

BINGEN CITY COUNCIL MINUTES

DRAFT – May 21, 2019

The meeting was called to order by Mayor Barnes J. Barnes at 7:00 p.m. Council members present: Catherine Kiewit, Laura Mann, Ryan O'Connor, Phil Jones. Staff present: Clerk-Treasurer Cheyenne Willey, City Attorney Chris Lanz, Police Chief Mike Hepner. Audience present: Ramon Robles, Cesar Robles, Carl Warren, Ken Park, Ryan Walters.

Public Comment

Ken Park with the White Salmon Enterprise informed the council that he had just given his notice and would be moving to Poulsbo for a new job with the North Kitsap Herald.

Bingen White Salmon Police Department Update

Chief Hepner said that Tony Warren resigned two and a half weeks ago for personal reasons, but that Warren was still in the area.

Hepner said with Warren's resignation the department was one more officer down. He explained they have been operating with only three people since he didn't want to deny the vacation that officer Virgen had planned six months in advance.

Hepner said that the new hire Kate was doing well in the academy with only seven weeks left.

Minutes 04/02/2019

Corrections were noted as follows:

Public Comment

"Warren referenced the three large projects the city has been planning he had heard about..."
"...plans made will reflect transportation and utilitarian needs."

Bingen White Salmon Police Department Update

"...good idea to add logos have businesses fund the flags and have their logos printed on them ..."
"...far enough to see incoming see traffic."
"...the City purchased slowdown signs to be placed on the north and west end..."
"...with the hope that WSDOT purehasing would purchase..."

Discussion on Lodging Tax

"...Klickitat County has collects an automatic 2 percent as a lodging tax."

Council member Mann moved to adopt the minutes from the 4/2/19 meeting as corrected.

Council member Jones seconded the motion and it passed unanimously.

Minutes 04/16/2019

Corrections were noted as follows:

Nancy "Potts" should be Nancy White

Guillermo “Fish” should be Guillermo **Fisch**

Nancy “Welch” should be Nancy **Wetch**

Council member Jones had approved the minutes from **March 19, 2019**, not April 2, 2019

Council member Schroder moved to adopt the minutes from the 4/16/19 meeting as corrected.

Council member Jones seconded the motion and it passed unanimously.

Minutes 05/07/2019

Council member Mann moved to table the minutes from the 5/7/19 meeting.

Council member O’Connor seconded the motion and it passed unanimously.

Proposed Ordinance 2019-04-695 Adopting BMC 3.07 Excise tax on Lodging

Changes noted as follows:

Removal of sections referencing lodging tax advisory committee on pages 1 and 2.

Councilmember Jones moved to adopt Ordinance 2019-04-695 as amended.

Council member O’Connor seconded the motion and it passed unanimously.

Proposed Ordinance 2019-06-697 Amending BMC 10.16 Stop Signs

Council member Schroder moved to table proposed ordinance 2019-06-697.

Council member Jones seconded the motion and it passed unanimously.

Proposed Agreement for USDA RD Bond Counsel Services – Foster Pepper

Council member Jones moved to authorize the Mayor to sign the proposed agreement with Foster Pepper for Bond Counsel services.

Council member Mann seconded the motion and it passed unanimously.

Proposed Agreement for Construction and Maintenance, Grade Separation RRB1199 – BNSF

City attorney Lanz noted that the agreement used boilerplate language and was a standard agreement.

Council member Mann moved to approve the proposed agreement with BNSF.

Council member Jones seconded the motion and it passed unanimously.

Public Hearing – Conditional Use Permit 2019.001 Robles

Mayor Barnes opened the public hearing for proposed conditional use permit 2019-001 submitted by Ramon Robles.

Barnes asked if anyone has had contact with the proponents of the conditional use permit application.

Council members said no.

Barnes asked if any council members would benefit financially from the proposal.

Council members said no.

Clerk Treasurer Willey provided a staff report summarizing the application.

Cesar Robles detailed the proposed use. He said there was “dead” space at the property, and that his father, the applicant, would like to implement some low cost housing.

The contractor explained that the basic floor plans included in the application are very preliminary, as the applicant did not want to complete the full design until approved for the conditional use.

Council member Mann asked if the private parking lot shown would be for residents.

The contractor explained that yes, and it already exists and would not be altered.

Councilmember Mann stated a concern about items falling on vehicles or pedestrians from a second story balcony.

The contractor explained that only the entrance might extend to overhang part of the private parking.

Council member O’Connor asked if the existing private parking spaces would be maintained, or if more would be added.

Cesar Robles said the existing parking would be maintained.

Council member O’Connor asked if there were two proposed residences.

The applicant confirmed that yes, two residences were proposed.

Carl Warren asked if the proposal would affect the Humboldt Street access to the apartments and commercial buildings on the 100 block of W Steuben.

The applicant explained that there is an easement for that access and that it would not be affected.

Mayor Barnes closed the public hearing.

Council member Schroder moved to approve conditional use permit 2019-001.

Council member Jones seconded the motion and it was passed unanimously.

Mayor Barnes thanked Cesar Robles for his service as a Student Council member.

Project Updates – Gray & Osborne

Ryan Walters addressed the following projects:

Collections System Improvements

Walters said Nancy Wetch and WWTP manager Tom Hons had reviewed the plans and things were moving along well. He said the electrical engineer was also onsite earlier that day to help plan. Walters said that if Hons has any comments that they will be incorporating those into the plans.

Walters said the design team went to Everybody's Brewing and met with the main contact there to discuss mitigation of loadings, and that further information would come from Nancy Wetch.

Walters said the funding from the Department of Ecology was progressing smoothly, and that the next step was for Clerk-Treasurer Willey to complete some paperwork. He said the projects were on schedule to advertise at the end of 2019.

Walters mentioned that the BNSF permit came back with few comments, and that the WSDOT permit came back approved.

Humboldt, Cherry, and Cedar Street Improvements

Walters said the project was moving forward, and that RD bond counsel was the last step. He explained that TIB approval was held up by RD approval, but that everything was on schedule to be advertised by late June, 2019.

Council member Mann confirmed that the project would be advertised in June.

Walters said the schedule would probably place opening bids in July and that thing generally take 6 weeks to kick off, so the projected construction start date would be in August.

Walters said the next task would be a scope of work for the reservoir replacement project.

Mayor Barnes asked if the reservoir would have a larger capacity.

Walters said he believed the capacity would be the same as what is currently in place.

Council member Mann brought up that a developer in White Salmon was proposing 69 new homes in the draw above the reservoir.

Barnes mentioned that in the master sewer and water plans, there hadn't been any planning for large developments. She said going forward it would be wise to talk about that scenario and see if the current plans would accommodate the proposed developments.

Walters said he would look into that and see if the proposals would affect the demands on the water system. He said if necessary the plans could be amended with the Departments of Health and Ecology.

Council member Mann said she was also concerned with runoff and groundwater next to the reservoir with the proposed new build.

The council discussed elevation as it related to reservoir placement.

Barnes pointed out that all water from the "old" reservoir has to go to "new" reservoir to be chlorinated.

Councilmember Jones suggested looking into chlorination systems.

Clerk Treasurer Willey said that PW Superintendent Spratt would have comments and suggestions relating to chlorination systems.

Old Business

The Society Hotel – Proposed Development in City Right-of-Way

Jonathan Cohen with The Society Hotel (TSH) thanked that council for adding the right-of-way developments to the agenda and apologized for any confusion and for missing the last meeting. He apologized for getting off on the wrong foot and stated that he didn't know that it was not allowed to build in the right of way.

Cohen said what TSH was looking to do was install a small section of fence in the right of way south of the TSH parking lot, but as things progressed it appeared best to set fence in right of way along most of the south side of the property, as well as the north and east sides.

Cohen proposed to exchange permission to develop right of way for maintenance and removal of items installed if requested.

Carl Warren asked about access to the telephone/power poles on the property.

Cohen explained that the poles are actually on TSH property and there was already an easement recorded for access.

Council member Schroder asked Cohen to explain why the hotel would need a fence.

Cohen said one of the most important things when people come to a hotel is their safety and security. He said it would only be a short fence, but that it was still very important to provide a sense of security, and also for liability purposes.

Council member Schroder asked about a fence being installed around the pool/spa.

Cohen said yes, the pool is required to have a fence by the state department of health, and that the approval process took six months. He said the purpose was to limit unauthorized access and to keep children from falling in. He mentioned the final inspection is to take place on Thursday.

Council member Mann said she felt the fence needed to be on the property line. She said the right-of-way was there for the city's needs including snow removal and future street development. Mann mentioned that hardship and topography have been circumstances in the past that have been mitigated by allowing or not allowing building in the right of way.

Cohen said he totally heard what Council member Mann had said, and that he can completely understand. He said he felt it was a hardship due to the topography, and that was what was driving the proposed installations. He said he wanted things to be kept on the TSH property, but that there was no other way to provide the necessary safety and security to successfully operate the business.

Cohen continued that if the proposal was accepted he did not feel it would limit use of the right-of-way by the city, and said that a maintenance and removal agreement would stand.

Council member Mann disagreed and said that the installations were inherently limiting to snow removal on Franklin and Pine Streets.

Cohen said the snow limits parking availability but not snow removal.

Cohen stated that change is not necessarily a negative, and said he believed that it will be positive thing for the city. He said TSH had hired 25 new positions with full healthcare benefits.

Council member Jones said he was leaning towards being in favor of allowing the proposal for agreement and maintenance. He said to disallow it would mean an awful lot of disturbance and mitigation for the site. He said sometimes you have to build to what the land allows.

Council member Schroder said she lives in an old house in Bingen and understands needing fluidity in these scenarios. She said she appreciated the fence, and can see the need. She said she felt the City would be gaining more than it would lose.

Council member O'Connor said he could see how it would be difficult to put fence on property line on north side. He said he wanted to see fair application of right-of-way determinations.

Council member Mann said she had to have an easement to have a stairway to access her property.

Council member Schroder said she felt that fair application of right-of-way determinations would occur on a case by case basis. She said there was no "one size fits all" solution.

Mayor Barnes recalled that when the City redid East Humboldt Street a few years back, that she used to have a brick wall across her front yard. She said she had to remove it hurriedly at her own expense.

Council member Mann said an "agreement" already existed in city code about vegetation management and that it was clear that property owners are responsible. She said she felt the issue lied in the fact that the fence was a structure, not vegetation.

Council member Schroder remarked that a chain link fence was not the same as a concrete wall in permanence.

Mayor Barnes asked if the council felt that the pros and cons had been addressed.

Council member Jones moved to approve the proposed location of The Society Hotel's fence, with the city able to remove any structure or society property, planting, water, irrigation as required, provided that The Society Hotel be responsible for maintenance.

Mayor Barnes clarified that there would be a gate installed in the fence on the SE corner of the property for fire access regardless of the location in or out of the right of way.

Council member Jones withdrew his earlier motion.

Council member O'Connor asked Council member Mann if she had any further thoughts.

Council member Mann said she wouldn't vote in favor of approving the proposal.

Council member O'Connor said that if the council approved the proposal and it later became an issue, it could be structured so that the City can request immediate removal of all items from the right-of-way.

Council member Mann said she had originally been on the other side of the fence, but that after thinking on it had changed her mind. She said it would change the snow removal practices, and that it was possible the City would have to haul snow if the winter storms keep trending in the same direction.

Council member O'Connor clarified that where the fence would go would not interfere with public parking.

Council member O'Connor moved to accept the location of The Society Hotel fence, irrigation line, and trees where these items have been placed in the right-of-way, understanding that such placement is requested to avoid a steep slope and existing vegetation; on the condition that the items placed in the right-of-way be regularly maintained by The Society Hotel at their own cost, with complete and immediate removal of all items by The Society Hotel at their own cost if and when requested by the City of Bingen. Council member Jones seconded the motion and it passed 4-1 with votes as follows: Kiewit – Aye, Schroder – Aye, Jones – Aye, O'Connor – Aye, Mann – Nay.

The council took a five minute break at 9:45

Oh Joy of Joys

Council member Mann moved to place the Oh Joy of Joys statue at the SW corner of Steuben and Walnut Streets.

Council member Schroder seconded the motion and it was passed unanimously.

Council member Mann noted that she wanted the pedestal to allow for moving the artwork, and said she was not sure about the lighting and plaque. She said she didn't believe that a permanent plaque should be installed.

Mayor Barnes said that even on pedestal a plaque could be made to be removable.

Council member Mann said she thought that was a great idea.

Custom Interface – Water Leak Adjustment – Decision

Council member Jones moved to authorize the Mayor to sign the adjustment appeal decision for Custom Interface.

Council member O'Connor seconded the motion and it was passed unanimously.

Mayor's Update and Council Comments

Mayor Barnes said that she and council members Mann and Schroder attended the opening event for The Society Hotel, and remarked that it was well attended.

Council member Mann said it was a very positive event, and noted that Mayor Barnes took the opportunity to announce the funding secured from the state legislature for funding railroad crossing improvements.

Barnes said she would be talking with Senator King soon regarding the funding.

Barnes said she would be attending the upcoming meeting in Hood River regarding the bridge replacement project, and that she would also be attending the “Prom” event at The Society Hotel.

Staff and Committee Reports

Clerk-Treasurer Willey said she had spoken with the Hood River Aquatic Center about the possibility of purchasing pool passes for Bingen residents to use since the White Salmon pool would not be opening in 2019. She said the manager would be getting back to her regarding the best way to manage an account for Bingen residents.

Council member Schroder said that the new bus service stops running at 6:00 pm, and she thought that it should be extended later to allow people to safely return home after work or after going out for the evening.

Council member O’Connor agreed.

Executive Session

Mayor Barnes announced at 9:20 pm that the City Council will go into Executive Session for 15 minutes to discuss potential litigation pursuant to RCW 42.30.110(1)(i).

At 9:35 p.m. the Council resumed regular session.

Voucher Approval

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 May 21, 2019.

The council by unanimous vote does approve for payment the following list:

Payroll Checks 20746-20756 and Payroll EFT (Dated 4/30/2019- 5/15/19) totaling \$25,320.25 General Fund - \$16,375.76, Street Fund - \$2,458.88, Water Fund - \$1,746.22, Sewer Fund - \$319.60, Treatment Plant Fund - \$4,419.79.

Checks 20758-20757 totaling \$69,392.43. General Fund - \$4,003.14, Street Fund - \$321.04, Comm. Dev. Fund - \$62,103.93, Water Fund - \$1,993.83, Sewer Fund - \$164.55, Treatment Plant Fund - \$125.71, Sewer Capital Reserve Fund - \$680.23.

The council adjourned at 9:15pm.

City Clerk

Mayor