

BINGEN CITY COUNCIL MINUTES

April 4, 2017

The meeting was called to order by Mayor Pro Tem Catherine Kiewit Mayor 6:00 p.m. Council members present: Catherine Kiewit, Stephanie Porter, Laura Mann, Ryan O'Connor, Izzy Schroder. Council members present by phone (for Executive Session only): Mayor Betty J. Barnes. Staff present: City Administrator Jan Brending and City Attorney, Chris Lanz. Audience present: Michelle Scott, Stanley Dickey, D R O'Hara, Tammy Kaufman, Tony Gilmer, Tao Berman.

Executive Session

Mayor Pro Tem Catherine Kiewit announced at 6:00 p.m. the city council, with guest Ryan O'Connor, will meet in Executive Session for 1 hour to discuss potential litigation pursuant to RCW 42.30.110(1)(i).

At 7:00 p.m. the council resumed regular session.

Oath of Office

Ryan O'Connor was sworn in by City Administrator Jan Brending.

Public Comment

Tammy Kaufman, In situ

Tammy Kaufman reported that the event in Olympia went well even though the Senate was locked in session. She said there was still a good turn out. Kaufman thanked the city for participating in the Community Pride event.

Tony Gilmer, Klickitat County Emergency Management Services

Tony Gilmer reported that five candidates have been selected for interview after confirmation of their credentials for the position of operations manager. He said EMS week is scheduled for April 21-27 and open houses will be held at the three different stations in the county: Goldendale, Dallesport and White Salmon.

Tao Berman, White Salmon

Tao Berman thanked the city council members for their service. He said he is speaking to the city council as an individual and not a representative of the City of White Salmon. Berman said he has some concerns with the signs that are located on Dickey Farms property. He said they are not welcoming into the community. Berman said he supports law enforcement and their efforts. He said he feels the signs are a clear violation of the city's sign ordinance. Berman said the signs are making an announcement and feel they are an advertisement and that the city's sign ordinance requires the sheriff to make application to the city for the placement of the signs. He said the ordinance makes no exceptions for political signs. Berman said Bingen is the city council's town but it is our community. He said the sheriff should not be in violation of the law and should have to comply with the city's code.

Laura Mann said the city council has been provided with additional information and asked Chris Lanz, the city's attorney to review that information.

Chris Lanz said that in 2016, the US Supreme Court rendered an opinion that governmental entities cannot regulate the content of signs. He said that it is his opinion that the portion of the city's code that addresses the content of signs is no longer valid.

Tao Berman said he does not believe it is clear and that there are grey areas. He said cities have not changed their codes in response to the US Supreme Court decision.

Jan Brending said that Municipal Research and Services Center (MRSC) which employs attorneys specializing in governmental issues provided information in a document addressing the need for entities to bring their sign codes up-to-date. She noted that it does take time for entities to revise their code and pointed to the city's recent revision of its manufactured home code which had outdated information that had been invalidated in the early 2000's. Brending said typically a city will implement the portions of the code that remain valid. She said the city would no longer be addressing the content of signs when it reviews sign permit applications. Brending noted that it appears the Sheriff's sign would be permitted under the city's code without reference to the content.

Izzy Schroder said she does not want the city blamed for the signs and does not support the signs.

Laura Mann said she would like to hear from Bingen residents as to how they feel about the signs. She said currently there are not statistics.

Izzy Schroder said she supports Sheriff Songer's position and the idea that Klickitat County is a low-tolerance county when it comes to drugs.

Catherine Kiewit said it is not about the sign itself but about the message. She said some individuals feel it is appropriate while others do not like the message. Kiewit said that when driving by the sign only the large letters "Warning" and "Go to Jail" are easily read and the smaller words are missed.

Tao Berman said he feels the sign is a political sign.

Jan Brending noted there is a difference between a political sign that is sending some type of political message and an election sign that is governed by specific requirements provided by the State of Washington. She said Sheriff Songer's signs do not indicate that he is running for office or offer support or opposition for a ballot measure. Brending said again, based on the US Supreme Court decision, the city would not review the content of the sign whether it is political or advertising.

Stan Dickey said he will back Sheriff Songer, however he would like to see the signs gone in 6 months.

Laura Mann asked if another sign could be put up on the Dickey's property.

Stan Dickey said he would want to see the message before it is allowed.

Tao Berman thanked the council for listening to his comments.

Jan Brending asked the council if they would like to have her request Sheriff Songer to submit a sign permit application for his signs.

Laura Mann moved to direct city staff to request Sheriff Songer to submit a sign permit application for the two signs as required by city code. Stephanie Porter seconded the motion and it was unanimously passed.

Approval of Minutes – March 21, 2017

Changes to the minutes of the March 21, 2017 regular council meeting were noted as follows:

Page 1, last paragraph, last sentence should read: "Porter said a family member had people loving and supporting them and that helped them in their recovery."

Page 4, 5th paragraph, 3rd sentence should read: "Sheriff Songer said it is important to realize there are going to be different opinions on the issue."

Page 6, 1st paragraph should read: "Laura Mann asked if individuals could be trained to come and sit with individuals while waiting for a mental health response."

Page 6, 8th paragraph, 1st sentence should read: "Betty Barnes said the council thinks independently but also works as a team."

Page 8, 9th paragraph, 1st sentence should read: "Jan Brending said Catherine Kiewit had contacted her about the possibility of purchasing some bathroom stalls from Rebuild-It in Hood River."

Izzy Schroder moved to approve the meeting minutes of the regularly scheduled meeting of the city council on March 21, 2017 as corrected. Stephanie Porter seconded the motion and it was unanimously passed.

Billing Dispute Hearing – Dickey Farms

Jan Brending said Dickey Farms is disputing their January and February billing for the master meter that was installed after the waterline was repaired. She said six individual meters/accounts are no longer being billed for water and the Dickey's are receiving one bill for the master meter.

Brending said staff is recommending that the city go back to billing the individual accounts for water, recalculating the January, February and March bills (March bills were recently issued) subject to an acknowledgement signed by Dickey Farms that reinstating the individual billing does not constitute a settlement of the ownership of the waterline.

Stan Dickey said he is fine with that. He said a letter will need to be sent to his attorney.

D R O'Hara said he is still waiting for a response from Chris Lanz related to the ownership of the waterline.

Chris Lanz said he is waiting for something in writing.

D R O'Hara said that was provided on December 16, 2016.

Laura Mann moved to direct staff to reinstate individual billing for Dickey Farms and D R O'Hara and to recalculate the billing for January, February and March subject to a waiver/acknowledgement signed by Dickey Farms that the reinstatement of individual billings does not constitute a settlement as to the ownership of the waterline. Izzy Schroder seconded the motion and it was unanimously approved.

Catherine Kiewit thanked Stanley Dickey and D R O'Hara for coming to the meeting.

Draft Shoreline Master Program – Discussion of City Response to Yakama Nation Comments and Proposed Revisions

Jan Brending reviewed the process for developing the Shoreline Master Program. She noted that the city had filed a Notice of Intent to Adopt with the State Department of Commerce. Brending said that notice triggered comments by the Yakama Nation. She said she, Betty J. Barnes and the city's consultants worked to address the Nation's comments. Brending noted that they felt some of the comments and suggestions could be accommodated, while others were editorial or went beyond what the state required in the Shoreline Master Program. She said information has been provided to the council on the recommended changes to the October draft Shoreline Master Program. Brending said if the council accepts the proposed changes the next step is to adopt a resolution stating the city's intent to adopt the Shoreline Master Program after review by the State Department of Ecology and directing staff to submit the draft Shoreline Master Program and supporting documents to the Department of Ecology. She said the Department of Ecology will issue a public notice as part of its formal review and there could be additional comments including from the Department of Ecology itself.

The council and staff discussed proposed changes to the draft Shoreline Master Program.

Stephanie Porter moved to accept staff recommendations for changes to the October draft Shoreline Master Program as outlined in the March 30, 2017 memorandum. Catherine Kiewit seconded the motion and it was passed with the following vote: Kiewit – Aye, Mann – Aye, O'Connor – Abstain, Porter – Aye, Schroder – Aye.

Proposed Resolution 2017-003, Expressing the Intent to Adopt and Update of the Shoreline Master Program and Authorizing the Submittal of the Proposed Shoreline Master Program to the Washington State Department of Ecology

Stephanie Porter moved to adopt Resolution 2017-003, Expressing the Intent to Adopt and Update of the Shoreline Master Program and Authorizing the Submittal of the Proposed Shoreline Master Program to the Washington State Department of Ecology. Izzy Schroder seconded the motion and it was passed unanimously.

Mayor's Update and Council Comments

Park Signage

Stephanie Porter said she would like to see additional signage at the park about no smoking. She said there is one sign asking individuals to please refrain from smoking.

Jan Brending said she thought there were two signs – one near the skatepark and one on the north side of the park.

Stephanie Porter said it might be helpful to have one at the park sign near the parking lot towards Walnut Street.

Jan Brending said she can look at the existing signs and add the item to Old Business for the next council meeting.

Animal Control

Catherine Kiewit asked if Mike Solomon had completed his training.

Jan Brending said yes. She said Mike Solomon is working with the police department and dispatch to establish procedures for writing tickets. Brending said the city is also ordering a laptop computer so that Solomon has access to the "Spellman" system used by law enforcement. She said Solomon will have

some additional information for the council regarding dog parks. Brending said she has also done some research and will be presenting information to the council along with the information from Solomon.

Mosaic

Catherine Kiewit was asked if she had contacted the individual who helped install the mosaic to see what the city can do to preserve it.

Kiewit said not yet but she will.

City Newsletter

Jan Brending said she intends to send out the April newsletter after she confirms whether a fee or recommended donation will be required for Community Pride.

Klickitat County Drug Abuse Coalition

Catherine Kiewit said the Coalition has submitted a grant for funding an administrative positions and events. She noted the Yakama Nation has matching funds for the grant. Kiewit said the organization is youth-driven and has a great mix of people participating including representatives from the Yakama Nation. She said the organization is also working with the Vancouver organization.

Kiewit said she would be willing to trade attending the Coalition meetings with Laura Mann in return from attending the pool committee meetings.

Laura Mann said she would like to attend the next meeting before she makes that decision.

Catherine Kiewit said that the meetings are open to everyone.

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 April 4, 2017. The council by unanimous vote does approve for payment the following list: checks 19100-19121 (dated 04/04/2017) totaling \$46,032.50. General Fund – \$32,172.98; Street - \$1,349.74; Water Fund - \$10,888.20; Sewer Fund- \$172.75; Treatment Plant Fund - \$1,448.83.

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 4, 2017. The council by unanimous vote does approve for payment the following list: EFT, payroll checks 190958-19099 (dated 03/31/2017) totaling \$24,588.66. General Fund – \$11,598.81; Street - \$3,712.04; Water Fund - \$2,565.27; Sewer Fund - \$467.27; Treatment Plant Fund - \$6,245.27.

The council adjourned 8:50 p.m.

City Clerk

Mayor