

# BINGEN CITY COUNCIL MINUTES

September 15, 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: Oliver Pochert, Michelle Halbin, Wendi Zeober, Stoner Bell.

## **Approval of Minutes – September 1, 2009**

Changes to the minutes of the September 1, 2009 city council meeting were noted as follows:

Page 1, Catherine Kiewit should be noted as being present.

Page 1, 4<sup>th</sup> paragraph, last sentence should read: “He noted that as a kid he had a pet duck.”

Page 2, 3<sup>rd</sup> paragraph last sentence should read: “Clinton Bryan seconded the motion and it carried with the following vote: Barnes – Abstain, Bryan – Aye, Dickey – Aye, Kiewit – Aye, Mann – Abstain.”

## **Ordinance Review and Discussion –Bingen Municipal Code 6.08, Livestock (Poultry)**

Brian Prigel provided an overview of the existing Bingen Municipal Code governing livestock within the city limits of Bingen.

Jan Brending said she has presented the city council with copies of several ordinances related to the keeping of livestock in city limits. She said cities across the state handle livestock and poultry in a variety of ways from banning all livestock and poultry to allowing livestock and poultry.

Brian Prigel said he feels any ordinance that would allow fowl or poultry needs to address noise and odor. He said that if the city is going to change its ordinance it should also address exotic animals.

Michelle Halbin said that they found cities in Washington that do allow small animals such as domesticated fowl such as ducks and chickens. She said most cities do not allow roosters.

Wendi Zeober said she lives next door to Halbin and Pochert and has no concerns regarding the duck. She said she has more concerns about a neighbor who has dogs that are not treated well. Zeober said that everyone loves the duck and it is well-cared for.

Laura Mann asked what city council members think about chickens.

Brian Prigel said chickens can raise noise issues.

Laura Mann said she is open to looking at permitting ducks and chickens with certain restrictions including locating enclosures a certain distance from property lines.

Betty Barnes said she is concerned with the noise and odor as it relates to chickens.

Clinton Bryan asked Halbin and Pochert if they did any research before purchasing the duck.

Michelle Halbin said that they had no clue that ducks were illegal in Bingen.

Catherine Kiewit said the ordinance also does not address rabbits. She said she thinks this is a good opportunity for the city to revise its ordinance. Kiewit said establishing a permit system would give the city the most control. She said she is concerned that an extra permit process would affect the city's workload. Kiewit said a small permit fee should be included in the ordinance.

Sandi Dickey said she thinks it is a good time to address the ordinance.

Betty Barnes said she thinks there are reasons why the ordinance exists and would like to leave it as is but add rabbits to the list not allowed in the city limits. Barnes suggested pulling the minutes from when the ordinance was adopted.

Laura Mann suggested permitting animals such as ducks, pot-bellied pigs and rabbits as pets and defining pets.

Brian Prigel agreed that a definition separating an animal as a pet versus an animal used for another purpose such as for food might be appropriate.

City council members and staff discussed the options for updating the ordinance. Jan Brending suggested that she could come up with some proposed language that could be reviewed at the next council meeting and then if the council agreed it could go to a public hearing with notice to the public.

Betty Barnes said that until two weeks ago the council had no intention of reviewing or discussing the ordinance. She noted that someone had previously come to the council to request a change in the zoning ordinance and was told that the city had other priorities at the present time.

Laura Mann said she feels the council does need to address local zoning.

Brian Prigel said an ordinance amendment should be geared towards the definition of “pet”, that the livestock ordinance should include rabbits and the animal ordinance should address exotic animals.

There was a consensus of the council that there should be a limit on the # of species of pet and a limit on the total aggregate number of pets an individual can own.

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

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

Jan Brending provided updated information to the council including a drawing of the subject area and associated water lines. Brending expressed her concern that the city does not know for sure if the subject water line is actually leaking or not. She noted that the water that was showing up on Highway 14 is no longer present. Brending said she is concerned about undertaking replacement or upgrading the subject water line at a cost of \$28,000 to \$38,000 without knowing for sure the line is leaking. She recommended that the city wait until it conducts a leak detection survey.

City council members, staff and the city’s engineer, Stoner Bell discussed the issue and ways to possibly test the line for a leak.

Clinton Bryan said the city should pressure test the line and it is an easy and economic way to test for a leak.

Laura Mann moved to have city staff pressure test the line, replacing the valves if necessary to isolate the line. Clinton Bryan seconded the motion. The motion passed with the following vote: Barnes – Aye, Bryan – Aye, Dickey – Abstain, Kiewit – Aye, Mann – Aye.

### **Public Hearing – Proposed Zoning Ordinance Amendment**

Jan Brending presented proposed ordinance 09-07-561, amending Bingen Municipal Code 17.40.030, Commercial – Conditional Uses. She said the ordinance specifically adds light industrial uses as a conditional use permit and amends the residential use language.

Laura Mann moved to approve Ordinance 09-07-561, Amending Bingen Municipal Code 17.40.030, Commercial – Conditional Uses. Betty Barnes seconded the motion and it was unanimously passed.

### **Public Hearing – 2009 Budget Amendment**

Jan Brending presented proposed ordinance 09-08-562, amending the 2009 budget. Brending said the ordinance amends the Street Construction & Maintenance fund and the Sewer Construction & Maintenance fund.

Laura Mann moved to approve Ordinance 09-08-562, Amending the 2009 Budget. Sandi Dickey seconded the motion and it was unanimously passed.

### **Treasurer’s Report – August 2009**

Jan Brending presented the August 2009 treasurer’s report.

Clinton Bryan moved to accept the treasurer’s report for August 2009. Laura Mann seconded the motion and it was unanimously passed.

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

#### ***Skatepark Design***

The park committee will meet with the top 3 firms on Thursday for interviews. Jan Brending said the council will have a recommendation at its next council meeting.

### ***Huckleberry Festival***

It was reported that there were no problems with Huckleberry Festival and that the event seemed to have gone well.

### ***Insitu Picnic***

Jan Brending reported the Insitu will be holding a company-wide picnic in the park on September 18.

### ***Governor's Visit***

Brian Prigel said he attended the meeting for the governor on September 4. He said no specifics were provided about her meeting with Insitu. Prigel noted that she took time to talk with the protestors on her way into the Pioneer Center.

### ***Insitu***

Brian Prigel said no information is available about the status of the proposals made to Insitu.

Jan Brending noted that Insitu has stated that they will not likely make any decisions until a contract they are working on is signed.

Catherine Kiewit said that Insitu can use this type of proposal as leverage with cities and counties. She said it makes everyone behave differently.

Brian Prigel said the Washington state constitution is pretty strict about how funds can be used to assist private corporations.

### ***Landscaping in Right-of-Way***

Betty Barnes said that she noticed when attending Huckleberry Festival that there are a number of properties with vegetation growing into the sidewalk areas. Council members noted there are some areas on Steuben with the same problem.

### ***Zoning Ordinance***

Jan Brending said she has not forgotten that the city has said it would look at the residential zoning ordinance. She said there are a number of items that need cleaned up and in addition to considering changing the minimum lot size. Brending said it is possible the city can look at this later in the fall after completing the pet/livestock ordinance amendment.

### ***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 15, 2009. The council by unanimous vote does approve for payment the following list: checks 11565-11583 totaling \$18790.83. Current – \$1018.50; Street - \$320.51; Community Development - \$12678.00; Fire Equipment Reserve - \$878.75; Street Construction & Maintenance - \$1931.13; Water - \$1359.88; Sewer - \$179.00; Treatment Plant - \$425.06.

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 15, 2009. The council by unanimous vote does approve for payment the following list: payroll checks 11549-11564 totaling \$12290.38. Current - \$5277.67; Street - \$1218.65; Water – \$1767.85; Sewer - \$467.67; Bingen Treatment Plant - \$3558.54.

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

---

City Clerk

---

Mayor