

BINGEN CITY COUNCIL MINUTES

April 1, 2014

The meeting was called to order by Mayor Betty J. Barnes at 7:00 p.m. Council members present: Betty Barnes, Catherine Kiewit, Sandi Dickey, Stephanie Porter. Council Member Izzy Schroder and Student Council Member Monica Lizama absent. City Administrator Jan Brending and City Attorney Chris Lanz were present. Audience: Ben Van Horn, Ryan Lockman, Jeri Fisch, Guillermo Fisch, Angela Lockman, Emily Lockman, Ira Martin, Matt Riley, Clint Bryan, Perry Bryan, Pam Ritzenthaler, Tamara Kaufman, Amber Marra, Will Altig.

Public Comment

Pam Ritzenthaler, Clark College

Pam Ritzenthaler provided a review of the GED and ESL classes that have been provided by Clark College in White Salmon. She said the classes for spring and summer have been cancelled for the White Salmon area although classes will still be held in the Carson area. Ritzenthaler said Clark College is developing a new marketing strategy for the college. She suggested the city could write a letter to Clark College stating that if the college is not going to provide services in the White Salmon area with the tax dollars that come from this area, then the White Salmon area should be released from the district and allowed to join the Columbia Gorge Community College district. Ritzenthaler said the college is currently going through a RFP process for providing GED courses in Vancouver and White Salmon.

Catherine Kiewit said she has spoken to Ritzenthaler about this issue. She said that students attending Clark College classes in White Salmon are eligible for free tuition while they would not be if attending the Columbia Gorge Community College.

Guillermo Fisch asked what the budget is for providing classes in White Salmon. Ritzenthaler said the budget is \$18,000 for providing GED and ESL classes for 3 terms each year. She noted that the space where the classes are held is provided for free.

Betty Barnes suggested Catherine Kiewit draft a letter to the appropriate people voicing the City of Bingen's concerns about not having GED and ESL courses locally and that Bingen is a low-income community. Barnes said she thinks it is important to encourage people to get their GED or take ESL classes.

There was a consensus of the council to authorize sending a letter of concern regarding the cancellation of GED and ESL classes. It was agreed Kiewit will draft the letter and send it to Betty Barnes and Jan Brending for review before it goes out.

Approval of Meeting Minutes – March 18, 2014

Corrections to the meeting minutes of the March 18, 2014 regular council meeting were noted as follows:

Page 1, 10th paragraph, last sentence should read: "She said she has noticed a number of problems with the landscaping and feels that using large rocks and choosing a few plants to replant will make the landscaping look better and be more manageable."

Page 1, 11th paragraph, first sentence should read: "Catherine Kiewit asked if redoing the landscaping should wait since everything looks lush and green."

Catherine Kiewit moved to approve the minutes of the regular meeting on March 18, 2014 as corrected. Sandi Dickey seconded the motion and it was unanimously passed.

Eagle Scout Project, Ryan Lockman

Ryan Lockman said he is interested in completing an Eagle Scout project that would benefit the youth of Bingen. He said the basketball court is slick and has been losing traction. Lockman said he would like to retexture the concrete and has spoken to Troy Wamsley about how to do that. He said the traction on the court would be similar to that of a pool deck. Lockman said the labor would be free but some funding from the city would be helpful. He said he needs to complete the project by September before he turns 18.

Betty Barnes said she asked Matt Riley to attend the council meeting as he is very familiar with concrete.

Matt Riley asked Lockman if the material he is using is epoxy. Lockman said yes.

Riley said he has looked at the basketball court and feels it is in really good shape. He said an epoxy base might work if the preparation was done correctly. Riley said he would want to see the guarantee on the product.

Ira Martin said he would be concerned about the product peeling off. He asked if anyone has considered sand blasting the court.

Lockman said other options would be to add a layer of concrete, use muriatic acid, or concrete sanding.

Catherine Kiewit noted that the city plans to cover the basketball court someday in the future. She said she is concerned about texturing concrete due to water and freezing and then the surface breaking up. Kiewit said paint can also wear off.

Lockman asked if there are other projects that he could do. He said he would really like to do something with the basketball court.

Betty Barnes said that she has spoken with a number of kids who feel the court is fine. She said she is concerned about taking something that is currently low maintenance and increasing the maintenance costs and time.

Matt Riley suggested that the seams on the court could be resealed and that would help protect the life of the court. He said it would need to be done when the weather is drier.

Catherine Kiewit suggested because the court is in good shape she would be more inclined to approve resealing the cracks, striping the court and painting the backboards. She said that brooms could be hung at the basketball court to help sweep off dust.

Ryan Lockman asked if he could revise his plan and come back before the council.

Betty Barnes said yes and asked that Ryan Lockman be placed on the April 15 agenda.

Experience Washington Website changes, Mt. Adams Chamber of Commerce

Tamara Kaufman, Mt. Adams Chamber of Commerce, said the chamber has joined the Washington Tourism Alliance which is a private entity that took over the state agency. She said both White Salmon and Bingen are now listed on the city list. Kaufman said however, that the map does not list White Salmon-Bingen and shows Mt. Adams in the wrong locations. She said the chamber has written a letter requesting these two things be corrected and is asking Bingen and White Salmon to also write letters. Kaufman said the letter drafted by Jan Brending seems sufficient.

Catherine Kiewit moved to send a letter to the Washington Tourism Alliance requesting that White Salmon-Bingen be placed on the Experience Washington map and that the location of Mt. Adams be corrected. Sandi Dickey seconded the motion and it was unanimously passed.

Bingen-White Salmon Police Department Update

Tracy Wyckoff said things have been going well. He said the department was involved in two recent pursuits. He said the individual involved in the pursuit that ended up in Trout Lake is likely in the Bingen White Salmon community.

Draft Wheeled All-Terrain Vehicles Ordinance – Review and Discussion

Betty Barnes said the draft wheeled all-terrain vehicles ordinance was worked on by herself, Jan Brending and Tracy Wyckoff.

Catherine Kiewit asked what a “utility vehicle” is.

Will Altig said it is a larger all-terrain vehicle (ATV).

Catherine Kiewit asked if the main advantage of being able to drive wheeled all-terrain vehicles in city limit is being able to go from someone’s home to a recreation site. She asked where can individuals go in Klickitat County for recreation purposes.

Clinton Bryan said that hopefully someday he will be able to have an area in Klickitat County where ATV’s can be used. He said he would also like the opportunity to be able to use the ATVs to go the store, post office or even to a friend’s house instead of using a full-size vehicle.

Catherine Kiewit said that unless the City of White Salmon and Klickitat County adopts similar ordinances Bingen residents couldn't go anywhere else.

Clinton Bryan said that at this time that would be correct although he is confident that White Salmon will also adopt an ordinance.

Altig said that if no one else adopts an ordinance then ATV riders will be locked into Bingen city limits. He said he is confident that White Salmon will adopt an ordinance and also feels the county will adopt one. Altig said that if the county adopts an ordinance that ATVs and utility vehicles could be used at the Port. He said the fire department could also access areas at the Port on ATVs.

Tracy Wyckoff suggested that Insitu may also use ATVs for security purposes. He said that when White Salmon initially discussed the ATV ordinance there was positive feedback. Wyckoff said there is a good chance that White Salmon will also adopt an ordinance.

The council discussed muffling and spark arrester requirements.

Tracy Wyckoff said he feels a few people will use ATVs in Bingen but does not think there will be an overabundance of them in the city. He said that if drivers are not being responsible and they become a problem the city can repeal the law. Wyckoff said he doesn't believe there have been any negative impacts in areas that are allowing them.

Catherine Kiewit said she is concerned about putting ATVs on the highway with the number of vehicles and semi-trucks that go through Bingen.

Stephanie Porter said she prefers an ATV over a motorcycle. She said she does not believe there will be any added impact.

Jan Brending noted that at first she was not excited about the idea of ATVs on the road but someone asked the difference between an ATV and a motorcycle on the road. She said that she believes an ATV, if driven responsibly, is better than a motorcycle.

Tamara Kaufman suggested placing signs at the entrances of Bingen that ATVs may be on the road.

Altig said motorcycles are not seen well. He said ATVs are required to have two headlights that are on all the time and that should help them be seen better.

Sandi Dickey said she believes allowing ATVs on the streets gives people options.

There was consensus of the council to schedule the proposed ordinance for a public hearing on April 15.

Sewer Connection Exception Request, Guillermo and Jeri Fisch

Jan Brending provided a review of the staff report on the sewer connection exception request submitted by Guillermo and Jeri Fisch. She said Guillermo and Jeri Fisch are asking to connect a single-family dwelling to an existing side sewer that runs through their property that already serves two single-family dwellings on separate parcels in separate ownership. Brending said the city's ordinances require that each single-family dwelling be connected by a single side sewer to the city's main sewer line. She said Bingen Municipal Code 13.14.020 provides that an exception to the sewer connection requirements can be approved or approved with conditions when all of the specific criteria are met. Brending said staff is recommending the exception request be denied because not all the criteria for approval have been met specifically the criteria that states there are special circumstances or conditions affecting the property that the strict application of the sewer connections requirements would deprive the developer of all reasonable use of the parcel of land in questions, and every effort to find creative ways to meet the intent of the requirements have been made. Brending said that if the council feels the exception request can be approved the following conditions of approval should be included:

- A signed copy of the Side Sewer Use and Joint Maintenance Agreement must be filed with Klickitat County and a recorded copy provided to the City of Bingen.
- Item 4 in the Side Sewer Use and Joint Maintenance Agreement conveying a permanent easement to the City shall be removed.
- An indemnification and hold harmless clause shall be added holding the city harmless for any incidents related to the single 4-inch sewer service line serving 3 single-family dwellings.

- A clause indicating that all property owners assume all risks for placing 3 single-family dwellings on a single 4-inch sewer service line.

Catherine Kiewit said she wanted to note that she had asked Jan Brending a question regarding the zoning of the subject properties. She said the properties are zoned R2 and that in order to have a duplex or two-unit town house 7000 square feet is needed. Kiewit noted that the property to the northwest of the Fisch property is 10,000 square feet and that property owner may have the option of building a duplex or two-unit town house on the property which could add a fourth dwelling to the side sewer.

Ira Martin, Klickitat Planning and Engineering, said the calculations presented in his report are based on what currently is present and that he used three bedrooms, three bathrooms, and utility room for the calculations. He said the concrete side sewer line is in amazing condition for being 40 to 50 years old. Martin said the he does not believe maintenance will be a problem.

Catherine Kiewit said that even though the current property owners have agreed to having a third dwelling placed on the side sewer she is concerned about future property owners who will be legally bound. She said she wonders if the current property owners understand the implications when they try to sell their property.

Jeri Fisch said she believes it is the current property owners' risk. She said that if they are not allowed to connect to the side sewer it will still exist on their property.

Maria Perez said she thinks it is important that the other two property owners are fully aware of all the issues and implications of having a third home connected to the side sewer.

Catherine Kiewit said she feels that the special circumstance that exists is that the side sewer runs through the Fisch's property. She said that if all the property owners are in agreement and that the maintenance agreement is recorded than she feels she could support an exception request.

Maria Perez said she does see the Fisch's viewpoint. She said that if there was to be another house added in the future there may be a need for a 6-inch line but if there is no development then there may not be any problems.

Jan Brending said that to address future development on the lot to the northwest of the Fisch that another clause could be added to the agreement notifying current and future property owners that connection of another dwelling unit on that lot would have to be considered separately at the time of proposed development.

Sandi Dickey moved to approve with conditions the sewer connection exception request by Guillermo and Jeri Fisch finding that the following criteria have been met:

1. The exception to be granted provides for environmental protection equivalent to compliance with the sewer connection requirements and is in the overriding public interest; and that the objectives of safety, function, environmental protection and facility maintenance, based upon sound engineering, are fully met;
2. That there are special circumstances or conditions affecting the property that the strict application of the sewer connections requirements would deprive the developer of all reasonable use of the parcel of land in question, and every effort to find creative ways to meet the intent of the requirements of have been made;
3. The requirement to be varied is not mandated by state or federal law;
4. An easement and maintenance agreement with affected parties is developed and recorded with Klickitat County;
5. The exception to be granted varies as little as possible from the letter and intent of the sewer connection requirements sought to be varied or avoided.

and the following conditions are provided as part of the approval:

1. a. A signed copy of the Side Sewer Use and Joint Maintenance Agreement must be filed with Klickitat County and a recorded copy provided to the City of Bingen.

- b. Item 4 in the Side Sewer Use and Joint Maintenance Agreement conveying a permanent easement to the City shall be removed.
 - c. An indemnification and hold harmless clause shall be added holding the city harmless for any incidents related to the single 4-inch sewer service line serving 3 single-family dwellings.
 - d. A clause indicating that all property owners assume all risks of placing 3 single-family dwellings on a single 4-inch sewer service line.
 - e. A clause indicating that any future development of additional homes on any of the three lots will be evaluated for connection to the city's sewer system.
2. The unused lateral on the subject property that will be used to connect to a new single-family dwelling may be fitted with a simple "T". This fitting shall be replaced with an approved "wye" or "T-wye" and Fenco connections prior to connection and inspected by the Public Works Superintendent.

The motion was seconded by Stephanie Porter and was passed unanimously.

A draft decision will be presented to the council at the April 15 council meeting for approval.

Packaged Tour Strategy Development and Implementation Agreement between City of Bingen

Betty Barnes said the council has previously agreed to provide \$1,000 for the packaged tour strategy but at that time it was thought the city would have an agreement with the county. She said since that time the county has informed the city the agreement should be with the Goldendale Chamber of Commerce.

Catherine Kiewit moved to approve the Packaged Tour Strategy Development and Implementation Agreement between City of Bingen and Greater Goldendale Area Chamber of Commerce. Sandi Dickey seconded the motion and it was unanimously passed.

Small Works Roster Bid – Tree Removal

Jan Bending said the city received two bids: Columbia Tree Service for \$2,875.63 (including taxes) and Western Edge Tree Service for \$3,762.50 (including taxes). She said both are qualified contractors. Brending said she is recommending the city enter into a contract with Columbia Tree Service for the removal a tree in the park for the amount of \$2,875.63.

Betty Barnes said she recently read in an Underwood Conservation District newsletter that beetle kill trees should not be removed during this time of the year. She said they are holding a meeting on April 2 about the issue.

Jan Brending said that if the city wants to wait until October to remove the tree a new bid will need to be obtained because prevailing wages change in August.

Catherine Kiewit moved to table a decision on the small works roster bid for tree removal until the April 15 meeting. Stephanie Porter seconded the motion and it was unanimously passed.

Small Works Roster Bid – Electrical Work, Fire Hall

Jan Brending said the city sent out 8 requests for bids and received one bid from Hire Electric. She said Hire Electric is a qualified contractor and recommended entering into a contract for time and materials at \$85 per hour.

Catherine Kiewit moved to authorize a small works contract with Hire Electric for time and materials at \$85 per hour. Sandi Dickey seconded the motion and it was unanimously passed.

Proposed Resolution 2014-003, Authorizing Signers on Financial Accounts

Catherine Kiewit moved to approve Resolution 2014-003, Authorizing Signers on Financial Accounts. Stephanie Porter seconded the motion and it was unanimously passed.

Treasurer's Report – February 2014

Jan Brending presented the treasurer's report for February 2014.

Sandi Dickey moved to accept the treasurer's report for February 2014. Stephanie Porter seconded the motion and it was unanimously passed.

Mayor's Update and Council Comments

AWC Small City Connectors

Jan Brending said Bingen is hosting a Small City Connector meeting at the White Salmon Fire Hall on April 23. She said council members will need to register for the session.

Betty Barnes directed staff to provide a special meeting notice for council's attendance at the meeting on April 23.

Yard and Garden Debris – Use of Paper Lawn & Leaf Bags

Jan Brending said Community Pride is requesting that everyone use paper lawn and leaf bags this year instead of plastic bags. She said it will not be mandatory this year but will likely be mandatory next year. Brending asked if the city would like to provide a number of bags for free to its citizens this year to encourage the use this year.

The council asked staff to research the cost and provide additional information at the April 15 meeting.

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 April 1, 2014. The council by unanimous vote does approve for payment the following list: checks 16636-16657 (dated 3/18/2014) totaling \$63731.08. General Fund – \$58362.63; Street - \$1256.68; Water - \$3105.84; Sewer - \$101.75; Treatment Plant - \$904.18.

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 April 1, 2014. The council by unanimous vote does approve for payment the following list: checks 16634-16635 (dated 3/21/2014) totaling \$1046.82. General Fund – \$1046.82.

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 April 1, 2014. The council by unanimous vote does approve for payment the following list: EFT, payroll checks 16627-16633 (dated 3/31/2014) totaling \$21553.91. General Fund – \$9597.39; Street - \$3142.93; Water - \$2068.73; Sewer - \$661.88; Treatment Plant - \$6082.98.

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 April 1, 2014. The council by unanimous vote does approve for payment the following list: EFT 16627-16633 (dated 04/01/2014) totaling \$2212.60. General Fund – \$827.46; Street - \$385.27; Water - \$241.48; Sewer - \$76.83; Treatment Plant - \$681.56.

The council adjourned at 10:00 p.m.

City Clerk

Mayor