



CITY OF WHITE SALMON
City Council Regular Meeting – Wednesday, June 16, 2021
Via Zoom Teleconference

Council and Administrative Personnel Present

Council Members:

Jason Hartmann
 David Lindley
 Ashley Post
 Jim Ransier
 Joe Turkiewicz

Staff Present:

Marla Keethler, Mayor
 Stephanie Porter, Deputy Clerk
 Ken Woodrich, City Attorney
 Russ Avery, Operations Manager
 Bill Hunsaker, Building Official/Fire Chief
 Mike Hepner, Police Chief

I. Call to Order, Presentation of the Flag and Roll Call

Marla Keethler, Mayor called the meeting order at 6:00 p.m.

There were 3 members of the public in attendance.

II. Changes to the Agenda

Marla Keethler made a request to add Authorization to Accept Funding Package from USDA Rural Development as Business Item D.

Moved by Jason Hartmann. Seconded by Jim Ransier.

Motion to add Authorization to Accept Funding Package from USDA Rural Development as business item. CARRIED 5-0.

III. Consent Agenda

- A. Task Order, Bell Design - Pool Demolition
- B. ~~Authorization to Accept COVID-19 American Rescue Plan Act Funds (\$751,187)~~ Moved to business item.
- C. Committee and Board Appointments
- D. Change Order No. 1 - Garfield Water Line Project (\$1720 increase in contract price)
- E. Authorization to Submit Local Records Grant/Technology Tools Grant (up to \$30,000)
- F. Farmer's Market Request, Hang Banners for Season
- G. Approval of Meeting Minutes – June 2, 2021
- H. Approval of Vouchers

Vouchers audited and certified as required by RCW 42.24.080 and expense reimbursement claims as required by RCW 42.24.090 as of this 16th day of June, 2021.

Type	Date	From	To	Amount
Claims	6/16/2021	EFT	EFT	\$6,900.84

	6/16/2021	37174	37204	\$67,296.68
			Claims Total	\$74,197.52
Payroll	6/21/2021	EFT	EFT	\$70,722.15
			Payroll Total	\$70,722.15
			Manual Total	\$0
			Total All Vouchers	\$144,919.67

Ashley Post requested that consent agenda item Authorization to Accept COVID-19 American Rescue Plan Act Funds (\$751,187) be moved to business item.

Moved by Ashley Post. Seconded by Jim Ransier.

Motion to move consent agenda item Authorization to Accept COVID-19 American Rescue Plan Act Funds (\$751,187) to business items. CARRIED 5-0.

Roll call vote was taken to approve the consent agenda with changes with all yes, but no motion or second was made (to be ratified at next council meeting).

IV. Public Comment

Robert Finlay, White Salmon Resident commented by email regarding compression brakes being used throughout the city. He said they are disruptive and incredibly noisy. Finley requested the council look at stronger restrictions and better enforcement for the city limits. He requested that if there is a danger to pedestrians that the city should look at banning trucks from city streets all together and suggest they reroute the Alternate Highway 141.

Archer Mayo, Klickitat County Resident commented by email, requesting that both White Salmon Mayor Marla Keethler and Bingen Mayor Betty Barnes, write a letter to the Washington Department of Transportation regarding the need to redesign the Roland Lake intersection. He said his son was in an accident at that intersection with accidents occurring almost weekly this year, including a massive truck almost rolling into the lake. Mayo said he has also written to Jamie Herrera Butler and encouraged her to do the same.

V. Presentations

A. Pride Heritage Month presentation by Charlie Buss

Charlie Buss shared information on PRIDE activities going on in the Gorge area. They shared their experience as a member of the LGBTQIA community.

VI. Business Items

A. Right-of-Way Permit, Margaret Richmond, 173 NE Wauna

Joe Turkiewicz, Council Member, said he saw the legal description provided by Landerholm included neighboring properties but should only include City Right-of-way.

Ken Woodrich, City Attorney said that should be corrected before any approval of the permit.

Joe Turkiewicz, Council Member said he is recusing himself from the Right-of-Way Permit Application agenda item because he had previously filed a 2017 public nuisance lawsuit related to the applicant's encroachment into the right-of-way. He turned off his video and microphone at the beginning of the discussion at 6:26pm.

Ken Woodrich, City Attorney presented the staff report and provided background on the issue including the encroachment being an existing issue since the early 1950s. He noted Exhibit A will need to be corrected to show only city right-of-way properties. Woodrich said that this code was not designed to address this particular type of issue. He said that the duration of the permit of 10 years was requested by the applicant, but that can be changed by council. Woodrich said the applicant also requested that the permit be assignable which is not allowed by the current city code. He said that in his opinion, council could approve this permit within the code without issue.

Ashley Post, Council Member said there was a discrepancy between the staff report and the applicant's legal representative regarding there being sufficient room in the alley for larger vehicles including emergency vehicles.

Bill Hunsaker, Building Official/Fire Chief said that the alley is a narrow 14 feet wide and a fire truck, including the mirrors, is 11 feet wide. He said the reason the alley meets the standard is because it is encroaching onto the property to the west. He said the current minimum standard for an alley is 15-20 feet.

Ken Woodrich, City Attorney said that because it is a preexisting alley that predates our code, it would not be subject to the minimum standards.

Jim Ransier, Council Member asked what would happen if the property owners to the west wanted to build a fence on their property line.

Ken Woodrich, City Attorney said they probably would not be able to because the encroachment on their property has been happening for more than 10 years and their right to maintain a fence would be questionable. He proposed that the permit as presented is not revocable unless the use of the property is changed, the building is expanded, or the structure is destroyed.

David Lindley, Council Member said he is struggling with the duration of the permit and the request for it to be assignable since it only benefits one resident. He said it is questionable since the city does not know what the future needs may be for that area. Lindley said that because this encroachment has been there for a long time, it does not necessarily mean it should continue.

Ken Woodrich, City Attorney said that issues of encroachment are typically resolved during the building and permitting process where the city verifies a building is on the

owner's property. He said it is unknown what the city allowed at the time the building was established.

David Lindley, Council Member asked if this is the only option to resolve the issue of the encroachment.

Ken Woodrich, City Attorney said that the council can make any changes to the terms of the application or deny it all together.

Jason Hartmann, Council Member said that the amount of time the encroachment has existed is addressed in RCW 7.48.170 which says that if it is considered a nuisance there is no time that supersedes the need to abate the nuisance. He said the city should be pursuing the process lined out in WSMC 8.07.060 which addresses a level 2 cooperative abatement. Hartmann said a home encroaching on the city right-of-way fits the description of a nuisance and he believes that the city would be better served, and better protected from potential legal actions, if the issue was addressed as a nuisance. He read WSMC 12.02.001 defining the purpose of the code. He said that he believes that this application if allowed would violate all the purposes defined in the code. Hartmann said he believes the action the city should take is to declare the encroachment of the house into the city right-of-way a nuisance and pursue a cooperative abatement agreement. He said that 20 years is too long for resolution, but that the city should work with the property owner. Hartmann said the cooperative abatement agreement would have better accountability measures with specific steps that the city and the applicant would take to remedy the situation.

Ken Woodrich, City Attorney said that this application was submitted as part of an abatement to remove the nuisance. He said the right-of-way permit is a way to resolve the encroachment issue. Woodrich said this is one way to resolve it, but staff can research other options.

Marla Keethler, Mayor said that the staff report is used to provide the council the knowledge of the situation. She said there is a broad range of options the council can look at to resolve the issue.

David Lindley, Council Member said that his main issue is that the duration of the permit seems to suggest that the city is not motivated to remedy the situation.

Ashley Post, Council Member asked if there is an assumption that at the end of the permit and renewal time of 20 years has passed that the structure would be removed or will the permit application process repeat again.

Ken Woodrich, City Attorney said assuming the use of the structure does not change, or the structure is not destroyed during the time of the permit, the structure would have to be removed when the permit expires.

Jim Ransier, Council Member said because the structure is not currently inhabited as a residential unit, it may be a good time for the city to look into a quicker resolution.

Bill Hunsaker, Building Official/Fire Chief said that the structure is in a commercial zoned district and is currently a non-conforming use.

Ken Woodrich, City Attorney said that if the structure is not being used for the non-conforming use, which in this case is residential, they will lose their non-conforming use status with the city.

Jason Hartmann, Council Member said he strongly advocating that rather than a permit, the council talk about a cooperative abatement. He said if the council allows this permit it will start a slippery slope of other property owners expecting the same.

Ken Woodrich, City Attorney suggested the council take no action at this time. He suggested giving city staff time to review and research other options.

Council requested that staff research other options. No action was taken.

Joe Turkiewicz, Council Member rejoined the council meeting at 7:14pm.

B. Employment Agreement Amendment, Bill Hunsaker, Building Inspector/Code Enforcement Officer

Stephanie Porter, Deputy Clerk reviewed the information provided in the staff agenda regarding the proposed amendments to two (2) employment agreements providing four (4) weeks of vacation leave after five (5) years of employment and setting a forty (40) hour maximum carryover for each year.

Moved by Jim Ransier. Seconded by Jason Hartmann.

Motion to approve Employment Agreement Amendment for Building Inspector/Code Enforcement Officer. CARRIED 5-0.

C. Employment Agreement Amendment, Russ Avery, Public Works Operations Manager

Moved by Jason Hartmann. Seconded by Ashley Post.

Motion to approve Employment Agreement Amendment for Public Works Operations Manager. CARRIED 5-0.

D. Accept Funding Package from USDA Rural Development

Marla Keethler, Mayor presented the USDA Rural Development Loan information.

David Lindley, Council Member acknowledged the great job by staff to secure a close to one-million-dollar grant.

Moved by Jason Hartmann. Seconded by David Lindley.

Motion to authorize the Mayor to accept a funding package from USDA Rural Development in the amount of \$2,333,000 loan for 40 years with an interest rate of 1.75% and a grant in the amount of \$999,000 with a city match of \$150,500. CARRIED 5-0.

- E. Authorization to Accept COVID-19 American Rescue Plan Act Funds (\$751,187)**
Ashley Post, Council Member asked for clarification of how the funds could be used. She said she is specifically looking for any funds that would be allowed to be used for Parks.

Marla Keethler, Mayor said that the guidelines are still being developed. She said the Personnel and Finance Committee will discuss potential uses for the funds.

Moved by Jason Hartmann. Seconded by David Lindley.
Motion to authorize the Mayor to sign acceptance of COVID-19 American Rescue Plan Act Funds in the amount of \$751,187. CARRIED 5-0.

VII. Reports and Communications

A. Department Heads

Mike Hepner, Police Chief said he wanted to clarify that the public comment from Robert Finlay regarding the use of compression brakes came in during his vacation. He said he spoke with Mr. Finlay directly when he returned. Hepner said law enforcement is not always black and white and he will always choose public safety over a noise complaint. He said he contacts companies directly when they seem to use compression brakes unnecessarily. Hepner said he makes a point to return all calls made to him.

Bill Hunsaker, Building Official/Fire Chief said he thought the laws had been changed.

Mike Hepner, Police Chief said he will check into that.

Bill Hunsaker, Building Official/Fire Chief thanked the council for approving his contract revision.

Russ Avery, Public Works Operations Manager said Artistic Excavation will be starting the work on Garfield. He said they are digging trenches and filling potholes this week and will begin the waterline work next week.

Ashley Post, Council Member asked about the status of the park restrooms.

Russ Avery, Public Works Operation Manager said that there is another 2 weeks to allow the concrete to cure.

Stephanie Porter, Deputy Clerk said staff has begun moving street files and records into the new file room. She said she is excited about the potential grant to purchase a new large-scale copier to help with public records management.

B. Council Members

Jim Ransier, Council Member said the Community Development was cancelled this month but will meet next month.

Jason Hartmann, Council Member said the City Operations Committee met and discussed mostly park plan information.

Ashley Post, Council Member said she has been approached by a few community members that are interested in helping to replace the park equipment in Rhinegarten Park. She said she had hoped that some of the American Rescue Act Plan Funds could be used for parks, but it looks like that will not be an option. Post said there was discussion of possibly replacing the existing equipment potentially before the Park Plan update is completed. She said they discussed the potential for completing the park updates in phases.

Ashley Post, Council Member said the Tree Board met and discussed the Heritage Tree Ordinance. She said the progress has been slow because they are trying to balance the importance of Heritage Trees while keeping in mind other goals of the city such as housing, specifically high-density housing.

David Lindley, Council Member said he is not fond of the current Heritage Tree Ordinance but he agrees with Ashley that it is a challenge to find the balance.

Marla Keethler, Mayor said that she has seen in other communities rather than an agreement to replace removed trees, the city would collect a fee that would go towards a green space fund.

Joe Turkiewicz, Council Member said he has heard some community concerns about the changes to short term rentals. He said he anticipates a few community letters for the next meeting.

C. Mayor

Marla Keethler, Mayor said the discussion with Department of Natural Resources (DNR) regarding the easement on Buck Creek are still at a healthy back and forth. She said they are hoping to plan a site visit with DNR staff and Gina Mosbrucker in July. Keethler said at a future council meeting during reports there will be a workshop on Tax Increment Financing. She said that she would like to hear any additional topics of interest for future meetings.

Keethler said there will be a 4th of July parade and music in the park this year in Rhinegarten Park.

Keethler said she will be hosting a city booth at the Comunidades Vaccine Clinic. She said she will be providing an updated city brochure and hopes to make some

connections with residents and community groups getting information about city services to a potentially unreached population of White Salmon residents.

Keethler said the Lodging Tax Advisory Committee was seated during the consent agenda. She said Joe Turkiewicz is the councilor on that committee which will meet in the near term to set procedures and processes. Keethler said later this year the council will award some of the initial grants from the revenue the city has received.

Keethler reminded council that City Action Days is next week and encouraged councilors to reach out to Jan Brending if they want to attend. She also said she has a video of the housing seminar she attended last week if any councilor is interested in watching it.

Keethler discussed the updates to the council chambers that will allow a hybrid meeting model. She said the first in-person council meeting will be July 7, 2021. Keethler said councilors will have the option to attend in person or by zoom, which ever they are most comfortable with.

Jim Ransier, Council Member said that the Farmers Market is happening in the park. He said the one this week was great, it seemed even better than before COVID. He recommended with the Farmers Market and the 4th of July Parade and Music in the Park that the city may want to provide a few more porta-potties until the park bathrooms are completed.

Marla Keethler said thank you to David Lindley for helping with interviews this week for the Land Use Planner position. She said that the city has identified a strong candidate and is optimistic about filling the position.

VIII. Executive Session

There was no Executive Session.

IX. Adjournment

The meeting adjourned at 8:00p.m.



Marla Keethler, Mayor



Jan Brending, Clerk Treasurer