

## **BINGEN CITY COUNCIL**

**May 1, 2018**

The meeting was called to order by Mayor Betty J. Barnes at 7:02 pm. Council Members Present: Catherine Kiewit, Laura Mann, Isolde Schroder, Ryan O'Connor, Phil Jones, Council Members Absent: Student Council Member Chloe McLaughlin. Staff Members Present: City Clerk/Treasurer Cheyenne Willey, City Attorney Chris Lanz, Officer Frank Randall. Audience Present: Ken Park, Mike Meskimen, Nancy Wetch, Kevin Herman, Leif Hanson, Bryan Adams, Tammy Kaufman.

### **Bingen-White Salmon Police Department Update**

Officer Randall said the drug take back event yielded three boxes of prescription pills. He said Congressman Greg Walden attended the event, and it was featured in the Portland, Oregon area news.

Councilmember Kiewit asked for an update on the Recycling Center.

Officer Randall explained that Chief Hepner had been attending meetings regarding the recycling center, and said he knew that one current goal was to get a new camera for the site.

Officer Randall said everything had been relatively quiet recently.

### **Approval of Meeting Minutes – April 17, 2017**

Council Member Kiewit moved to table the approval of the meeting minutes of the April 17, 2018 regular council meeting until the May 15, 2018 regularly scheduled meeting. Council Member Mann seconded the motion and it was unanimously passed.

### **Gray & Osborne, Humboldt Street Water Line Replacement – Review & Action**

*Mike Meskimen*

Mike Meskimen said the final grades were being dialed in for the Humboldt street design. He said the biggest issue was flattening the roadway. Meskimen said it had been determined that an existing 2" water line on the North side of the road would be uncovered to a depth of about 2'. He explained a lot of material would be removed, and that ideally the line would remain buried at least 4' deep. Meskimen noted that currently the line sits about 3.5' deep, is made of galvanized pipe, and has been there for over 50 years. Meskimen said the lifespan expected from that pipe is roughly 50 years. He explained that removing the planned 1.5' of cover to flatten the roadway would bring the line much too close to the surface.

Meskimen recommended replacing the 2" water line. He explained that under Transportation Improvement Board (TIB) grant funding, utilities are not usually eligible for replacement, but since the roadway replacement is being funded through a TIB grant, and moving the roadway directly affects the utilities, TIB will include the replacement of the waterline in question. Meskimen said the standard line size is 6" to accommodate fire flow. He noted that TIB would fund the replacement of an in-kind 2" line at the previously established rate, but pointed out that the City could take advantage of the opportunity to replace the line and upsize it to a standard 6" or 8" line. Meskimen informed the Council that any cost above the price of the 2" in-kind replacement would be the City's responsibility. Meskimen estimated a cost of \$110,000 for a 6" line.

Meskimen asked the Council if they would like Gray & Osborne to move ahead with the project and replace the line with an in-kind 2” line, or if they would like to upsize the line when replacing it.

Councilmember Kiewit asked for a further breakdown of the costs estimates.

Meskimen explained that the cost would be \$30,000 for service connection replacements and \$80,000 to upsize the line, for a total of approximately \$110,000.

The Council discussed the options presented and asked for clarification on a couple of points.

Meskimen noted that a portion of water line will need to be replaced, regardless of which option was chosen.

The Council asked for clarification on hydrant locations.

Councilmember Kiewit asked Meskimen how urgent the Council’s decision on the water line was.

Meskimen said the decision was very urgent, but could be put off until the next council meeting if necessary.

Councilmember O’Connor asked for further information on hydrant flow requirements.

Meskimen explained that for hydrants, a 6” line is considered small and an 8” line is standard. He said he didn’t know that any city would go with a 2” line.

Mayor Barnes said there was no doubt that replacing the water line when the road was being redone was a good idea. She noted that when the last section of Humboldt Street was replaced, the City needed to complete change orders to accommodate the fragile water lines found underneath the road. She said it was nice to know all of this information ahead of time so the Council could plan up front.

Meskimen noted that he had also checked the sewer main just in case, and found it to be at a safe depth of 9’ on the South side of the road.

Councilmember Kiewit said it would be great if Gray & Osborne could send an email with more detail on the hydrant locations and the size of the line the hydrants are serviced with. She said the Council would need to know if the hydrants were fed by the North/South 6” line or the East/West 2” line.

Councilmember Schroder asked if the Budget Committee could meet and provide some information to accompany the cost estimates.

Mayor Barnes asked the Council if they had reached a decision.

Councilmember Mann said she was fine with Gray & Osborne’s Option #1, but said if the Council would be more comfortable knowing about hydrant placement and Meskimen can wait for an answer until May 15, 2018, that would be fine too.

Councilmember Jones asked if TIB funding would be available for either replacement option.

Meskimen said yes, but any cost over the in-kind replacement would be the City’s responsibility.

Council Member Mann moved to table the decision on the Humboldt Street Water Line Replacement pending additional data. Council Member Kiewit seconded the motion and it was unanimously passed.

### **Wastewater Treatment Plant Master Plan Pre-design – Review and Action**

*Nancy Wetch*

Nancy Wetch introduced herself and reminded the council that Gray & Osborne started the Wastewater Treatment Facility Master Plan back in 2012. She said the plan covers existing facilities, collection and treatment, as well as lays out capital improvement projects for those facilities. She said the plan was completed in 2016, and part of the process was to get the appropriate approvals from the Washington State Department of Ecology (DOE). She noted that an amount of \$2,000,000 was applied for and funded, but the Capital Budget was delayed. She said the “newer” parts of the Treatment Plant are now 25 years old. Wetch pointed out that investment in plant has been minimal, largely due to operations and maintenance being very well done, thanks to the operators. She said the equipment in the digesters needed to be replaced, as well as some flow meters, due to age. She mentioned that some of the minor pieces have already been replaced due to necessity. She said some safety items were included in Gray & Osborne’s proposal, including an evaluation of the electrical system to ensure code compliance. She said Gray & Osborne intended to build a Bio Selector tank to enhance treatment, and to equip the “old” ditch because the “new” ditch is now old. She noted that the ditch was good to have for back up, and in terms of capacity and reliability.

Councilmember Jones asked for more information on the Bio Selector.

Wetch clarified how the equipment works.

Councilmember Mann asked if the Gray & Osborne proposal included a State Environmental Policy Act (SEPA) review.

Wetch said yes, any paperwork with the DOE would be taken care of and included. She said the SEPA study for the Wastewater Facility Master Plan has been completed and is valid unless the designated SEPA Official decides to reopen it. She noted the need to consult with Tribal entities and the Department of Archaeological and Historical Preservation (DAHP) was included in the proposal.

Councilmember Mann said she liked that Gray & Osborne has a recent history of working with the Wastewater Treatment Facility.

Mayor Barnes noted that what engineering firm RH2 had proposed was a change from the established plan and would need to be addressed by the DOE. She said time was a factor. She also said she spoke with Ton Hons, Treatment Plant Manager, about RH2’s multi-phase approach.

Councilmember Kiewit said she truly appreciated the comments in the letter from Wastewater Treatment Plant Manager Tom Hons and Operator James Buckland. She said she wanted to express that the information and expertise was not taken lightly and would be considered no matter the outcome. She said she hoped the Treatment Plant staff would support whichever engineering firm was chosen, and said it was very obvious that both Hons and Buckland care a lot about their work and she hoped the importance of their contribution was conveyed.

Councilmember Schroder said she would prefer to maintain relationship with Gray & Osborne, as they have continually steered the City in the right direction. She also said timing should be considered, and that she agreed with Mayor Barnes.

Councilmember Jones said if the phased approach to the project would be having to repeatedly apply for funding, then that was also a compelling factor.

Councilmember O'Connor said he felt there would be a lot of catch up work to get RH2 up to speed, and after reading the proposal from RH2 he wasn't sure what direction it was going. O'Connor stated that if the council chose Gray & Osborne that they would owe Tom Hons and James Buckland a thorough explanation. He suggested sharing the council's reasoning by the Treatment Plant staff to see if it addresses their concerns.

Mayor Barnes clarified that Councilmember O'Connor wanted to confer with Treatment Plant staff prior to the decision being made.

Councilmember O'Connor said yes, he felt it was necessary.

Mayor Barnes noted the tight timeline and said deferring the decision for two more weeks would be a big deal, schedule-wise. She said she wanted to avoid awarding the contract only to have the engineering firm not be able to make the proposed schedule. She agreed that Wastewater Treatment Plant staff should be consulted again, but stated that some tough decisions might need to be made.

Councilmember Kiewit asked Nancy Wetch if Gray & Osborne could wait two weeks for a decision and still meet the deadline if awarded the project.

Wetch said yes, Gray & Osborne still had data to collect anyway.

Council Member Kiewit moved to table the decision on the Wastewater Treatment Plant Master Plan until the regular council meeting of May 15, 2018.

Mayor Barnes noted that Wastewater Treatment Plant Manager Hons and Operator Buckland helped interview RH2 regarding their proposal, and suggested that they also help interview Gray & Osborne and re-interview RH2, along with representatives from the City of White Salmon.

Councilmember O'Connor voiced his support for Mayor Barnes' idea to hold interviews and include Treatment Plant staff.

Council Member Mann seconded the motion and it was unanimously passed

### **Port of Hood River – Kevin Greenwood, Bridge Replacement Project Director**

*Kevin Greenwood*

Kevin Greenwood introduced himself and thanked the council for the opportunity to speak to them. He mentioned that the recent award of five million dollars was not to build a new bridge, but to help with getting the necessary clearances and process moving. He said a flow chart was produced out of a requirement for the application to the State or Oregon to show how information would be received and exchanged. He explained that the public opportunity for input is through the Bridge Replacement Advisory Group (BRAG).

Greenwood said the Port of Hood River realizes the need to be unified in order to get this project done. He noted that any one group could effectively kill the project. Greenwood stated that BRAG would give an opportunity for a feedback loop, and at the end of the 2-3 year process they would have an environmental clearance document to help with the bridge replacement project. Greenwood pointed out

that members of BRAG would not be put in position to vote on future bridge ownership, just charged with completing the necessary environmental part of the process by reviewing what environmental consultants would be bringing forth. He said members of BRAG would hear information in real time as the Port of Hood River received any information, and can bring that to their respective councils. He also expressed that members of BRAG would be able to bring questions and concerns from the public to the group for answers and information.

Mayor Barnes said that the Washington side of the river in no way wants to derail the bridge replacement. She said she wanted to help where possible. She said she didn't like that Greenwood said any one group could kill the project.

Kevin Herman from White Salmon asked when the Port of Hood River decided to involve entities from the Washington side of the river. He noted that the Port of Hood River had 50 years to save money and replace the bridge and he wondered why this was only moving forward now.

Greenwood explained that the revenue from the bridge had been used for operations and such over years.

Herman said if the Port of Hood River felt that the bridge was important, they would have saved some money to replace it. He said the Port of Hood River was more interested in business rather than infrastructure, and that their only goal was to make Hood River a tourist attraction. He said he hoped the Bingen City Council would support the letter asking for equal footing going forward. Herman stated he felt the Port of Hood River should relinquish control of the bridge.

Greenwood said that he thought the Port of Hood River was not assuming they would remain the owner of the bridge in the future. He said the potential of the Port of Hood River not being the future owner of the bridge was a distinct possibility, noting that a recent letter had stated such sentiment, and that in recent Port Commission meetings it had been a recurring theme.

Greenwood mentioned that a parking plan on the water front area was being implemented, since parking meter placement had been approved to help pay for the parks. Greenwood said he believed a future edit would dictate that all tolls in the future will go back into the bridge. He said the Port of Hood River is prepared for the future and that they are aware they will be making some tough decisions.

Mayor Barnes said the Washington side of the river was sent a letter, and would like to respond with a letter. She said there seemed to be a misunderstanding. She said that the word "advisor" may mean "partner" to the Port of Hood River. She said she would like to have both sides sit down and talk, and said the discussion shouldn't be taken out of context.

Greenwood said the opportunity for a different type of committee is there, and might be possible through the Regional Transportation Committee (RTC), for example.

Greenwood said the next effort is to obtain the final Environmental Impact Study (EIS), and once it was obtained it would be valid for several years. He said the ownership and financing of a new bridge was not on the table yet, and that the steering committee was a requirement for receiving the money from the State of Oregon. He said it was important to follow through with the responsibility mandated by the contract. Greenwood also noted that there would be a review to look at meeting Washington State requirements.

Councilmember Kiewit said she didn't think the recent article in The Enterprise represented the tone of the discussion accurately. She said she had heard a lot of concern from the community about the possibility of the past being repeated going forward with replacing the bridge. She said the people on the Washington side of the river want to be at the table, not just advising or taking notes.

Councilmember O'Connor said there seemed to be a strong sense of mistrust that the current effort might be skewed toward the Port of Hood River.

Greenwood said the common theme was to get the necessary environmental processes done.

Tammy Kaufman said Insitu was watching the bridge replacement effort closely. She said she had a chance to sit in on a Port of Hood River meeting earlier in the evening. She said the meeting reflected a very positive view of the relationship with the Washington side of the river, and she believed the effort to be a true offer for involvement. She noted that with Insitu being on both sides of the river the bridge is significant. She encouraged the Bingen City Council to participate as best as possible to set the stage.

White Salmon City Council Member Marla Keethler asked if any of the Washington entities referenced in the letter from the Port of Hood River had agreed to seat someone on the advisory committee.

Kevin Greenwood said no.

Keethler asked what had compelled the court to pursue funding from the State of Oregon, asking if there had been a lack of bi-state funding.

Greenwood said he believed the State of Washington had been putting money into the effort, and it was decided that Oregon should also make the effort. He said it seemed like the next logical step.

Mayor Barnes said former Mayor of Bingen, Brian Prigel had gotten the first environmental study going. She said Prigel had been a member of the RTC panel in Vancouver and had brought the bridge to the forefront. She said she absolutely did not want to see a second study done and then shelved. Barnes stated that there was momentum with the project since everyone knows the bridge must be replaced and was ready to help.

Greenwood said the work that was done in the past had been a big lift in doing things the second time around.

Councilmember O'Connor said it sounded like a question of definitions. He asked what the word "partnership" meant coming from the Washington side, and what would be accepted as a definition. He said there was work to be done, and said trust would need to be built.

Greenwood said the advisory group would be a great opportunity to get everyone in same room and get to know each other. He said it would be great for laying out goals, hopes, and concerns. He encouraged the Bingen City Council to participate. He stated that the Port of Hood River was looking for a bi-state solution, and the advisory group was another step in that effort.

Kevin Herman asked what Greenwood wanted from the advisory group.

Greenwood suggested the advisory group would review prior documents and follow along with the environmental permitting process. He also mentioned the advisory group would probably look at the

social justice effects of tolls on under-served communities. He said the advisory group would function as a sounding board.

Councilmember Schroder said she wanted to emphasize what Mayor Barnes had said. She explained that the north shore cities, tribes, county, and Port of Klickitat all want the bridge replacement to be a success. She said seating a member on the Bridge Replacement Advisory Group would be too minor of a role for the amount of dependency on the Washington side of the river. She said BRAG sounds like a lovely idea in terms of review and feedback, but she wasn't hearing that decisions would be made. She said having a voice and contributing to decisions was very important, starting from the EIS, not after the EIS is finished. Schroder noted that the environmental impact would be equally as great to the Washington side.

Greenwood said the name "BRAG" did not sound right. He said calling it a committee was an option. He explained that the role of the entity was not to address ownership and control. He said members of the entity could expect to be part of an equal conversation, and that the organizational chart shared was to manage the five million dollar ODOT contract. He explained further that the advisory group would be the meat and potatoes of the project, where content would be discussed and pushed and pulled for the environmental review process.

Mayor Barnes pointed out that the Washington side would bring a lot to the table, and it was being requested that Washington entities be made full partners. She suggested a discussion on how to make a partnership work to make all parties comfortable.

Councilmember O'Connor said that if a decision was going to be made, he would want Bingen to have a part in making it.

Greenwood explained that decisions wouldn't be the scope of work for the advisory committee.

Councilmember O'Connor said that was where the mistrust came in. He said it seemed very unlikely that no decisions would be made affecting the future of the bridge during this next effort. He suggested finding a way for everyone to be comfortable and upfront about the decision making process.

Greenwood said advisory group members could call out items that come up that could affect the future.

Mayor Barnes said the role offered in a seat on the advisory group was the issue.

Councilmember Mann said maybe the first meeting should be representatives coming together for Greenwood to outline the requirements. She said maybe that should happen before anyone agrees to anything. She pointed out that the Port of Hood River had asked for participation from the Washington side, and suggested that they bring the details to a meeting of all parties.

Councilmember O'Connor said he would like to know what decisions would need to be made, and who would be making them.

Greenwood said all parties needed to work together on the bridge replacement project, and asked that the council contact him if there was another opportunity to discuss the issue.

Councilmember Jones moved to authorize the Mayor to sign the letter drafted to the Port of Hood River. Councilmember O'Connor seconded the motion and the motion passed 4-1 with Councilmember Mann voting against.

### **City of White Salmon Interlocal Agreement, 2018 Clerk Treasurer Services**

Mayor Barnes explained that with former City Administrator Cindy Marbut no longer being with the City of Bingen, Cheyenne Willey had been promoted to City Clerk Treasurer and Dena Riggelman had agreed to come back as Deputy Clerk. She said she hoped the council would approve the contract with White Salmon to provide assistance when necessary with budget and land use items.

Councilmember Kiewit asked what the difference was between this contract and the previous one.

Mayor Barnes said the new proposed contract included White Salmon Clerk Treasurer Jan Brending being able to volunteer her time, specifically regarding the Community Development Block Grant (CDBG). Barnes explained the substantial paperwork involved in the administering the grant, and that she had agreed to continue the program if Brending agreed to administrate it. She said she would much rather see the funds continue to be available to the community.

Council Member Kiewit moved to approve the Interlocal Agreement with the City of White Salmon for 2018 Clerk Treasurer Services. Council Member Jones seconded the motion and it was unanimously passed.

Councilmember Schroder left the meeting for 10 minutes.

### **City of White Salmon Interlocal Agreement, 2018 Water Purchase**

The council discussed the recent meeting between the Bingen Water Committee and the White Salmon Ops Committee.

Mayor Barnes said she wanted to find a good compromise.

Councilmember Mann said the meeting went very well.

Councilmember Kiewit said she had been to many meetings with representatives from the City of White Salmon in the past, and she was happy that this meeting was very collaborative instead of contentious.

Councilmember Mann said members of the White Salmon Ops Committee were knowledgeable and attended the meeting in the spirit of getting things done in a positive way.

Mayor Barnes said the ongoing negotiations were all about building partnerships.

The Water Committee agreed that a letter to the White Salmon Ops Committee should be drafted and sent regarding the proposed water purchase agreement.

### **LightSpeed Networks Franchise Agreement**

City Attorney Chris Lanz said he had reviewed the Bingen Municipal Code and found no language governing the installation of utilities or work being done in the right of way. He said it would be up to the Public Works Superintendent.

Lanz explained he had updated the initial version of the contract which had been used by the City of White Salmon, editing city-specific information. He also noted that section 11 subsection D was not applicable to the City of Bingen.

Bryan Adams and Leif Hansen introduced themselves, explaining they were with LightSpeed (LS) Networks. They said the company was headquartered in Portland, OR, and served primarily rural communities. They explained LS Networks had been contracted by Insitu to bring fiber optics out to the buildings on the waterfront.

Adams noted that Insitu would be the first customer, but the cables would be set up with additional customers in mind. He said they hoped to come back to the cities of White Salmon and Bingen after the project was completed to discuss any needs for their services and possibly offer solutions.

Councilmember Kiewit asked if the cables were to be installed above ground or below.

Hansen distributed a map and explained the lines shown in red would be aerial lines, and those in blue would be underground. He said utility lines at the port were already underground so the fiber optic cables would parallel those and also be underground. Hansen said the cables are about the diameter of one finger and consist of 144 strands of fiber. He said Insitu would be using two of the strands.

Hansen said LS Networks was owned by local co-ops and a Native American tribe, and the company collectively managed over 7500 miles of fiber optic cables.

Councilmember Kiewit asked who would be working and completing repairs in inclement weather.

Hansen said internal line crews would be used for repair and maintenance, and mentioned that one of the co-ops with ownership was from Hood River.

Councilmember Mann asked what the timeline for installation would be.

Hansen said they hoped to have everything wrapped up by late fall 2018. He said the engineering and permitting phase was expected to last six months, and construction would be completed in about a month directly afterward.

Councilmember Kiewit asked how LS Networks viewed net neutrality.

Adams said the company was 100% in favor of net neutrality.

Councilmember Kiewit clarified that they would not be concerned with content.

Adams said no, the lines would be built for capacity and they want customers to use the service. He said there would not be a data limit, cap, or any throttling. He said the cables are being installed for a public purpose and should be used as such.

Councilmember Kiewit asked how the cables would cross the railroad tracks.

Hansen said he believed the lines would be high enough on the poles but the engineering was still incomplete. He said as a reserve option they would place the lines underground and go beneath the tracks.

Councilmember Mann moved to authorize the mayor to sign the Franchise Agreement with LightSpeed Networks as edited by City Attorney Chris Lanz. Councilmember Jones seconded the motion and it passed unanimously.

Mayor Barnes left the meeting for 10 minutes.

Councilmember Schroder left the meeting.

### **Ordinance 2018.08.670 Amend Chickens**

Mayor Barnes asked if anyone had any comments regarding the proposed amendment to ordinance 2018.08.670.

Councilmember Mann moved to adopt the proposed amendment to ordinance 2018.08.670 as presented. Councilmember Jones seconded the motion and it passed unanimously.

### **Old Business**

*Letter to Klickitat County Fire District #3*

Mayor Barnes requested the letter be updated to show the recipients as the “Fire District #3 Commissioners”

Councilmember Jones moved to approve the letter drafted to the Klickitat County Fire District #3 Commissioners as corrected. Councilmember Kiewit seconded the motion and it passed unanimously.

### **Mayor’s Update and Council Comments**

Mayor Barnes updated the council on the Walnut Street Crossing project. She said a maintenance and construction agreement between BNSF and the City of Bingen should be reached within 3-6 months, and the cost came out to about \$450,000. She noted the crossing arms would have to be intertwined with the other Bingen crossing apparatus. Barnes noted that the City of Bingen received a grant in the amount of \$430,000 and said UTC could come up with a grant for \$20,000 so there is no cost to the City of Bingen. She said the crossing arms would be single lane.

Barnes said Senator Curtis King would be asking for new crossing arms at Maple Street in the next biennium, and once the Bingen Point Access Project Underpass is completed UTC will be asked to evaluate Bingen for a possible quiet zone or wayside horns.

### **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 1, 2018.

The council by unanimous vote does approve for payment the following list:

Payroll EFT and Checks 19962-19966 (Dated 4/30/18) totaling \$27,317.94. General Fund - \$12,597.34, Street Fund - \$4,140.95, Water Fund - \$3,171.61, Sewer Fund - \$523.86, Treatment Plant Fund - \$6,884.18

Check 19967 (Dated 4/27/18) totaling \$133.79. General Fund - \$133.79

Checks 19968-19977 (Dated 4/30/18) totaling \$6,513.06. General Fund - \$2,278.42, Street Fund - \$1,383.49, Water Fund - \$1,026.92, Sewer Fund - \$89.97, Treatment Plant Fund - \$1,734.36

The council adjourned at 10:30 pm.

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City Clerk

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Mayor