**BINGEN CITY COUNCIL MINUTES**

**September 5, 2023**

**Meeting Via Teleconference and In-Person**

The meeting was called to order by Mayor Catherine Kiewit at 7:01 p.m.

Council members present: Phil Jones, Ryan O’Connor, Joe O’Sullivan, and Izzy Schroder. Staff present: City Administrator Krista Loney, City Attorney Christopher R Lanz. Audience present: Noah Noteboom, Kirby Erdely.

**Public Comment**

None.

**Meeting Minutes – 8/15/2023**

Mayor Kiewit had two modifications to the 8/15/2023 meeting minutes:

1. Add “There was no public comment.” To the end of the last paragraph regarding the budget amendment.
2. Move Ordinance 2023-06-739 above Ordinance 2023-05-738.

Councilor Schroder made a motion to approve the 8/15/2023 meetings as corrected. Councilor O’Sullivan provided the second and the motion carried.

**Bingen Fire Update**

Chief Spratt provided the statistics for August 2023 which included 4 Bingen calls and 26 mutual aid calls. Total calls for 2023 are 273. Trendlines will be added to the graphs.

Engine 35 is having the transmission repaired. Engine 34 was brought out of reserve while Engine 35 is being repaired. Mayor Kiewit asked if Chief Spratt has emergency management plans for Wilcox and Flegel in Bingen. The tanks at Wilcox and Flegel are strong and double-walled and full of fuel. Chief Spratt stated that he believes he has copies of the emergency plans. Mayor Kiewit asked Chief Spratt to make a request for the plans if the Bingen Fire Department doesn’t have them.

**Bingen Police Update**

Chief Hepner was not in attendance.

**Progress Estimate #1 – Oak Street Reservoir**

Jamin Ankney from Gray and Osborne attended the meeting to review the Progress Estimate #1 with Council. This estimate is approximately 7-8% of the total costs of the project and includes mobilization and supplies that are already on-site. Councilor O’Connor made a motion to authorize payment for Progress Estimate #1. Councilor Jones provided the second and the motion carried.

**Change Order Request #2 – Asbestos Abatement**

Jamin Ankney from Gray and Osborne explained that AES suspected that there was asbestos on the overflow pipe attached to the old reservoir. Bingen had the pipe tested for asbestos by Alpha Environmental and found that it is 50% asbestos-containing. AES provided an estimate of $6,393.24 to abate the asbestos. Administrator Loney procured a quote on abatement from Alpha Environmental and the pricing was similar. Councilor Jones made a motion to authorize Mayor Kiewit to sign the Change Order Request #2 for Asbestos. Councilor O’Connor provided the second and the motion carried.

**On-Call Services Contract with Bell Design Company**

Administrator Loney provided a memo and the on-call services contract with Bell Design Company. Skamania County Community Planning does not have the bandwidth to handle the engineering component of short plats and land divisions. Bingen will need to contract with a third party for these services. Bell Design is already working on this for a short plat. The on-call contract is an umbrella contract. Each project will have its own estimate and agreement. Councilor Jones made a motion to authorize Mayor Kiewit to sign the on-call services contract with Bell Design Company. Councilor Schroder provided the second and the motion carried.

**Resolution 2023-013 RCO Local Parks Maintenance Grant Application Authorization**

Administrator Loney provided a memo about the Local Parks Maintenance Grant application that explains that completing this resolution is part of the grant application. Councilor Schroder made a motion to adopt Resolution 2023-013 authorizing Mayor Kiewit to sign the Applicant Resolution/Authorization form. Councilor O’Sullivan provided the second and the motion carried.

**Resolution 2023-014 Declaring a Local Emergency Due to the Failure of the 2” City Waterline Along Steuben Street East of Oak Street**

Administrator Loney provided a memo explaining that there have been several leaks in August on the 2” waterline along Steuben east of Oak Street and the line needs to be replaced. Loney and Superintendent David Spratt met with Nancy Wetch and Tim Devries of Gray and Osborne to discuss options including replacing the 2” line with a 2” line, 3” line, 4” line, serving properties from the 6” line on the north side of Steuben, and more. The Public Works Board has emergency funding that may be up to 25% grant and Bingen will be applying for this funding. An emergency declaration is a component of the application. Councilor Jones made a motion to adopt Resolution 2023-014 Declaring a Local Emergency Due to the Failure of the 2” City Waterline Along Steuben Street East of Oak Street. Councilor O’Connor provided the second and the motion carried.

**Resolution 2023-015 TAP Grant Construction Method of Financing**

Administrator Loney provided a memo explaining that passing a resolution regarding Construction Method of Financing is part of the DOT form 140-039 for obligation of funds for the Transportation Alternatives Program grant. Councilor Schroder made a motion to adopt Resolution 2023-015 Authorizing Method C “Local Force or Local Ad and Award” as the Construction Method of Financing for the Transportation Alternatives Program (TAP) Grant. Councilor Jones provided the second and the motion carried.

**Zoning – Setbacks Discussion**

Administrator Loney provided a memo outlining previous discussion about setbacks which included a workshop on June 13, 2023 and recommendations to maintain side setbacks at 5 feet and reduce front and rear setbacks to 10 feet.

Loney read two public comments into the record.

Public Comment 1: Reed Stager

*Hi Krista,*

*Thank you and the City Council again for the great work in formulating and adopting the new ADU code. It is a giant leap forward for affordable housing and for the residents in the area and we greatly appreciate all the work that went into making the changes.*

*We also understand that the ADU ordinance is one part of a larger picture and that the City is continuing to move forward with new Short Term Rental policies and new zoning related changes. While both need to be addressed, we ask that the zoning related changes be prioritized and addressed as soon as possible. While the new ADU Code is a giant step forward, most people considering putting one in will need to understand and incorporate the new code changes - especially related to set backs - before they can create any new housing or start development. It seems like both the zoning changes and STR policies are almost complete (90%+) based on the extensive work you, the working groups, and the council have done and only a few final decisions needing to be made.*

*We would encourage the council to take up the zoning changes as soon as possible to see if they can be finalized over the next month or two.*

*We believe the most important change would be to adopt the new setback and lot width requirements that have previously been discussed including:*

*\* 15 foot front setback*

*\* 10 foot rear setback*

*\* 5 foot side set backs (as is already in the code)*

*\* 50 foot lot minimum width (as is the case for most existing lots in Bingen)*

*\* 50 foot lot minimum depth*

*In regard to Density, merging the R1 and R2 zones as previously discussed makes tremendous sense. We understand the concern that was voiced about the previously proposed 2500 square foot lot size allowing too many 5000 square foot lots to be divided and would suggest the minimum lot size be established between 3500 and 5000 square feet as the next step and see how that can help increase housing while preserving livability. I believe it would allow more housing to be established on larger lots while not encouraging overbuilding on existing or new smaller lots.*

*We hope this helps support the process and the hard work that has already been invested in making Bingen a more livable city. Please let me know if you have any questions or if I can help in any way.*

Public Comment 2: Peter Wright

*I’m glad that the city is looking at the role of setbacks as limitations to Bingen’s goals of allowing more density and a variety of housing, especially with respect to the new ADU ordinance. The 10’ building spacing of the ordinance combined with the 20’ rear setback makes detached ADUs impossible on the majority of Bingen’s standard 50’x100’ deep lots, including those that might otherwise have a suitable ADU building site. I would suggest revising the ADU ordinance to allow for 6’ which is fairly standard for detached dwellings in many communities, and a 10’ rear setback that only applies to ADUs (and possibly only for 1-story ADUs if privacy is a concern). That reduces minimum amount of rear yard needed (for a small 10/15’ wide structure) from 26/31’, as opposed to 40’/45’ under the current ordinances.*

*Beyond just ADUs, reduced setbacks — balanced by with other design considerations (e.g. restricting dwelling height or size) — would actually result in new development that is significantly more compatible with the existing character of the community. It’s no secret that many classic older homes have short street setbacks, but the actual setbacks with the 60’ wide right of way is often even shorter than how they look relative to the street. The current 20’ front and 15’ corner lot/side street, and 20’ rear set backs are especially restrictive to corner lots like the vacant one across from the Society Hotel. These dimensions constrain building footprints in a way that forces access to be taken from the shorter frontage or else leaves just 10’ of buildable depth when a corner lot is just 50’ deep.*

*Our predecessors recognized that the additional frontage afforded to 50’x100’ corner lots made them ideal for multiple homes. For a good example of how nonconformance with current setbacks and other development standards interact to create the Bingen we all know and love, look out the window of city hall at the white cottages kitty corner. These recently came up for sale as three very small cottages on a single lot. In addition to being well outside the unit density of what any residential zones allows for a lot this small, these cottages have shorter street setbacks, and only one cottage appears to have parking that is on the lot itself (as opposed to the garages that appear to mostly sit on the neighboring lot, well past the 50’ of platted width). The smallest cottage at only 280 sq ft is also below the minimum size allowed by the new ADU ordinance.*

*Rather than addressing changes to development standards as something new and unfamiliar to Bingen, I think the council should consider identifying a few other examples of higher density, nonconforming homes like these, and then reverse engineer the code to essentially re-legalize them (while keeping them safe of course). This could shift the housing conversation from “new and unfamiliar change” to “returning to the old” while allowing growth to occur more organically like it once did. Some kind of size and/or height limitation (e.g. 1200 square ft/25’-28’ as opposed to 35’ currently allowed) would also be necessary as a balancing measure to actually achieve comparability with incrementally higher density.*

*One technique that could also work is “setback averaging” whereby a new development could use an average of nonconforming setbacks on a given block, though this may also be applicable to certain blocks. In my experience there there are often several overlapping barriers that prevent multiple smaller homes from being built on a single lot.*

Councilor Schroder stated that she is in support of 10 foot front setbacks, 10 foot rear setbacks, and 5 foot side setbacks.

Councilor O’Connor inquired about the origin of the 20’ front setbacks. That is perhaps because of the on-site parking space requirement and the parking space must be 10’x20’.

Councilor Jones stated that he is in support of 10 foot front setbacks, 10 foot rear setbacks, and 5 foot side setbacks.

Councilor O’Sullivan stated that he is in support of 10 foot front setbacks, 10 foot rear setbacks, and 5 foot side setbacks.

Discussion ensued regarding a 15 foot front setback with a 5 foot projection for a porch as well as reducing the corner setbacks to 10 feet.

Administrator Loney was instructed to revise the code for the September 19 meeting to include 10 foot front and rear setbacks, 10 foot corner setbacks, 5 foot side setbacks, minimum lot width of 50 feet, minimum lot depth of 100 feet, and minimum lot sizes of 5000 square feet. Noticing will be submitted for a public hearing at the September 19, 2023 meeting.

**Vacation Rental Discussion, Continued**

Councilor Schroder made a motion to table vacation rentals to a future meeting. Councilor O’Sullivan provided the second and the motion carried.

**Options for New Street Names**

When the roundabout goes in and there is another point of entry onto Bingen Point, the street will need a name. The project has been calling this street South Elm. Council narrowed the street name possibilities to Dogwood, Juniper, Hemlock, or Fir. The community will be invited to vote on the name at a box on the City of Bingen table at Huckleberry Festival.

**Staff Updates**

Administrator Loney had the following updates for Council:

Daubenspeck Park:

* GameTime equipment has been ordered. No estimated delivery date at this time.
* Picnic tables ordered and shipped.
* Benches ordered with 3–4-week lead time.
* Weed liner ordered and shipped.
* Gravel and mulch will be ordered for delivery to align with installation.

Grants:

* Krista will present to the CERB board on September 21 in Dayton, WA. Krista will meet tomorrow with Chris Zahas (CPAT team) about completing the economic development plan required by the CERB funding.

Oak Street Reservoir:

* Meetings are going well. The tank is now scheduled for a December 4 on-site date.

Huckleberry Festival:

* Krista has been asked to emcee. Can someone else drive the truck? Councilor O’Connor will, with Councilor Schroder, daughter Izzy, and Jonah Kiewit riding to throw out candy.

Other Projects:

* Bingen’s overall capital facilities plan needs to be updated. I will be working on updates and present those for council’s consideration.
* Budget committee already has homework and will meet on September 22. The tentative schedule for adopting the 2024 budget is:
  + October 17: Public Hearing #1 Revenue Sources
  + November 7: Public Hearing #2 Preliminary Budget
  + November 21: Public Hearing #3 Final Budget adoption
* Lee Marchisio from Foster Garvey reached out. Council will need to take action to extend the bond note from the first interim financing loan.

**Mayor’s Update and Council Comments**

Councilor Schroder pointed out that there is trash in the median on Maple street that needs to be removed prior to the Huckleberry Festival parade. She complimented the bus stop by the Lutheran church. She inquired what will happen if nobody takes her Council spot. Mayor Kiewit stated that she may be asked to step in while Bingen recruits someone.

**Voucher Approval**

Payroll Checks (Dated 8/31/2023) and Payroll EFT (Dated 8/31/2023) totaling $39,835.38; General Fund - $13,078.36, Street Fund - $7,509.47, Water Fund - $4,368.69, Sewer Fund - $1,239.24 and Treatment Plant Fund - $13,585.62.

Councilor O’Connor made a motion to approve the Payroll dated August 31, 2023. Councilor Jones seconded the motion, and it passed unanimously.

Claims Checks (Dated 9/5/2023) and Claims EFT (Dated 9/5/2023) totaling $287,242.88; General Fund - $66,773.81, Street Fund - $3,158.65, Water Fund - $15,637.60, Sewer Fund - $4,660.60, Treatment Plant Fund - $17,046.36, Drinking Water State Revolving Fund Loan - $28,974.47, Water Capital Reserve Fund - $149,181.86, and Court Remittance Agency Fund - $1,809.53.

Councilor O’Connor made a motion to approve the Claims dated September 5, 2023. Councilor Schroder

seconded the motion, and it passed unanimously.

**Adjournment**

Mayor Kiewit adjourned the meeting at 8:58 p.m.