

**.BINGEN CITY COUNCIL MINUTES**  
**May 5, 2015**

The meeting was called to order by Mayor Betty J. Barnes at 7:00 p.m. Council members present: Catherine Kiewit, Stephanie Porter, Sandra Guzman. Council members absent: Izzy Schroder. Staff present: City Attorney Chris Lanz, City Administrator Jan Brending. Audience: Jeanette Fentie, Patti Newman, John Newman, Miriam Knowles, Randy Knowles, Jason Spadero, Kate McBride, Peter Cornelison, Laurie Stanton.

**Public Comment**

***Jeanette Fentie, Bingen***

Jeanette Fentie asked when the temporary striping for the crosswalks on Steuben will be done.

Betty Barnes said the public works crew anticipates having the striping done by the end of May.

***Miriam Knowles, White Salmon***

Miriam Knowles said that she is excited about becoming a Bingen resident. She said the public works crew is doing a good job in maintaining the landscape beds on Stueben.

**Approval of Minutes – April 21, 2015**

Changes to the minutes of the April 21, 2015 regular council meeting were noted as follows:

Page 1, 3<sup>rd</sup> paragraph should read: “Page 1, 3<sup>rd</sup> paragraph, last sentence should read: ‘He said that he tried to go to City Hall on (March 24<sup>th</sup>) to pay the bill but it was not open.’”

Page 3, 3<sup>rd</sup> paragraph, 1<sup>st</sup> sentence should read: “Dave Peters said they will create a waiting list.”

Page 6, 1<sup>st</sup> paragraph, add the following at the end of the paragraph: “Kiewit suggested the city may want to consider hiring an employee for animal control when the contract with the City of Goldendale is up.”

Stephanie Porter moved to approve the minutes of the April 21, 2015 regular council meeting as corrected. Catherine Kiewit seconded the motion and it was unanimously approved.

**Public Hearing – Proposed Critical Areas Ordinances**

Betty Barnes opened the public hearing regarding proposed critical areas ordinances.

Jan Brending provided an overview of the proposed critical areas ordinances. She reminded the council that this is the second public hearing on the ordinances. Brending said changes have been made to the ordinances based on additional review of the ordinances and comments made to staff.

***Jeanette Fentie, Bingen***

Jeanette Fentie asked how the 200’ foot shoreline buffer and 100-year floodplain fit into the ordinance.

Jan Brending noted that the 200’ foot shoreline buffer is associated with the Shoreline Management Plan that is not currently before the council. She said the Shoreline Management Plan and Critical Areas Ordinances share the same page in the city’s webpage and that it might be confusing. Brending said the critical areas ordinances does address flood hazards. Brending noted that she spoke with a property owner today regarding the proposed ordinances. She said she would like to recommend that the word “residential” be added to 17.65.010, General Provisions, I. Exemptions, 2.b.iii which would read “Operations and maintenance includes ongoing, routine activities at existing residential, commercial, industrial, and agricultural properties and locations, including the manufacture, processing, sorting, storage and transport of materials and products.” She said would like to ask Watershed to provide some clarifying language regarding the use of “above” in the Section 17.65.010, General Provisions, J. Partial Exemptions, 3.c. Brending said the use of “above” could be confusing to someone who is reading the ordinance and that it could possibly be interpreted to mean properties that are located above another property not improvements that are located on top of a stream that is wholly contained within a pipe, etc.

***Jason Spadero, SDS Lumber***

Jason Spadero, SDS Lumber said he would like to see the definition of “fish and wildlife habitat conservation areas” changed to exclude creeks that are located within a flume or pipe such as Jewett Creek and Dry Creek. He also noted that SDS needs to have access to the culverts and sediment settlement ponds to maintain and keep them from plugging. Spadero said Jewett Creek runs through SDS Lumber through a pipe.

Mark Daniel, The Watershed Company, explained that the definition for “fish and wildlife habitat conservation areas” comes from the state statutes and that it should not be amended. He said it is not the intent of the ordinances to make anything onerous but to meet state requirements. Daniel noted the legislature amended the definition last year and included specific language defining what is considered waters of the state which includes segments that are in pipes.

Jan Brending noted that changes in the “General Provisions” and in the “Critical Areas Fish and Wildlife Habitat Conservation Areas” regulations should address the concerns that Spadero has providing for exemptions and partial exemptions to allow for SDS to continue to operate and maintain existing operations.

Jeanette Fentie asked Jason Spadero what happens to the debris that is cleaned out of the ponds.

Spadero said if it is logs, limbs, leaves, etc. it is ground up for hog fuel or sent to the landfill. He said many times it is just rock and sediment that needs removed.

***Randy Knowles, Bingen Property Owner***

Randy Knowles thanked staff for taking comments and addressing them with changes in the proposed ordinances. He said his concern with designated critical areas is that they are designated by the state and other agencies as a “fly over” and without specific information as to where the resources really are located. Knowles said the resources may not actually exist and property owners are required to spend money defending their rights and development desires. He said there can be a significant cost to the property owner for something that is of public benefit.

Mark Daniel, The Watershed Company, said the maps that are included with the proposed critical areas ordinances are based on the most current information. He said he understand that the scale is at a state-wide or regional scale and there is not much information for a specific property.

Jason Spadero, SDS Lumber, said he agrees with Randy Knowles. He cited the flood hazard map and geological hazard maps which may not be accurate.

Betty Barnes noted that as new information becomes available the maps and the ordinances can be amended.

Betty Barnes closed the public hearing.

Jan Brending noted that the council will not adopt the ordinances formally at this time. She said she is asking for authorization to submit the ordinances to the state with a Notice of Intent to Adopt. Brending said there is a review period that happens and then another public hearing will be held where the council will adopt the ordinances.

Catherine Kiewit thanked the audience for their comments. She said it is good to hear concerns.

Catherine Kiewit moved to submit the ordinances to the state with a Notice of Intent to Adopt with the two proposed changes. Stephanie Porter seconded the motion and it was unanimously passed.

**Children and Community Connections Summit, Laurie Stanton**

Laurie Stanton said a group of citizens has been working with the school board to develop an after school program. She said the school board has approved a pilot program at Whitson Elementary for Kindergarten through 3<sup>rd</sup> grade for next year. Stanton said the program will be able to serve approximately 20 students at a price of \$4 to \$5 per hour. She said the desire for the program came out of a survey for that indicated there is a need for after school programs for Kindergarten through 6<sup>th</sup> grade.

Sandra Guzman asked if the proposed program overlaps the CLC program that is currently in place.

Laurie Stanton said the CLC program is funded for two years with grant funds. She said the proposed after school program will be hopefully be self-sustaining. Stanton said the CLC program is limited to at-risk children and that the proposed program will serve all children. She noted that the Youth Center is grant funded but sustainable. Stanton said the Youth Center has been under-utilized. Stanton said her goal is to develop sustainability plans and hopefully provide a program that includes summers, holidays and weeks where there is no school.

Laurie Stanton said the Summit is designed to bring a variety of individuals and organizations together to help develop a sustainability plan for the program and how to enrich the program. She said she feels

like the city councils and mayors have potential to be engaged. Stanton said she has invited representatives from Insitu, Zepher, Radcomp, Bell Design, Rotary, Soroptomists, Lions, etc.

Stephanie Porter said that she feels \$4 to \$5 per hour is a great price and that afterschool care is really needed in the community.

Jeanette Fentie asked why the program is being limited to 20 children.

Laurie Stanton said it is dependent on the space available at the present time and the desire to establish a quality program. She said statistics show that approximately 74 kids from the K-4 grades need after school care. Stanton said the fees will pay for a Program Coordinator who is a licensed teacher and 2 para-professionals.

Stephanie Porter asked how late the program will run.

Laurie Stanton said the program will run from the end of the school day to 5:30 p.m. She said there will be limited transportation Monday through Thursday.

Sandra Guzman asked if the program will run at the same time the CLC program is running.

Laurie Stanton said yes. She said she hopes the CLC program will reapply for grant funding and expand.

Miriam Knowles asked if there will be crossover with the Youth Center.

Laurie Stanton said she hopes so.

Catherine Kiewit said she cannot attend the Summit but will let Izzy Schroder know about it because she is likely to be interested.

Betty Barnes suggested appointing Izzy Schroder as the liaison on this project.

Catherine Kiewit said she will talk to Izzy Schroder.

Sandra Guzman thanked Laurie Stanton for coming to the council with the information and ideas.

### **Public Hearing – Proposed Ordinance – Water Shortage Emergency Procedures**

Betty Barnes opened the public hearing regarding the proposed ordinance address water shortage emergency procedures. She said changes have been made to the proposed ordinance address concerns raised by the public at the last council meeting.

#### ***Jeanette Fentie, Bingen***

Jeanette Fentie said she thinks the ordinance looks good.

#### ***Patti Newman, Bingen***

Patti Newman said she has a friend that just retired from a water district in Fresno, California. She said he feels that watering every other day actually uses more water than watering every day. Newman suggested the city purchase probes that will help determine how much water is being used and help property owners determine the correct amount of water to be used.

#### ***John Newman, Bingen***

John Newman said he would be interested in knowing how much water SDS Lumber and Underwood Fruit use. He suggested it would be appropriate to ask them to reduce their water usage by a percentage.

Jan Brending noted that the city does work with SDS Lumber and Underwood Fruit when there are water shortages and that both companies have always been very responsive.

Jeanette Fentie said she also thinks it is appropriate to contact SDS Lumber and Underwood Fruit and ask them to conserve water.

Catherine Kiewit said she wonders if it would be possible to include something in the ordinance to address business usage of water.

Jan Brending said that would be difficult as the city does not necessarily know what it takes to run any specific business including the restaurants in town. She noted that a number of businesses do have

outdoor irrigation and that the ordinances will have the same effect on them as residential customers, including the city.

Betty Barnes said she plans to contact SDS Lumber and Underwood Fruit and ask them to submit water conservation plans.

Betty Barnes noted that this is a new ordinance and that the city council can amend the ordinance at any time new information becomes available.

Stephanie Porter moved to adopt Ordinance 2015-03-643, Adopting Bingen Municipal Code 13.07 Water Shortage Emergency Procedures. Catherine Kiewit seconded the motion and it was unanimously passed.

### **Proposed Resolution 2015-006, Regarding Transportation of Crude Oil through the City of Bingen**

Betty Barnes said the council has before it a proposed resolution that is tailored after the resolution adopted by the City of The Dalles.

Catherine Kiewit said a “whereas” clause would be appropriate addressing the increase of train traffic and the impacts on pedestrian and safety. She referenced the third item that was included in the letter from the Snowden Community Council.

There was consensus of the council to bring back a revised version of the proposed resolution at the next council meeting.

### **NAPA Request – Street Closure for Annual Tool Sale – Wednesday, May 20**

Betty Barnes said NAPA is making their annual request for closing a portion of Humboldt Street for its annual tool sale on Wednesday, May 20.

Catherine Kiewit moved to authorize NAPA to close a portion of Humboldt Street for their annual tool sale on Wednesday, May 20 keeping the sidewalks and crosswalks open and providing access for emergency response. Sandra Guzman seconded the motion and it was unanimously passed.

### **Mayor’s Update**

#### ***AWC Municipal Awards***

Betty Barnes noted the city received notification from AWC that it did not win a municipal award for the Daubenspeck Skate Park submittal.

#### ***Washington Gorge Action Programs***

Betty Barnes reported that Gorge Action Programs will be moving in the old Mansfields building where Custom Interface was previously located. She said both the Food Bank and Second Hand Rose will also be located there.

#### ***WSDOT Meeting – Highway 141 Pedestrian and Bicycle Access***

Betty Barnes said she, Jan Brending and Catherine Kiewit, along with representatives from White Salmon and the Klickitat County Health Department, met with representatives from WSDOT regarding pedestrian and bicycle access on Highway 141 from Bingen to White Salmon.

Catherine Kiewit said we learned that WSDOT does have access to some funding to make some small changes to the highway but if it is a bigger project then it becomes our problem to find the funding.

Betty Barnes said it appears that WSDOT is willing to make some small changes on the hill including narrowing lanes to make the shoulder area that is currently used for pedestrian access wider. She said signage would also be added.

#### ***UTC and BNSF Walnut Safety Diagnostic Meeting***

Betty Barnes reported that she and Jan Brending met with representatives from the state Utilities and Transportation Commission and BNSF regarding the Walnut crossing. She said the reason for the meeting was to look at potential safety issues as the crossing was included as one of several crossings in the state identified in reviewing crude oil transportation throughout Washington. Barnes said there are some safety measures that have been proposed including the installation of gates. She said that when the meeting minutes are sent to the city she will share them with the council.

Catherine Kiewit suggested that any modifications to the crossing should also be compliant for a silent zone in case that becomes an option for Bingen later.

**Community Pride Kid's Cleanup**

Betty Barnes said she felts the Kid's Cleanup went well and thanked council members for taking a lead.

**Election**

Betty Barnes noted that the filing for open positions in the upcoming election is next week.

**Mosaic Update**

Catherine Kiewit said it appears that the week of June 15-19 is when the mosaic will be installed.

Betty Barnes said staff will pour the cement and then provide orange fencing around the area.

**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 5, 2015. The council by unanimous vote does approve for payment the following list: checks 17560-17585 (dated 05/05/2015) totaling \$34,153.53. General Fund – \$18887.06; Street - \$1109.40; Water - \$10838.42; Sewer - \$507.26 Treatment Plant - \$2811.39.

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 5, 2015. The council by unanimous vote does approve for payment the following list: EFT (dated 04/30/2015) totaling \$1226.57. General Fund - \$1226.57.

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 5, 2105 The council by unanimous vote does approve for payment the following list: payroll EFT and checks 17546-17557 (dated 04/30/2015) totaling \$19359.31. General Fund – \$8338.87; Street - \$3192.10; Water - \$1578.45; Sewer - \$479.95; Treatment Plant - \$5769.94.

The council adjourned at 9:45 p.m.

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City Clerk

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Mayor