

BINGEN CITY COUNCIL MINUTES

October 7, 2014

The meeting was called to order by Mayor Betty J. Barnes at 7:00 p.m. Council members present: Betty Barnes, Stephanie Porter, Maria Perez, Sandi Dickey. Council members absent: Izzy Schroder, Catherine Kiewit. City Attorney Chris Lanz and City Administrator Jan Brending were present. Audience: Margie Lemberger, Bob Liptak, Dennis Mullen, Charlie Long, Joan Long, Patrick Tapia, Amber Marra, Laura Mann, Bruce Amoss, Don Hendrickson, Jean Hendrickson, Margaret Pearson, Orin Pearson, Mark Zugsmith.

Approval of Minutes – September 16, 2014

Stephanie Porter moved to approve the minutes of the September 16, 2014 regularly scheduled meeting as presented. Sandi Dickey seconded the motion and it was unanimously passed.

Proposed Resolution Endorsing Klickitat County Park and Recreation District #2 Proposition No. 1 Funding for District-Wide Recreational Facilities – 6 Year Levy

Laura Mann said she is representing the park district. She the levy request will be on the ballot which will be mailed out October 17. Mann said she is available for any questions.

Jan Brending noted that the city council has been provided with the press release by Mount Adams Park and Recreation District and the “Nuts and Bolts about the Levy on the Ballot” information.

Stephanie Porter said she likes the fact that the park district is all inclusive and not just aimed at just kids.

Laura Mann said she feels the program and functions is for all district members.

Betty Barnes noted there is typographic error in the last paragraph of the first page. She said it should refer to October 7th and not October 4th.

Stephanie Porter moved to adopt Resolution 2014-008, Endorsing Klickitat County Park and Recreation District #2 Proposition No. 1 Funding for District-Wide Recreational Facilities – 6 Year Levy as corrected. Maria Perez seconded the motion and it was unanimously passed.

Public Hearing, Proposed Conditional Use Permit, Bob Liptak, Light Industrial Use Processing Marijuana Infused Edible Products

Betty Barnes announced the public hearing for proposed conditional use permit application 2014-004. Barnes introduced members of the city council and staff.

Barnes asked council members if there were any ex parte contact or conflicts of interest that needed to be disclosed. Council members had none.

Jan Brending provided information regarding the proposed conditional use: operation of light industrial facility processing infused marijuana edible products on property located at 405 E. Steuben. The subject property is zoned commercial and because the use is light industrial requires a conditional use permit. The zoning associated with commercial and light industrial zoning was reviewed.

Jan Brending read into the record two written comments that were received: Dennis Mullen, received prior to the issuance of the staff report, and First Baptist Church, received after the issuance of the staff report.

Jan Brending also reviewed the written staff response to the First Baptist Church comments.

Robert Liptak provided additional information to the council which included sections of the Washington Administrative Code (WAC) and information regarding carbon filters. Liptak said he owns a restaurant in Seattle and has a perfect record with the Liquor Control Board. He said he was approached by the Liquor Control Board about whether he would be interested in processing recreational marijuana. Liptak said he is going through the process of being licensed for processing. Liptak said he thinks the concerns are valid regarding the protection of children. He said the packages are very difficult to open. Liptak also noted that no customers including retail store owners will be coming to his facility. He said product must be delivered to a retail facility by the processor.

Betty Barnes said the council will take comments from those in favor of the proposed conditional use.

Mark Zugsmith, White Salmon said he is in favor of permitting the proposed facility. He said the store is doing well and the proposed processing facility is completely separate. He noted there is wine tasting rooms on every corner. Zugsmith said the state has developed a very restrict system in tracking and regulating the process and thinks the proposed facility would be a positive addition.

Bob Liptak said provided information regarding the difference between regulated recreational marijuana products and non-regulated medical marijuana products. He said the states limited the amount of marijuana to 10 mg per serving while medical marijuana products can have much more and it does not have to be tested.

Margie Lemberger said she owns the building at 405 E. Steuben and is the owner of Margie's Pot Shop. She said that she already orders from 3 different companies that produce the types of products that Liptak is proposing to process. Lemberger said there are going to be many companies like Liptak's whether they are here or somewhere else who will bring product to her retail store. Lemberger said the Liquor Control Board will allow a processor to be in the same building as a retail store as long as it is separated by a fire wall with permits obtained by the city. She said Chief Wyckoff has told her that he hopes she will put the illegal growers or sellers out of work. Lemberger said she does have customers who use it for medical purposes although it is not sold for medical purposes. She said the benefit is that the products are regulated, kept in child-proof containers and the strength is limited. Lemberger said no advertising or marketing is allowed. She said fingerprinting and background checks are done through the Board and security and cameras are required.

Betty Barnes said the council will take comments from those opposed to the proposed conditional use.

Patrick Tapia said he is the pastor of First Baptist Church. He said the congregation voted to oppose the proposed conditional use permit. He said the overall question is what is the need for infusing marijuana baked products -- why is it necessary? Tapia said the congregation is looking out for those who might not know any better and have access to the product without understanding its affect. He asked where will it stop if this facility is allowed. Tapia said he does not know what percentage of the population wants or doesn't want the facility in the community.

Don Hendrickson, Underwood, said he is concerned that the edible products will be available to children. He said he realizes that the product will be wholesaled out and then sold in retail stores. He said he is concerned that it will go into home and elsewhere in the community and children can then get ahold of it and eat it. Hendrickson asked what is the effect on a child? He said he is really concerned about the children in Bingen and White Salmon and the Mid-Columbia area.

Charles Long asked Liptak and Lemberger if it makes sense to transport product in from Seattle and why don't just do business there?

Bob Liptak said that finding a facility is not as easy as it seems. He said some towns have moratoriums or recreational marijuana facilities are not allowed. Liptak said he originally thought he would locate the facility in Raymond but really likes the Columbia Gorge area and the community and feels this is the best location for him.

Patrick Tapia said he can see where Liptak would consider the Columbia Gorge a viable area because it is going through a change with affluent professional people moving into the area with a lot of dollars flowing through the Gorge.

Betty Barnes noted that Margie's Pot Shop is currently selling edibles.

Laura Mann said she understands the concerns about marijuana getting into children's hands. She said parents need to be responsible for the product they purchase. Mann said there is now a liquor store in Bingen and people haven't raised the same concerns about it. She said liquor in people's houses can be very deadly.

Betty Barnes closed the public hearing.

Betty Barnes reminded the council that the hearing is for a conditional use permit for a light industrial use permit and not a moratorium on marijuana or the production of infused edible marijuana products.

Maria Perez asked Liptak if he could describe the infusion process.

Bob Liptak said there are a lot of different ways to infused marijuana. He said the only way he knows how is to infuse the marijuana into cooking oils which then must be tested by a lab and diluted for appropriate dosage per serving.

Maria Perez asked who inspects and tests the marijuana products.

Bob Liptak said the Liquor Control Board has testing labs that are certified by the state. He said the labs pick up the samples from a facility which are then tested. Liptak said the labs have to have an accredited scientist or chemist for testing.

Maria Perez asked how product that does not pass inspection is disposed of.

Liptak said the state has specific requirements about how product must be disposed of.

Stephanie Porter asked if each batch is tested.

Liptak said yes.

Stephanie Porter asked how 10 mg of product might affect a child.

Margie Lemberger said that it would not be lethal and would likely make them lethargic, drowsy, dizzy, or unsteady on the feet – the same kinds of effects as that an adult. The dosage is only 10mg versus 300mg for medical marijuana.

Stephanie Porter asked Liptak if he only processing baked goods.

Liptak said yes.

Stephanie Porter asked Chris Lanz if he is aware of any problems on the street with baked marijuana goods.

Chris Lanz said he has never prosecuted the possession of baked marijuana goods.

Maria Perez asked Liptak what kind of odors will be present.

Liptak said the odor will be more like baked cookies. He said he is using filters that are used for the manufacturing of essential oils and garlic that get rid of 90% of the odor. Liptak said he does not believe there will be any discernible odors. He noted that he is going to install 6 filters.

Jan Brending said residents of Bingen will likely notice smells associated with growing of medical marijuana then the bakery.

Sandi Dickey said she appreciates everyone coming and speaking about the proposed facility. She said she has the same concerns about children. She said the state can come out and find people because they are looking for responsible producers, processing, and retailers. Dickey said it is a tough decision but the state has legalized recreational marijuana. She said the people in Klickitat County voted for the law which was somewhat shocking.

Betty Barnes said the city respects those present for sharing their concerns. She said the bigger picture is parents and adults ensuring that they take responsibility for marijuana product they may have to keep it out of the reach of children.

Maria Perez moved to approve the conditional use permit application submitted by Bob Liptak for a light industrial facility manufacturing infused edible marijuana products finding that it meets the requirements of the ordinance with conditions of approval as follows:

1. All storage of materials must be contained within the existing structure. No outside storage is permitted.
2. The manufacturing process shall not produce odors that are detectable outside of the facility or in adjacent facilities.
3. The manufacturing process shall not produce noises that are offensive outside of the facility or in adjacent facilities.

4. The City of Bingen shall have discretion to make a review of the conditional use permit and shall do so at least annually.
5. The conditional use permit applies to the business as proposed in the conditional use permit application and to Robert Liptak. If the business changes in nature, a new conditional use permit will be required. The conditional use permit does not apply to the property.

Stephanie Porter seconded the motion and it was passed unanimously.

Jan Brending noted the council will review the written decision and approve it at the next council meeting.

Public Hearing – Proposed 2014 Budget Amendments

Betty Barnes opened the public hearing regarding proposed 2014 budget amendments.

Jan Brending reviewed the proposed amendments.

Betty Barnes closed the public hearing.

Stephanie Porter moved to approve Ordinance 2014-10-637, Amending the 2014 Budget. Sandi Dickey seconded the motion and it was passed unanimously.

Professional Services Contract Amendment, Bell Design Company

Betty Barnes said the city had hired Bell Design Company to provide services related to a SEPA review for a project being built in Bingen. She said because of changes on the part of the project's engineer Bell Design had to do a second review. Barnes said the review was completed prior to the amendment approval because of the need to keep the project moving forward.

Stephanie Porter moved to approve a retroactive amendment for the Bell Design contract for SEPA review assistance increasing the amount of the contract from \$512 to \$1024. Sandi Dickey seconded the motion and it was unanimously passed.

Draft October Newsletter

Jan Brending provided a draft of the October newsletter. Council members noted corrections to the council members and staff names on the last page.

Jan Brending noted she is going to contact the translator used by West District Court to see if he will provide translation services to the city.

Betty Barnes noted that Catherine Kiewit has some recommended changes to the newsletter.

Treasurer's Report – August 2014

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

Sandi Dickey moved to accept the Treasurer's Report for August 2014. Stephanie Porter seconded the motion and it was unanimously passed.

Old Business

Xerox Color Copier Lease, Revision

Jan Brending said the city has the opportunity to enter into a lease for purchase agreement for the Xerox color copier versus the original agreement the council previously approved. She said it is for the same price and that the main difference is that the city would own the copier at the end of the lease and that if the city wanted to get out of the lease before the end of the five years there would be no penalty.

Brending noted the city will have to report the lease as debt in its annual report.

Maria Perez moved to approve the Tax-Exempt Install Purchase Agreement with US Bank for the Xerox color copier in the purchase amount of \$12,731.38 for a 5-year period with interest totaling \$1,629.62.

Sandi Dickey seconded the motion and it was unanimously passed.

Mayor's Update and Council Comments

Professional Finance Officer Award

Betty Barnes noted that Jan Brending received the Professional Finance Officer award from the Washington Financial Officer's Association.

Civil Service Commission

Betty Barnes said she has sent a letter to John Newman noting that after December 31 the City of Bingen will no longer have a representative on the civil service commission.

Marketing – Mt. Adams Chamber of Commerce

Betty Barnes said the Chamber had contacted her regarding advertising in the Columbia Gorge Magazine. She said the deadline has passed but asked council members to consider if they wanted to provide an amount in the city budget for marketing in things like the Columbia Gorge Magazine or the Klickitat County magazine.

Quiet Zones and Wayside Horns

Betty Barnes said council members have been provided with information on quiet zones and wayside horns. She noted that she recently spoke with a BNSF representative who said BNSF is looking at taking away White Salmon’s quiet zone due to the lack of maintenance on the required safety barriers

Barnes noted that currently Bingen does not have to pay for any portion of maintaining the crossings including the gates at Maple Street. She said that if the City of Bingen requires adjustments at the crossing in the future the city will have to start paying for maintenance.

City Vision Magazine

Betty Barnes said this month’s edition of the AWC City Vision magazine is focused on recreational marijuana and there is an article that includes pictures and information about the retail shop in Bingen.

Wi-Fi – City Park

Maria Perez said she received a comment from Melissa Sanchez asking why the City does not provide wi-fi in the park like it is in White Salmon.

Jan Brending said she believes the free wi-fi in White Salmon is provided by Google and not the City of White Salmon.

Park Usage Reservations

Maria Perez said she had a conversation with Maria Carrillo who had a birthday party in Bingen and arrived early to put out table cloths and were waiting for attendees. She said someone else came in and said they had park reserved at the same time. Perez suggested putting some signage so that similar problems don’t happen in the future. She said it would also be nice to have more picnic tables at the park.

Jan Brending said the city can actually issue a written permit so that it is available at the park. She said the city could also provide signage.

Betty Barnes suggested it would be the responsibility of the person reserving the park to make sure signage is put on the tables. She suggested more discussion at a future meeting regarding the issue would be appropriate.

Shoreline Master Program and Critical Areas Ordinance Update Open House

Jan Brending said the city will be holding an open house to provide information to the council and the public regarding its Shoreline Master Program and Critical Areas Ordinance update. She said the open house will be held on Wednesday, October 29 from 5 p.m. to 7 p.m. Brending said the city will be issuing a special meeting notice as it is a possibility that more than 2 council members could be in attendance at the same time and will be discussing city business.

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 October 7, 2014. The council by unanimous vote does approve for payment the following list: checks 17040 - 17074 (dated 10/07/2014) totaling \$91850.72. General Fund – \$59751.04; Street - \$3023.00; Water - \$11110.10; Sewer - \$367.33; Treatment Plant - \$4183.78; Water Construction and Maintenance - \$6602.13; Sewer Construction and Maintenance - \$5910.18; Treatment Plant Improvement Fund - \$903.16.

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 October 7, 2014. The council by unanimous vote does approve for payment the following list: checks 17038 - 17039 (dated 09/30/2014) totaling \$1424.74. General Fund – \$1424.74

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 October 7, 2014. The council by unanimous vote does approve for payment the following list: EFT, payroll checks 17031-17037 (dated 09/30/2014) totaling \$21245.39. General Fund – \$9675.00; Street - \$2887.22; Water - \$1964.42; Sewer - \$635.77; Treatment Plant - \$6082.98.

The council adjourned at 9:19 p.m.

City Clerk

Mayor