

## BINGEN CITY COUNCIL MINUTES

**December 16, 2014**

The meeting was called to order by Mayor Betty J. Barnes at 7:00 p.m. Council members present: Betty Barnes, Stephanie Porter, Catherine Kiewit, Sandi Dickey, Izzy Schroder, Maria Perez (arrived at 7:15 p.m.). City Attorney Craig Trummel, Police Chief Tracy Wyckoff, Public Works Superintendent David Spratt and City Administrator Jan Brending were present. Audience: Amber Marra, Mark Daniels, Clinton Deo, Sarah Deo, Sandy Dean, and Jim Kacena.

### **Approval of Minutes – December 2, 2014**

Catherine Kiewit moved to approve the minutes of the December 2, 2014 regularly scheduled meeting as presented. Sandi Dickey seconded the motion and it was unanimously passed.

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

Tracy Wyckoff reported the only major incident that had recently occurred was the toilet destruction in the park restroom. He said they have a person of interest but no defined information. Wyckoff reported there is a lot of scamming happening by phone and mail. He said he feels it is important to make the community aware of the issue and that when in doubt about a phone call or e-mail to call the police department for more information. Wyckoff said he would be helpful to have something on the city's web page and in the next utility billing.

Betty Barnes said Jan Brending can contact Leana Johnson to get the same information that White Salmon is using.

Stephanie Porter said individuals also need to talk to the manager of their bank before they do anything. She said banks are happy to help out before the money is sent out.

Wyckoff said the new hire has gone through the entire hiring process and passed. He said she will come on board on January 5 and go to training on February 24. Wyckoff said her name is Lauren Baker. He said he is really excited and thinks she will be a really good fit for the community.

Betty Barnes said she and Chief Wyckoff have spoken about his attendance at council meeting. She said he will normally attend the 2<sup>nd</sup> meeting of the month unless something comes up that he needs to address.

### **Proposed Signage – Daubenspeck Park and Skatepark – Deo**

Clinton Deo and Sarah Deo said they have worked up a mock of the wall signage for the skatepark. The proposed signage is 8 feet long about 4 feet tall and will be placed on pedestals. Plaques recognizing donors can be placed on the back but will need to be done by someone else. Clinton Deo said they are looking for comments and suggestions.

Betty Barnes said she asked the Deo's to put something together for the council.

Catherine Kiewit said she thinks it is really great.

Council members said they like the font and the rust look for the lettering.

Betty Barnes asked council members to submit comments.

### **Lead Adjustment Request Appeal – Sandy Dean – Hearing and Action**

Betty Barnes said Sandy Dean has appealed a decision of the Mayor on a leak adjustment request. She said the decision was denied and is now before the council.

Sandy Dean said she received a water bill showing that she was using approximately 6,700 gallons of water per day. She said the bill is only for one of her buildings that has 4 tenants and one of the tenants was not there during the billing period. Dean said the normal usage for the building is 4,000 to 5,000 gallons of water per month. She said that much usage should have been noticeable somewhere. She said it would take 22 leaking toilets to use that amount of water. Dean said she feels the city should have to rationalize what possibly could have happened.

Jim Kacena, representing Sandy Dean, said the circumstances point to something other than a leak or theft. He said he feels it points to something wrong with the meter.

Jan Brending reviewed data logs that were downloaded from the meter for the time period. She said the data shows that on August 26 during the middle of the day the meter started showing that approximately 1690 gallons of water was going through the meter consistently and then stopped September 16 during the middle of the day. Brending said the data logs show that water was flowing through the meter consistently for that time period equating to approximately 6,760 gallons of water per day above the normal water usage. She said the reason the meter did not show up on the alert report was because at the time the meter was read on September 25 water was not running through the meter for a 24-hour period at that time. Brending said information from the manufacturer of the meter states that the meter will reset once water stops running continuously for a 24-hour period.

Catherine Kiewit asked Sandy Dean if there were leaks on the meter already this year. Sandy Dean said yes.

Sandy Dean said she prorates the water bill among the tenants. She said she cannot go to the tenants and ask them to pay the subject bill. Dean said she has included an addendum to the lease that tenants will have to pay costs associated with any leaks they do not report. Dean said nothing is fail safe. She said there are magnetic issues that can mess with meters. Dean said there was no evidence of water and that no faucets were open.

Catherine Kiewit asked if Dean feels there is a defective meter even though they have had leaks in the past.

Sandy Dean said she couldn't find anything to fix. She said 30 times the normal usage does not seem right.

Jim Kacena said it doesn't compute.

David Spratt said that when problems happen with the meter – they either stop running completely or show less usage than was used. He noted that when the reread was done the manual read and radio read were the same.

Sandy Dean said it was enormous amount of water for that short period of time.

Catherine Kiewit said she understands that this is a difficult position and also dislikes passing a judicial judgment on these type of issues. She said that she feels a leak adjustment was already given this year for the exact same property. Kiewit said the ordinance provides that only one adjustment can be provided per year and that is unfortunate that a request was previously used on a small leak and not the larger one. She said she does not see that the problem has been resolved.

Sandy Dean said she has been paying the City of Bingen for water for a long time. She said the city has to take some responsibility for billing someone for a \$1,000.

Catherine Kiewit said the tenants have a disincentive to report any issues with water usage. She said Dean has some valid points along with the city's valid points but the water is gone and went through the meter and city has costs associated with that water.

Sandy Dean said if it was a leak then the city should forgive the sewer.

Catherine Kiewit said the city does not know if it was a leak.

Sandy Dean said she hasn't fixed a leak.

Betty Barnes said the city has to assume that the water was used and that it was not a leak because a leak was not fixed.

Sandy Dean said that is an unreasonable conclusion. She said the council needs to get a clear understanding of the volume of water that was billed for. Dean said it is an unreasonable assumption that the water was used.

Betty Barnes said no one is disputing the amount of water. She said it could have been used during that time period.

Jan Brending reminded the council that the water used was approximately 7000 gallons of water per day over a 20 day period during late August to mid-September.

Sandi Dickey said she feels that Catherine Kiewit has asked the right questions.

Maria Perez said that she has had her toilet run and that her roommates don't necessarily watch the utilities like she does. She said that possibly somebody left something running and just did not report it.

Izzy Schroder asked if there is a laundry facility at Infinity Salon.

Sandy Dean said there is a washer.

Izzy Schroder said she has tried to look at the logic as Dean sees it. She said there is no discrepancy between the manual and the digital read and that a certain amount of water ran through the meter. Schroder said she is not sure it is the job of the city to identify how water is being used by a user. She said the water went through the meter and that is a fact.

Catherine Kiewit moved to deny the leak adjustment appeal of Sandy Dean. Stephanie Porter seconded the motion and it was unanimously passed.

Sandy Dean said it is frustrating as a business owner. She asked if the city could keep an eye on the meter and read it more frequently than once a month.

Betty Barnes said she will talk to staff and get back to Sandy Dean about her suggestion.

Catherine Kiewit suggested having meters installed for each tenant so that future issues are easier to identify and tenants can be held accountable.

### **Public Hearing – Proposed Amendments to 2014 Budget**

Betty Barnes opened the public hearing for the proposed amendments to the 2014 budget.

Jan Brending said there is a change to the proposed amendment. She said that on page 41, Fund 425 Treatment Plant Improvement Fund the line items for Small Tools and Equipment should read \$7,796 (an increase of \$3,000) for total expenditures of \$88,966 and an ending cash balance of \$116,639. Brending said there are changes on page 5 of the proposed ordinance under "Treatment Plant Improvement Fund as follows: Revenue - \$119, Appropriations - \$88,966 and Ending Cash Balance \$116,639. She said the amendment to purchase additional software needed to complete the update of the process computer at the wastewater treatment plant.

Betty Barnes closed the public hearing.

### **Proposed Ordinance Amending 2014 Budget**

Catherine Kiewit moved to adopt Ordinance 2014-13-640 (as corrected) amending the 2014 budget. Stephanie Porter seconded the motion and it was passed unanimously.

### **Agreement to Extend Duration of Wastewater Planning Interlocal Agreement**

Betty Barnes reviewed the amendment and modification to the interlocal agreement. She said the amendment extends the timeframe for the interlocal agreement through 2015. Barnes noted that an additional amendment will be presented in 2015 amending the costs of the project.

Maria Perez moved to approve the amendment and modification to the Interlocal Agreement for Financing of Joint Wastewater System Plan. Izzy Schroder seconded the motion and it was unanimously passed.

### **Proposed Resolution 2014-010, Adopting 2015 Salary Schedule for Non-Union Employees**

Betty Barnes said the proposed Resolution sets the salary schedule for non-union employees for 2015 providing a 2% cost of living increase.

Catherine Kiewit moved to adopt Resolution 2014-010, adopting the 2015 salary schedule for non-union employees. Izzy Schroder seconded the motion and it was unanimously passed.

### **Animal Control Agreement**

Betty Barnes reviewed the proposed animal control agreement with the City of Goldendale. She said she and Jan Brending met with Rick Johnson, Goldendale Police Chief. Barnes said the proposed agreement has new language that addresses when the animal control officer will be in Bingen and requires that the day of the week be rotated so that the officer is not in Bingen on the same day week after week. She said the agreement also provides for monthly reports instead of quarterly. Barnes said the agreement is for one year and also allows for a 30-day termination notice.

Jan Brending noted that the agreement also contains language about how a dog that is picked up and impounded is reported to the City of Bingen. She said that language was requested by Chief Johnson.

Izzy Schroder moved to accept the animal control agreement with the City of Goldendale for the amount of \$15,000 for 2015. Maria Perez seconded the motion and it was unanimously passed.

The city council took a break at 8:20 p.m. and resumed regular session at 8:30 p.m.

### **Proposed Critical Areas Ordinances**

Mark Daniel with The Watershed Company provided an overview of the process of updating the critical areas ordinances including the gap analysis prepared for the city.

Council members asked questions about the proposed ordinances and associated maps.

Jan Brending said a public hearing will be held on the ordinances at the January 6 council meeting. She said the ordinances, maps and gap analysis report is available on the city's web page. Brending asked council members to provide comments or questions regarding the ordinances to her prior to the January 6 meeting.

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

#### ***Wastewater Planning and Everybody's Brewing***

Betty Barnes said that she has spoken to Mayor David Poucher regarding the wastewater treatment plan and Everybody's Brewing. She said that it is clear from information provided by Washington Department of Ecology that the City of Bingen has the right to ask questions regarding the impacts Everybody's may or may not have on the treatment plant. Barnes said it is also clear that the City of Bingen can request that a user's agreement be developed between White Salmon and Everybody's and that Bingen can comment on it.

#### ***New Business***

Betty Barnes said C's Teriyaki is now open for business. She said it is located where C's Market used to be.

#### ***Christmas Parade***

Betty Barnes reminded council members that the Christmas Parade is on Friday, December 19.

#### ***Dena Riggelman Resignation***

Betty Barnes reported that Dena Riggelman is resigning from the city as of January 2. She said she has provided a very nice resignation letter. Barnes said she is working with Jan Brending to develop an advertisement for a replacement.

#### ***Future Possible Resignations***

Sandi Dickey said she will be leaving the council in the future as she will be moving out of the city limits.

Maria Perez said she might be moving to Vancouver in April.

### **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 December 16, 2014. The council by unanimous vote does approve for payment the following list: checks EFT, checks 17233-17254 (dated 12/16/2014) totaling \$108,631.49. General Fund – \$91086.26; Street - \$160.48; Water - \$1612.74; Sewer - \$393.28; Treatment Plant - \$2464.98; Treatment Plant Improvement Fund - \$12,913.75.

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 December 16, 2014. The council by unanimous vote does approve for payment the following list: payroll check 17136 (dated 11/07/2014), totaling \$119.68. General Fund – \$119.68.

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 December 16, 2014. The council by unanimous vote does approve for payment the following list: EFT (dated 12/15/2014), payroll checks 17204-17230 (dated 12/15/2014), payroll checks 1723-17232 (dated 12/16/2014) totaling \$18162.66. General Fund – \$8923.51; Street - \$1839.63; Water - \$1352.10; Sewer - \$416.06; Treatment Plant - \$5631.36.

The council adjourned at 9:20 p.m.

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City Clerk

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Mayor