

# BINGEN CITY COUNCIL MINUTES

October 7, 2008

The meeting was called to order by Mayor Prigel at 7:00 p.m. Council members present: Terry Trantow, Tim Hearn, Laura Mann, Betty Barnes and Sandi Dickey. City Administrator Jan Brending and Attorney Tad Connors were present. Audience: Bruce Brending, Joy Gohl, Jeanette Fentie, Ray Pazesky.

## **Approval of Minutes – September 16, 2008**

Laura Mann moved to approve the minutes of the September 16 city council meeting. Sandi Dickey seconded the motion and it was unanimously passed.

## **Public Hearing – Proposed Amendments to BMC 6.04, Dogs**

### ***Joy Gohl, White Salmon***

Joy Gohl said that she lives on Snowden Road in White Salmon. She said that there are some things in the proposed amendments that could be polished up. Gohl said education is necessary because people can get mad when they don't know the rules. She said dogs are best friends, family members and are not the enemy. Gohl said the dog involved in the recent incident probably came from a criminal element. She said that the city should be looking at the cause and that pit bulls are usually a problem with people who are involved in drugs. Gohl said heavy handiness and fines will not work. She said people can't afford to drive to the shelter in Goldendale to find their dogs. Gohl said the city should post photos of dogs that have been picked up at the post office or at city hall. She said the city needs to do things that are helpful to the public.

Jan Brending noted that the statistics here in Bingen are very different than in places like Portland. She said very few dogs are ever put down. Brending said most of the dogs that are not claimed are adopted out.

Betty Barnes asked how the city can address bad ownership without penalties.

Ray Paskey said dog fines could be treated similar to speeding tickets where individuals have the opportunity to reduce the ticket if they attend classes. He said dog owners could maybe get the fine reduced or forgiven if they attend training.

Jeanette Fentie said education is vital but not everyone is interested in learning. She said one way to get people to understand the point is to ticket.

Ray Paskey said that if someone has to pay for training they will usually pay for the ticket.

Ray Paskey said that he believes the 3 day period in section 6.04.090 or the ordinance is too short of a time frame. He asked what is the difference between the "dangerous dog" and "potentially dangerous dog" requirements.

Tad Connors said the "dangerous dog" requirements come from the state RCW. He said both "dangerous" and "potentially dangerous" dogs are defined in the ordinance. Connors said the state requirements take over when a dog is deemed dangerous but the state allows cities to determine how they want to handle potentially dangerous dogs. He noted that the city could come up with another label and definition other than "potentially dangerous." Connors noted that in some cases a dog could be classified as both.

Ray Paskey said he noted that there is no requirement for fences.

Jan Brending said she and Tad Connors discussed including a requirement for fences in the ordinance. She said requiring fencing will become an enforcement issue. Brending said who determines what kind of fence, how tall and big of fence, etc. She said one solution is just to require a solid wood, six foot fence around the backyard for all dogs regardless of size and breed. Brending said she thought that wasn't really appropriate either. She said that at the present time the ordinance does not include an amendment requiring fences.

Joy Gohl said another option is to require a dog run.

City council and members of the audience discussed requiring training for problem dogs. It was noted there is a difference between training and "Canine Good Citizen" certification.

Ray Paskey said the “Canine Good Citizen” certification is more of a temperament testing.

Jan Brending noted there are obedience classes offered through the Hood River Community Education program.

Bruce Brending suggested it would be easier to standardize the fines in the dog ordinance instead of having graduated fines. He suggested \$100.00.

The city council and members of the audience discussed section 6.04.045 requiring dog bites to be reported. Some language additions were suggested including that dog bites be reported to the “city animal control authority” or the city police department and that anyone who witnesses a dog bite be required to report.

Laura Mann suggested that section 6.04.060 should be removed since it is really addressed in section 6.04.070 dealing with dogs running at large.

The city council agreed to remove the definition of “physical injury.”

The city council agreed that where the language reads “Infractions issued for violation of this chapter shall be enforced with chapter 7.80 RCW” that the word chapter be changed to subsection or section.

The city council agreed that in section 6.04.050 complaints should be filed with the police department instead of the prosecutor.

The city council agreed that in the potentially dangerous dog section that the animal when outside of the dwelling or enclosure must be in the control of a person 18 years of age or older and physically able to restrain and control the animal. In addition, the city council agreed that a person must only be in control of the potentially dangerous dog and not any other dogs at the same time.

The city council agreed that when liability insurance coverage or a surety bond is required it must be filed with the city.

Betty Barnes provided staff and council members with a memorandum that identified typographic and grammatical corrections and her recommendations related to the dog ordinance.

Jan Brending noted that the proposed amendments are in rough draft and it will be necessary to make sure all numbering is correct and that terminology is consistent.

The council agreed to continue discussion of the proposed amendments at the next city council meeting.

### **Public Hearing – Proposed Amendments to 2008 Budget**

Jan Brending presented the proposed amendments to the 2008 budget. She said most of the amendments related to those items the council has approved. Brending noted that she has changed how the interest from the cash account is being allocated over all the funds. She said that in 2007 and at the beginning of the year it was all being allocated to the current expense account. Brending said because of some recent communications from the auditor’s office she has reallocated the interest over all the funds based on the funds cash balance.

Terry Trantow moved to approve Ordinance 08-07-548, Amending the 2008 Budget. Laura Mann seconded the motion and it was unanimously passed.

### **Small Works Roster Bid – West Steuben Street Storm Water Project – Review of Bid and Award of Contract**

Jan Brending said bids were opened at 3:30 pm on Friday and were as follows:

Crestline Construction	\$89,812.91
Nutter Corporation	\$72,204.53
George Schmid & Son	\$86,338.08

Brending noted that there was a discrepancy in the bid time and bid opening time between two different bid documents. She said that based on advice from the city’s engineer – Bell Design and attorney, she contacted all three companies prior to the bid opening to see if there were any issues with one of the bids coming in after 2:30 p.m. Brending said all three companies were fine with using a 3:00 p.m. bid time and 3:30 p.m. bid opening time.

Brending said the bids have been reviewed by Bell Design and that Stoner Bell is recommending the bid be awarded to the low bidder, Nutter Corporation. She said that in June she had previously recommended that funding for the project be split 25% from Current Expense and 75% from Community Development.

Laura Mann moved to award the West Steuben Street Storm Water project to the low bidder, Nutter Corporation in the amount of \$72,204.53 with funding to come from Current Expense – 25% and Community Development – 75%. Terry Trantow seconded the motion and it was unanimously passed.

#### **Amendment to Personal Service Agreement – Anderson Perry & Associates**

Jan Brending said that because of increased hours due to coordination of the railroad crossing project and change orders approved by the council additional engineering costs are necessary. She said the engineer is estimating an increase in \$23,990. Brending said the engineer is working to keep the number of hours down. She recommended that the fund for the increase come from the Street Construction and Maintenance fund.

Betty Barnes moved to approve the amendment to the Personal Services contract with Anderson Perry & Associates, Inc. with compensation and payment not to exceed \$136,836. Laura Mann seconded the motion and it was unanimously passed.

#### **Presentation of Results of Community Center/Park Planning Workshops**

The city council agreed to postpone the presentation of the community center/park planning workshop results until the next council meeting. The city council asked that the topic be placed on the agenda prior to any discussion of the dog ordinance.

#### **Treasurer's Report – August 2008**

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

Laura Mann moved to accept the August 2008 treasurer's report. Sandi Dickey seconded the motion and it was unanimously passed.

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

##### ***Police Department Monthly Statistics***

Betty Barnes asked that dog bites be reported as a subcategory of the animal category in the monthly statistics.

##### ***Bingen-White Salmon Police Department***

Bruce Brending said he is working on a rough budget. Brending noted that the number reported in the "parking" category on the September statistics does not include any parking issues addressed by the Director of Public Safety.

##### ***Parking Issues***

Brian Prigel reported there is a mobile home near his house that is parked within the right-of-way.

Betty Barnes reported that one of the vehicles that was tagged might have been moved to Alder adjacent to her home.

##### ***ADA Ramp Cleanup***

It was noted that the dirt and debris needs to be cleaned out of the ADA ramp areas.

#### **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 October 7, 2008. The council by unanimous vote does approve for payment the following list: checks 10565 and 10575 totaling \$111,637.42. Current – \$71,795.32; Street - \$3,408.43; Fire Equipment Reserve - \$925.25; Street Construction & Maintenance - \$22,880.98; Water - \$9,008.18; Sewer - \$558.81; Bingen Treatment Plant - \$6,060.45.

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 October 7, 2008. The council by unanimous vote does approve for payment the following list: payroll checks 10512 through 10518 totaling \$17,768.79. Current - \$8,016.91; Street - \$1,437.19; Water – \$2,714.74; Sewer - \$862.31; Bingen Treatment Plant - \$4,737.64.

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 October 7, 2008. The council by unanimous vote

does approve for payment the following list: checks 10510 through 10511 and 10523 through 10525 totaling \$7,963.68. Current - \$7,963.68.

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

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City Clerk

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Mayor