sold directly to the museum he is not sure who would complain or what the remedy would be if there was a complaint.

Brian Prigel asked Connors if the selling price could have any consideration for future use. Connors said no.

Brian Prigel asked if the terms of the sale could provide a reservation on how the building could be used.

Connors said yes but would likely lower the value of the property. He said there is some question as to the value of the property as there is a current lease for use of the property by the museum that is valid through 2018.

Betty Barnes asked if there is anything in the city’s ordinances that would mandate how the property was to be sold.

Tad Connors said no.

Brian Prigel asked if adopting a resolution to surplus the property would be the first step.

Jan Brending said yes. She noted that the city could obtain an appraisal for the property before considering a resolution. Brending said the property is zoned Single-Family Residential and would likely be appraised at that level. She said the value then may be lowered due to the current lease.

Brian Prigel asked the council how it feels about selling the property. He suggested that any funds from the sale of the property be committed to parks or the future community center.

Clinton Bryan said he would like to see what the appraised value of the property.

Brian Prigel asked if the appraisal could overlook the lease.

Tad Connors said yes, he thinks the appraiser would want to do that initially.

Catherine Kiewit asked why the historical society wants to own the building.

Etta Hepner said that it has been difficult to get grant funding because the museum does not own the building. She said the board is also concerned that a future city council may want too much money for leasing the property.

Catherine Kiewit asked if the museum wants to purchase both lots.

Etta Hepner said yes.

Brian Prigel asked if the purchase of the property hinges on grant funding.

Etta Hepner said no. She noted that the plans developed by CIDA for the museum provided for an addition to the existing museum and the location of the Suksdorf house on both lots while meeting the city's zoning requirements.

#### *Museum Break-In*

Etta Hepner noted that the museum was broken into with approximately \$10,000 to \$12,000 dollars of damage to the structure. She said someone kicked in the exterior front doors and then the interior doors. Hepner said she believes the header was affected. She said the museum would be willing to replace the doors and wants to put in a security system but not if the city is not going to move forward with selling the property to the museum.

Brian Prigel said the exterior doors need to be fixed or replaced so that the building is secure.

Betty Barnes moved to declare an emergency and authorize staff to get the exterior doors repaired or replaced to make the building secure. Sandi Dickey seconded the motion and it was unanimously passed.

Laura Mann asked council members how they feel if the property was sold to the museum and the museum then later sold it.

Brian Prigel said he shares Laura Mann's concerns but said that the proceeds for the sale would go to other public benefits such as helping to build a community center, park improvements, etc. He said he would not be an advocate for using the funds for city operations.

Clinton Bryan and Betty Barnes agreed.

Betty Barnes said other lands might become available for purchase by the city and the funds could be used for that. She said she is comfortable in selling the building to the museum. Barnes said that if the museum was not using the building she does not think it would be useable by the city.

Etta Hepner said the city would save money in selling the property because the museum would then have to pay the water and sewer and city staff would no longer have to provide maintenance assistance.

Clinton Bryan asked when an appraisal could be obtained.

Jan Brending said at any time.

Clinton Bryan moved to authorize staff to hire an appraiser to appraise the subject property. Betty Barnes seconded the motion and it was unanimously passed.

#### **Public Hearing – Draft 2010 Budget, Proposed Ordinance 09-15-569**

Jan Brending presented information on the proposed 2010 budget. She said that three operating funds are using beginning cash to balance the budget: current expense, street, and the treatment plant.

Brending said she is concerned about the treatment plant fund but hopes that payments by Bingen and White Salmon can be addressed in 2010 with an updated wastewater agreement.

Catherine Kiewit said she is amazed in how much work goes into preparing the budget. She thanked the budget committee and Jan Brending for their work.

There was no public comment on the proposed budget.

Laura Mann moved to approved Ordinance 09-15-569 adopting the 2010 budget. Sandi Dickey seconded the motion and it was unanimously.

**Public Hearing – Proposed Ordinance 09-14-568, Amending BMC 14.04.120, Service Classifications and Charges Designated for Water Service**

Jan Brending said the proposed ordinance puts into place the proposed new rate structure and clarifies when a late fee is charged.

Catherine Kiewit suggested that the wording regarding the rate increase each year in section 13.04.120 on page 4 could be clarified. The new wording will read: “On January 1<sup>st</sup> of each year beginning in 2011, the rates shall be adjusted to reflect an additional 5% increase in the rate for the previous year.”

Catherine Kiewit suggested that the word “charged” be added after the wording “...or portions thereof shall be” in sections 13.04.120B.1., 2. and 3.

It was suggested that the wording in section 13.04.120E be changed to read as: “All water service to users, residential or otherwise, situated outside the corporate limits of the city shall be charged at the rate of an additional twenty-five percent of the minimum monthly rates as set forth in this section, and that charges for gallons used above the minimum shall be calculated at an additional twenty-five percent of the rate charged to in-city users.”

Laura Mann moved to approved ordinance 09-14-568, amending BMC 13.04.120, service classifications and charges designated for water service. Catherine Kiewit seconded the motion and it was passed unanimously.

**Interlocal Agreement – Bingen and White Salmon, Pool Services**

Betty Barnes moved to approve the interlocal agreement with White Salmon providing \$6,000 for the White Salmon Pool in return for services to the residents of Bingen. Sandi Dickey seconded the motion and it was passed unanimously.

**Interlocal Agreement – Bingen and Washington Gorge Action Programs, Youth Center**

Betty Barnes moved to approve the agreement with Washington Gorge Action Programs providing \$3,000 for the youth center in return for services provided to Bingen. Sandi Dickey seconded the motion and it was unanimously passed.

**Interlocal Agreement – Bingen and Goldendale, Animal Control Services**

Jan Brending said she has spoken with Larry Bellamy of Goldendale about extending the animal control services contract for 2 years through 2011. She said Bellamy is in agreement with that. Brending said it will need to be approved by both city councils.

Betty Barnes moved to approve the interlocal agreement with Goldendale for animal control services in the amount of \$15,000 per year through 2011. Sandi Dickey seconded the motion and it was passed unanimously.

**Intergovernmental Agreement – Bingen and Hood River County, Building Official Services**

Jan Brending said Hood River County is an agreement with extending the contract for another year. She said she has spoken with Dave Poucher and it is the intent of the two cities to hire a part-time building official when Dean Nygaard retires in the fall of 2010. Brending said the official would likely be an employee of Bingen with reimbursement paid by White Salmon for services to that city.

Betty Barnes moved to approve a one-year extension of the agreement with Hood River County for building official services. Clinton Bryan seconded the motion and it was unanimously passed.

**Interlocal Agreement – Bingen and Klickitat County, Jail Services**

Tad Connors said the contract that was mailed from Klickitat County reflected on older version of the now current contract and had to be corrected. He said Exhibit C is the correct version which the county has agreed to.

Catherine Kiewit noted that there is an incorrect date on page 1.

Tad Connors said it has been corrected.

Betty Barnes asked about the language regarding disabled prisoners.

Tad Connors said the language is new. He said it is not likely the city would be incarcerating those types of prisoners but if necessary would send them to Skamania County or Toppenish.

Betty Barnes moved to approve the agreement with Klickitat County for jail services as provided in Exhibit C. Sandi Dickey seconded the motion and it was unanimously passed.

### **Contract for Attorney Services – Review**

Jan Brending said the city's contract with Tad Connors requires an annual review. She said the last update to rates was in 2005. Brending noted that White Salmon recently increased Ken Woodrich's hourly rate to \$150. She said Ron Reynier, White Salmon's prosecuting attorney, is paid on a monthly basis.

Betty Barnes said she spoke with Tad Connors and let him know that the city would like to continue using him as the city attorney.

Brian Prigel said Tad Connors has done a very good job for the city.

Catherine Kiewit asked why the civil rate is higher than the criminal rate.

Tad Connors said that criminal work is easier – more routine while civil requires more research and thought.

Betty Barnes asked what kind of raise would Tad Connors like to see.

Tad Connors said he would like to see the civil rate increased to \$110 per hour and the criminal rate to \$90 per hour. He said the city has been a pretty good client.

Clinton Bryan moved to approve new rates for attorney services, \$110 per hour for civil services, \$90 for criminal, and \$120 for appellate. Sandi Dickey seconded the motion.

Betty Barnes moved to amend the motion to provide a rate of \$95 for criminal. Laura Mann seconded the motion and it was unanimously passed.

The motion to approve new rates for attorney services -- \$110 per hour for civil services, \$95 for criminal, and \$120 for appellate was passed unanimously.

### **Old Business**

#### ***Discussion of Options for Household Pets, Livestock or Animal Ordinances***

Betty Barnes asked if the council is ready to move ahead with one of the two options that have been presented.

Jan Brending noted that there are two options: 1) includes a new "household pets" ordinance and amendments to the livestock ordinance; and 2) includes amendments to the livestock ordinance only which is what she calls the simplified option.

Laura Mann said she will support moving ahead with the simplified option since it does not appear that at this time the city is going to address cats. She asked if the council is interested in increasing the number of pets from 3 to 5.

It was noted that the ordinance only restricts the number of "exceptions" to 3, not other pets.

Betty Barnes and Sandi Dickey said they would like to keep the number of exceptions to 3.

Catherine Kiewit suggested that the license for an exception should be renewable each year instead of being for the life of the pet. The council agreed.

Catherine Kiewit moved to move forward to a public hearing with proposed amendments to the livestock ordinance changing the title of the code to "animals." Betty Barnes seconded the motion and it was unanimously passed.

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

### ***Student Council Member***

Betty Barnes said she would like to propose having a non-voting high school student sit on the city council. She said the student would get high school credit and it would be a great opportunity for students in Bingen.

Catherine Kiewit and Sandi Dickey said they think it is a great idea.

Betty Barnes said she has contacted the school counselor and is seeking direction from the council as to how to move forward with the idea.

It was agreed to use the same process as used for appointing a council member when there is a vacant position.

Betty Barnes said she will work with the high school.

### ***Men's Park Restroom***

Betty Barnes noted that the men's restroom is unlocked at 10:45 p.m.

### ***Joint Police Committee Meeting***

Jan Brending noted that a joint police committee meeting will be held Monday, December 7 at 6 p.m. at the White Salmon city council chambers.

### ***Upcoming Vacant Council Position***

Jan Brending suggested that the city advertise for the upcoming council position with interviews scheduled for the first meeting in January and an individual taking office at the second meeting in January.

The council agreed.

### ***Small Works Roster Bid – Lighting and Camera Recycling Center***

Jan Brending said she will be issuing a small works roster bid for lighting and a camera installation at the public works shop/recycling center in January. She said that she would like to see the city install a camera or cameras at the park covering the restroom area and possibly the new basketball court and skate park areas. Brending said she will wait until the installations of the new facilities are complete to make a proposal.

### **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 1, 2009. The council by unanimous vote does approve for payment the following list: checks 11786-11809 totaling \$23149.75. Current – \$2267.08; Street - \$1789.62; Community Development - \$13360.00; Water - \$3284.51; Sewer - \$163.35; Treatment Plant - \$2285.19.

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 1, 2009. The council by unanimous vote does approve for payment the following list: payroll checks 11770-11782 totaling \$19475.49. Current - \$7859.34; Street - \$1939.76; Water – \$2727.19; Sewer - \$720.43; Bingen Treatment Plant - \$6228.77.

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 1, 2009. The council by unanimous vote does approve for payment the following list: checks 11766-11769 and 11783-11785 totaling \$2439.49. Current – \$2361.79; Street - \$77.70.

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 1, 2009. The council by unanimous vote does approve for payment the following list: payroll checks 11777 totaling \$7459.57. Current - \$3409.79; Street - \$807.83; Water – \$1087.69; Sewer - \$292.72; Bingen Treatment Plant - \$1861.54.

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

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City Clerk

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Mayor