

BINGEN CITY COUNCIL MINUTES

March 2, 2010

The meeting was called to order by Mayor Betty Barnes at 7:00 p.m. Council members present: Clinton Bryan, Sandi Dickey, Laura Mann, Catherine Kiewit, Guillermo Fisch, Dustin Smith. Council members absent: Sandra Guzman. City Administrator Jan Brending and City Attorney Anthony Connors were present. Audience: Larry Murphy.

Public Comment

Larry Murphy, Bingen

Larry Murphy said he has heard a rumor about White Salmon contracting with the county for law enforcement services.

Betty Barnes said the issue is on the White Salmon council agenda for tomorrow evening. She said at the present time it does not affect Bingen but it will depend on what happens. Barnes said she is glad that Murphy is concerned and has come to voice his opinion to the council.

Larry Murphy said Bingen has had the county before and it did not help the citizens in the past.

Approval of Minutes – February 2, 2010

Changes to the minutes of the February 2, 2010 city council meeting were noted as follows:

Page 1, 9th paragraph should read: “Betty Barnes has received an application for the vacant city council member position from Guillermo Fisch.”

Page 2, 4th paragraph should read: “Jan Brending said the proposed ordinance allows accessory structures that are 300 square feet or less to be located in the rear yard of residential property as long as they are 5 feet off the rear property line, 5 feet off the side yard property line and if the property is a corner lot 15 feet off the flanking street side yard line.”

Page 3, 7th paragraph should read: “Jan Brending said the White Salmon city council made the decision to purchase one vehicle outright.”

Clinton Bryan moved to approve the minutes of the February 2, 2010 city council meeting as corrected. Laura Mann seconded the motion and it was unanimously passed.

Approval of Minutes – February 16, 2010

Changes to the minutes of the February 16, 2010 city council meeting were noted as follows:

Page 4, 3rd paragraph, 2nd sentence should read: “He noted that Judi Culp is currently on leave handling some personal business in California.”

Laura Mann moved to approve the minutes of the February 16, 2010 city council meeting as corrected. Clinton Bryan seconded the motion and it was unanimously passed.

Proposed Resolution 2010-003, Authorizing Members of the City Council to Serve as Volunteer Firefighters or Reserve Law Enforcement Officers

Betty Barnes said the proposed resolution came about partially due to information obtained at the recent “new officials” training conference. Barnes said she asked Jan Brending to draft the proposed resolution providing that only up to 2 council members could serve as volunteer firefighters or reserve law enforcement officers to help prevent conflict of interest issues and to insure that a quorum of council members remains if a fire call occurs during a council meeting.

Jan Brending said she was present at a council meeting in the past where 3 council members left to fight a fire and the council meeting had to be adjourned.

Council members discussed potential conflict of interest issues with council members serving as firefighters or reserve law enforcement officers.

Guillermo Fisch moved to adopt Resolution 2010-003, Authorizing Members of the City Council to Serve as Volunteer Firefighters or Reserve Law Enforcement Officers. Sandi Dickey seconded the motion and it was unanimously passed.

Draft Public Comment Policy

Betty Barnes said that she and Jan Brending talked about the public comment section of the council meeting after the last council meeting. She said that based on comments from council members she thought the council might like to see something like the proposed public comment policy to provide guidance to the public, council and staff.

Laura Mann said she thinks the policy sounds great and it lays out the format for public comment and lets the public know that a decision on an issue brought to the council will not be made that evening.

Clinton Bryan asked if a decision must always be made on items that are on the agenda.

Betty Barnes said the council always has the right to table an item particularly if the council feels it needs more information.

Tad Connors said it is the council's agenda.

Clinton Bryan said he likes the public comment policy.

Clinton Bryan moved to adopt the Public Comment Policy. Sandi Dickey seconded the motion and it was unanimously passed.

Jan Brending said she will be placing the policy on the website with the agenda.

Revised Treasurer's Reports – December 2009 and January 2010

Jan Brending said she is presenting revised treasurer's reports for December 2009 and 2010 because an adjustment was made in how investments and cash were allocated between 2 funds in December. She said the adjustment was necessary to move cash from investments. Brending said because an adjustment was done for December the January treasurer's report had to be rerun.

Catherine Kiewit moved to accept the revised treasurer's reports for December 2009 and January 2010. Clinton Bryan seconded the motion and it was unanimously passed.

Old Business

Small Works Roster – Lighting and Camera

Jan Brending reported that formal requests for funding support have been sent to both Klickitat County and the City of White Salmon. She said the request is on White Salmon's agenda for tomorrow evening.

Betty Barnes asked the council if they want to wait until Bingen hears back from both the county and White Salmon.

There was a consensus of the council to wait to make a decision until responses are received from Klickitat County and White Salmon.

Betty Barnes asked the council if they are willing to pay Bingen's 1/3 share.

Clinton Bryan and Laura Mann said yes. They said they want to see participation from the other entities as the recycling center is for the wider community.

Sandi Dickey said she did check on a couple of other contractors but did not follow through because the city already has a bid on the camera.

Betty Barnes noted that the time for discussion on small works roster bids is before the bid goes out. She said that trying to obtain additional bids after the bid closing date could be a problem and possibly provide for a lawsuit.

Laura Mann said \$6000 seems shocking but thinks it is something that needs to be done so the facility can be open to the public.

Betty Barnes asked if the council would authorize her to move ahead if the county and White Salmon provide funding.

Laura Mann asked if the city needs to have some sort of agreement that deals with what happens to the equipment if the facility is closed.

Tad Connors said an interlocal agreement is needed.

Betty Barnes asked Tad Connors to move forward on developing an interlocal agreement.

Mayor's Update and Council Comments

Basketball Court

Clinton Bryan asked about the status of the basketball court.

Jan Brending said some electrical work needs to be completed, backboards installed and cleanup with reseeding of the grass. She said she wants to work with David Spratt to determine a way to keep kids off the newly seeded areas but allow them to play basketball.

Insitu

It was noted that a news article regarding Insitu and Bingen and the Bingen economy aired recently on television.

Skate Park

Laura Mann asked about the status of the skate park.

Jan Brending said she is reviewing construction documents and hopes to provide cost estimates to the city council in the near future. She said once that information is obtained the city can look into some fundraising and determine how it wants to proceed with going to out to bid for construction this summer.

Klickitat County Prosecutor

Betty Barnes said there was a slight miscommunication and the county prosecutor received a letter letting him know the council would like him to come and visit with the council in the fall. Barnes said she called Tim O'Neill and he will be speaking to the council at the March 16 council meeting.

Parking

Guillermo Fisch said he has talked with people who do not work at Insitu about the parking in Bingen. He said there is a lack of sympathy for the parking issue. Fisch said he has some concerns and does agree with some of the comments.

Betty Barnes said she knows that some people are not happy with the enforcement of the parking requirements. She said however, that she visited with a business today who is thrilled with the enforcement. Barnes said parking has been an issue for a long time and was an issue before Insitu moved into town. She noted that another business stated "it was about time." Barnes said the city has sent out numerous newsletters and tried to give out warnings. She said the enforcement is not about making money but making parking available to customers.

Catherine Kiewit said Hood River provides a process that when a customer gets a parking ticket while shopping it can be taken to the business that then takes it to city hall and pays \$1.00 instead of the full fine. She said businesses only get so many a month.

Bruce Brending said that fines for parking violations in Portland are \$40 to \$60 per ticket. He agreed that the process is not to make money. Bruce Brending said that if the fine is not significant then it will not be a deterrent.

Clinton Bryan said parking should be enforced.

Tad Connors said the prosecutor can exercise his discretion and dismiss a ticket if he feels it is appropriate.

The council agreed to discuss the parking ordinance at the next council meeting focusing on fines for violations and time and day parking restrictions.

Earth Hour, Earth Day and Community Pride Week

Betty Barnes said council has information regarding Earth Hour and Earth Week. She said she was approached by Maria Perez about Earth Hour and having kids do a cleanup day in Bingen.

Jan Brending said she would like to encourage the Earth Hour but feels it might be difficult for the city to turn off all its lights for one hour on a Saturday evening. She said Community Pride Week which coincides with Earth Day would be a good week for group activities such as Maria Perez is suggesting.

It was agreed to encourage Maria Perez and to try and get some information in the newspaper about Earth Hour and Earth Day.

The council agreed to discuss yard and garden debris pickup in relation to community pride week at the council's next meeting.

Joint Police Committee Report

Sandi Dickey said the joint police committee talked a little about everything. She said one item is that Bruce Brending is asking for support to hire Washington State Patrol to conduct an internal investigation of Josh Gines and is asking for a letter of support from Bingen.

Bruce Brending said one of the action items on White Salmon's agenda for tomorrow night is authorizing the signing of a contract with Washington State Patrol (WSP) in an amount not to exceed \$6,000 to conduct an internal investigation of Josh Gines. He said Gines is currently on administrative leave and there has been no disciplinary action taken as of this date. Bruce Brending said a criminal investigation is ongoing and that is what is not allowing him to work. He said an internal investigation by a non-biased agency is necessary to see if any violation of department policy or procedure has taken place. Bruce Brending said he is requesting that WSP conduct the investigation because Gines has worked extensively with Klickitat County and Skamania County is conducting the criminal investigation. He said the proposal was discussed at the joint police committee last night with full support of the committee for moving ahead.

Bruce Brending noted that Sandi Dickey ran a good meeting with a full audience.

Betty Barnes asked the council if it feels it is appropriate to support the expenditure of funds to contract with WSP for an internal investigation.

Clinton Bryan said it makes good common sense. He said there was a consensus of the committee to support the contract.

Laura Mann moved to authorize the mayor to write a letter of support for entering into a contract with WSP to conduct an internal investigation of Josh Gines. Guillermo Fisch seconded the motion and it was unanimously passed.

Bruce Brending reported on the investigation of the John Barthlomew residential burglary. He said 2 individuals have been arrested with some property recovered. Bruce Brending said the investigation is still continuing and hopes to recover more property. He said the department worked with the Portland police department.

Catherine Kiewit asked if this burglary is linked to others in the area.

Bruce Brending said some property was recovered that might be linked to another burglary.

Jan Brending asked if this will solve all of the burglaries that have occurred in the area.

Bruce Brending said no, there have been houses that have been ransacked that are clearly done by a different group.

Betty Barnes noted that Larry Murphy is present because he is concerned about a rumor that White Salmon wants to contract out for law enforcement. She said the issue is on White Salmon's agenda for tomorrow evening.

Guillermo Fisch asked what the response time would be if a county officer had to respond to Bingen-White Salmon.

Bruce Brending said it varies depending on where the officer is located. He said that if the officer is in the area it could be 2-5 minutes but there is usually only one officer on at a time in the west area. Bruce Brending said if an officer is not available locally it could be 30 minutes.

Betty Barnes asked staff to provide a complete packet of the joint police committee meeting including the minutes. She said the packet will include information on scheduling and overtime.

Rick McComas, Klickitat County Sheriff, said he just stopped by to say hello.

Laura Mann asked how many officers Klickitat County currently has.

Rick McComas said he currently has 16 commissioned officers which includes 2 administrative personnel who are not available for patrol duty.

Betty Barnes asked what is the response time to the Bingen-White Salmon area by a county officer.

McComas said he has no more than 3 to 4 deputies on duty at a time and that the average response is 20 minutes.

Betty Barnes asked McComas if he would be interested in providing officers to cover Bingen-White Salmon.

McComas said he could not do it any cheaper. He said he is extremely supportive of Bruce Brending and his officers. McComas said he feels the Bingen-White Salmon police department is understaffed. McComas said both cities need to consider the issue of shifting responsibility to another agency and potential liabilities and lawsuits it might raise.

Betty Barnes said that if McComas did provide the service and had to hire officers would he be interested in hiring officers from the Bingen-White Salmon department.

McComas said he would want to do that.

Betty Barnes asked McComas if he was providing services to the Bingen-White Salmon area how he would feel if the mayor or council questioned how much overtime he was accruing.

McComas said he hears concerns about overtime from his board of commissioners. He provided an example of an unanticipated overtime request he had to present to the commissioners due to a large gathering that took place in the county. McComas said there are times when things happen that just can't be controlled. He said one issue that Bingen-White Salmon needs to be aware of is related to demonstrations that could take place at Insitu and the need for security.

Guillermo Fisch said he agrees.

Wastewater Treatment Plant Odor

Laura Mann said she wanted to complement Tom Hons for responding so quickly about complaints of odor related to the treatment plant. She said he called and spoke to her and the woman who runs the scale shack about the issue.

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 March 2, 2010. The council by unanimous vote does approve for payment the following list: checks 12077-12104 totaling \$21979.67. Current – \$8406.55; Street - \$2989.18; Community Development - \$2635.40; Water - \$4766.81; Sewer - \$527.88; Treatment Plant - \$2653.85.

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 March 2, 2010. The council by unanimous vote does approve for payment the following list: payroll checks 12063-12073 totaling \$19286.44. Current - \$8103.25; Street - \$2411.40; Water – \$2756.65; Sewer - \$414.94; Bingen Treatment Plant - \$5600.20.

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 February 16, 2010. The council by unanimous vote does approve for payment the following list: checks 12061-12062, 12074-12076 totaling \$2402.88. Current – \$2219.74; Water - \$183.14.

Executive Session

At 8:55 p.m. Betty Barnes announced the city council will meet in executive session for 10 minutes to discuss a real estate issue pursuant to RCW 42.23.110(1)(c).

The city council resumed regular session at 9:05 p.m. and announced it will continue to meet in executive session for another 10 minutes to discuss a real estate issue pursuant to RCW 42.23.110(1)(c).

The city council resumed regular session at 9:15 p.m.

Clinton Bryan moved to present the property located at E. Humboldt to the Gorge Heritage Museum for \$180,000 the appraised value of both parcels with the proposal and sale to be handled by Tad Connors. Laura Mann seconded the motion and it was unanimously passed.

At 9:18 p.m. the city council adjourned.

City Clerk

Mayor