



CITY OF WHITE SALMON
City Council Regular Meeting – Wednesday, August 18, 2021
Via Zoom Teleconference

Council and Administrative Personnel Present

Council Members:

David Lindley
Jim Ransier
Joe Turkiewicz

Staff Present:

Marla Keethler, Mayor
Jan Brending, Clerk Treasurer
Ken Woodrich, City Attorney
Pat Munyan, City Administrator
Bill Hunsaker, Building Official/Fire Chief
Brendan Conboy, Land Use Planner
Russ Avery, Public Works Operations
Manager

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

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

Moved by Jim Ransier. Seconded by Joe Turkiewicz.

Motion to excuse Jason Hartmann and Ashley Post. CARRIED 3-0.

There were approximately 4 members of the public in attendance via teleconference.

II. Changes to the Agenda

Jan Brending, Clerk Treasurer said she is requesting the following changes be made to the Consent Agenda: 1) remove Item C. Personal Services Contract "Lite" Transportation Plan (to be presented at the September 1 city council meeting; 2) add Item Certificate of Substantial Completion, Garfield Water Line Improvements, and 3) add Item Resolution 2021-08-524 Related to COVID-19 Pandemic.

Jim Ransier said he would like to have Resolution 2021-08-524 Related to COVID-19 Pandemic be part of the Business items.

Moved by Jim Ransier. Seconded by David Lindley.

Motion to remove item C. Personal Services Contract "Lite" Transportation Plan from the Consent Agenda, add item Certificate of Substantial Completion, Garfield Water Line Improvements to Consent Agenda and add item Resolution 2021-08-524 to Business items. CARRIED 3-0.

III. Consent Agenda

A. Small Works Roster Contract, Bent Nail Construction, Fire Hall Roof Replacement (\$73,661.15)

- B. Small Works Roster Bid, Pool Removal
- C. ~~Personal Services Contract, "Lite" Transportation Plan, Nelson Nygaard (\$110,000) (Removed)~~
- D. Approval of Meeting Minutes - August 4, 2021
- E. Approval of Vouchers
- F. Certificate of Substantial Completion, Garfield Water Line Improvements (Added)

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 18th day of August, 2021.

Type	Date	From	To	Amount
Claims	8/18/2021	EFT	EFT	7,403.64
	8/18/2021			155,666.61
			Claims Total	163,070.25
Payroll	8/20/2021	EFT	EFT	65,782.79
			Payroll Total	65,782.79
Manual Claims	8/6/2021	EFT	EFTR	1,916.32
	8/9/2021	37329	37329	124,536.48
	8/16/2021	EFT	EFT	961.63
			Manual Total	127,414.43
			Total All Vouchers	356,267.47

*Moved by Jim Ransier. Seconded by David Lindley.
 Motion to approve Consent Agenda as amended. CARRIED 3-0.*

IV. Public Comment

There was no public comment.

V. Presentations

A. Jake Anderson, Klickitat County Board of Commissioners

Jake Anderson, Klickitat County Board of Commissioner said he does not have a prepared presentation but wants to hear from the city council. He said the county has some COVID funds that everyone has an opinion about how to use. Anderson said the county is going to wait to see what is going to get filled by other dollars that are coming from the federal government. He said there are a couple of projects that will enhance the public interaction at the county level and funding for dealing with unfunded mandates. Anderson said some will go to mental health and community development items. He said the county is looking at its budget for 2022 critically as inflation is more

than the increase of funds coming in. Anderson said the county is starting out at 3% cuts across the board. He said the county is looking at a short-term rental ordinance and RV ordinance to address some issues with RVs that are not legally parked. Anderson asked what he can do to help the City of White Salmon.

Marla Keethler, Mayor said the city has brought on a full-time land use planner and hopefully will be better connecting with the county planning department. She said the city is undertaking the first passage on goals for the budget. Keethler said she thinks it might be helpful to understand the county's budget process and the opportunity for public input. She said the city has created a City Lab Board which will hopefully meet in September. Keethler said it might be helpful to know where to guide residents that live in the county when they have questions about things happening in the county. She said the city is looking at how the COVID-19 funds can be used. Keethler said the initial proposals will go through the Personnel and Finance Committee after seeing what other funding sources will be provided. She asked if the county is considering the length of time RVs can be parked on land.

Anderson said there is a draft ordinance that has not been to a public hearing. He said that a number of RVs are located in the county where individuals are living illegally. Anderson said a hard-nosed approach on these RVs would leave individuals homeless or force the individuals to move the RVs to other locations so the county is working to figure out a way to allow them to locate on property legally.

Ken Woodrich, City Attorney said that the city is interested in working with the county related to a joint management plan with the urban exempt area. He said this needs to be addressed because of zones that are different between the city and the county. Woodrich said addressing land use issues so that the area is managed appropriately realizing it will annex into the city in the future.

Anderson said he agrees that the county and the city need to be on the same page. He said the county planning department and building department are very busy. Anderson said there is a lot of land within the urban exempt area that is available for development. He said he would be interested in seeing what had been previously developed related to a joint management plan agreement.

Keethler thanked Jake Anderson for attending the meeting and updating the city council.

Anderson said the parcel of property near Dock Grade has been pulled from sale and he is working to address the transfer of ownership to the city.

B. Ruby Irving, Klickitat County Solid Waste

Ruby Irving, Klickitat County Solid Waste said the solid waste plan has been approved and published. She said there is an online sorting recycling game that individuals can play. Irving said there is also an online search tool to help identify what is recyclable. She said growth is definitely happening in both the west and east ends of the county which

creates problems with garbage and recycling pickup. Irving said Republic is working to get some replacements for trucks. She said recycling is still a problem and the department is trying to educate residents about what they are buying at the store making sure that materials that are purchased are made up of recycled material which helps with the demand for recycling. Irving said the state-wide plastic bag ban is going into effect. She said the county may be able to learn from the city as they previously implemented a plastic bag ban. Irving said #5 plastics can go back into the waste stream.

Jan Brending, Clerk Treasurer, Republic is having trouble providing containers for contractors or even private property owners. She said customers have called the city about how to resolve this problem. Brending said she has suggested that individuals may need to haul directly to the transfer sites or rent a trailer to haul debris.

Irving said Republic has purchased 6-new roll-offs to help alleviate some of the problem. She said Republic is also short of roll-off drivers. Irving said there are only so many roll-offs and it has been difficult to meet that need.

VI. Business Items

A. Grievance, Sewer Back Billing, Mark Lepke

Jan Brending, Clerk Treasurer provided an overview of the utility billing grievance filed by Mark Lepke. She said that in 2017 city staff undertook a utility billing audit and determined that a number of accounts were not being billed correctly. She said approximately 16 accounts including the two that filed grievances were back billed for sewer and/or water services. Brending reviewed the city's code related to sewer billing. She also reviewed the status of the property related to construction of a new home. Brending said based on the city's code the property should have been billed for sewer since 2008. She said the back billing only went back to September 2011 because state law only allows the city to back bill for up to 6 years. Brending said Lepke was back billed to September 2011 \$3,491.65 for sewer services. She said at that time Lepke was offered a payment plan in order to pay the back billing. Brending said the grievance filed by Lepke claims that city staff told him that he did not have to pay for city sewer until his construction was completed. She said that with the November 2017 utility billing cycle, Lepke was billed on a regular basis the residential sewer charge which he has been paying.

Mark Lepke said he cannot dispute any of the facts. He said his dispute is that city staff told him that he would not have to pay any sewer fees until his construction was completed. Lepke said the city did not bill him until October of 2017.

Jim Ransier, Council Member asked if it is six months or six years.

Jan Brending, Clerk Treasurer said it is six-years. She apologized for grammatical and typographical errors.

Jim Ransier, Council Member said it feels like it is a long-time between the time the complaint was filed to this procedure.

Jan Brending, Clerk Treasurer said she raised the issue of not having a grievance committee with the council in 2019. She said there was no decision by the city council at that time. Brending said later, the city council adopted a process for use of a hearing examiner for certain land use decisions. She said she has had discussions with Ken Woodrich, City Attorney about expanding the hearing examiner process to allow utility billing grievances to be heard through that process. Brending said the council has previously reviewed another grievance that was filed so she decided to get the two remaining ones taken care through a process before the city council. She noted that the two property owners have not been billed any penalties for the past due amounts associated with the back billing.

Joe Turkiewicz, Council Member said that in the past when there was a water leak the city did not charge for sewer. He said he feels sewer should run with water. Turkiewicz asked about the historical water usage.

Brending said this situation is different that forgiveness for water charges related to a water leak. She noted that residential customers are only charged a base sewer fee and do not pay any overage charges for sewer. Brending said that if a commercial customer had a water leak then sewer charges might be reduced because the water did not enter into the sewer system.

Turkiewicz asked if water was being billed during this time and was water being used in a typical fashion.

Brending said water was being billed but during construction there was not water being used.

Lepke said that he wanted to keep the water on during the city's water moratorium.

Brending said that the city's code as of 2008 stated that if the property is connected to the water or sewer system then the customer is billed for base fees.

David Lindley, Council Member said that the utility billing history is showing the water fees being charged. He noted that there was a charge of sewer but was removed.

Brending said yes it appears the city staff billed him for sewer but it was reversed and not billed again.

Lindley asked Ken Woodrich, City Attorney a question about back billing up to 6 years. He said there is some statute of limitation for going back and collecting on accounts.

Ken Woodrich, City Attorney said the statute is found in RCW 4.16.040(2) which provides for collection of accounts receivable is limited to a six-year statute of limitation. He said the city stated an account in 2017 which was for six-years. Woodrich asked how the city pays to the City of Bingen for wastewater.

Brending said it is based on connections or a single ERU which is equivalent to 8500 gallons.

Woodrich asked if the city made the payment during the time he was connected but was not billed.

Brending said no because the city uses the utility billing. She said the payments made to Bingen began with the back billing.

Pat Munyan, City Administrator provided background information as to how the city now bills for sewer and water services.

Woodrich said the statute of limitation may limit the city on how much it can collect based on the current date in that the collection should date back to 2015 based on the city is now in year 2021.

Brending said she and Woodrich spoke about the statute of limitation and limiting it to six-years from today's date and she has calculated that the amount for both grievances would be reduced to \$1,371.55.

Woodrich said that if the city was to waive the entire amount it might be considered a gifting of funds but reducing it the \$1,371.55 is appropriate given the statute of limitations.

Jim Ransier, Council Member thanked Ken Woodrich. He said that he feels the city might be rewarding its own bad behavior even though he understands that it was not the result of current staff. Ransier said he is inclined in reducing it and hears the city attorney's comments about where his comfort level is at.

Lepke asked who is responsible for disconnecting the sewer.

Pat Munyan, City Administrator said it is responsible for the property owner to disconnect the sewer from the city's main sewer line. He said if it was a significant issue of nonpayment then the city would dig it up, disconnect it and cap and then bill the property owner for the costs.

Lepke said when he was building his house, he took the sewer line back to the property line and did not reconnect until a month or so before his plumbing inspection. He said there is about 100 feet between his property line and the main line. Lepke said he reconnected to the sewer line in 2018.

Brending asked Pat Munyan if the property owner's responsibility is the sewer line from the city's sewer main to the property line and then to the house.

Munyan said that is correct.

Brending said that for a sewer line to be disconnected it must be disconnected at the city's sewer main not at the property line. She said the city would recognize that even though the sewer line was not connected to a home it was connected to the property running from the city's sewer main.

Munyan said that is correct.

David Lindley, Council Member said that it does not matter if the sewer line is connected to a structure but matters if there is an actual sewer connection then it is billed for sewer services. He said it is his understanding that if sewer service had actually been disconnected and a property owner wanted to reestablish the connection, they would be required to pay a new connection fee.

Munyan said that is correct.

Lindley said everyone paying for sewer services pays the same amount for sewer including those who have a step system and are only sending gray water through.

Brending said that is corrected.

Lepke asked what the sewer connection fee is.

Brending said the fee is \$2,000.

Lepke said that he would agree to pay half of the \$1,371.55. He said he has fairly limited income.

Ransier asked if the city was to reduce the amount to \$1,371.55 could it at the same time coordinate a payment plan.

Brending said that the code related to payment plans requires the item to be repaid back in a single year without council approval. She said the payment for repaying it in a single-year would be \$114.30 per month. Brending said allowing it to be repaid over two years would be \$57.15 per month.

Lepke said he could repay the \$1,371.55 all at once and he does not need a payment plan. He said he does not want to pay that much money for a service he did not receive.

Brending said the City of Bingen would get its appropriate payment for the wastewater treatment based on what was billed to Lepke.

***Moved by Jim Ransier. Seconded by Joe Turkiewicz.
Motion to reduce the back billing charges for Mark Lepke, Account #1665 to \$1,371.55
and allow for a repayment over a two-year period with a \$57.15 payment each month.
CARRIED 3-0.***

B. Grievance, Sewer Back Billing, Leland Gulstine

Jan Brending, Clerk Treasurer provided an overview of the utility billing grievance filed by Leland “Joe” Gulstine. She said Gulstine was back billed for sewer billing from June 2014 through September 2017 in the amount of \$2,297.13. Brending said Gulstine paid for a sewer connection on April 14, 2014 and the sewer connection was inspected on June 17, 2014. She noted there was an error in calculating the sewer back billing and it should have been \$2,053.76. Brending also noted that based on the council’s previous decision and the discussion related to the statute of limitations that she would recommend the billing be reduced to \$1,371.55.

Leland “Joe” Gulstine said he lives at 203 Sunridge Drive. He said that he received a billing in 2017 representing approximately 39 months of billing. Gulstine noted that the water billing began in May of 2014 but there was no sewer billing. He said that he has an elaborate septic system that takes the sewer up to Dogwood Lane. Gulstine thought the sewer billing was activated upon occupancy versus connection. He said he partnered with Rick Hallyburton in building spec homes on Champion Lane. Gulstine said he saw there was a discrepancy between the billings for Champion Lane and his home. He said he spoke with Dixie Walker about it and she noted that they had not been billing him for sewer charges but should have been. Gulstine said he thought it was because he was on a “septic system.” He said that he believes the city undertook an audit and found that there had been some billing errors. Gulstine maintains that it was the city’s error on the billing. He noted that he and Hallyburton paid the city funds related to the development of homes on Champion Lane. Gulstine said he has contributed \$80 to \$90 thousand dollars to the city. He said they have contributed to the Lions, the hospital, offered scholarships and feel good about their contribution to their home and their city. Gulstine said he is asking for a sense of fairness and that the billing error was not made by him and therefore maybe he should not be responsible for it.

Jim Ransier, Council Member asked if there is anything specifically different than the previous grievance and decision.

Jan Brending, Clerk Treasurer said that is correct.

Ken Woodrich, City Attorney agreed.

David Lindley, Council Member asked if the home was occupied for the time period that was actually billed.

Brending said the billing was back billed to the time when the home was physically connected to the city’s sewer system. She said however, because of the statute of limitations she would recommend lowering the billing to \$1,371.55.

Lindley said he does not feel that because of a city staff omission, that the city should not collect on a fee that is clearly established by code.

Moved by Jim Ransier. Seconded by Joe Turkiewicz.

Motion to reduce the back billing charges for Leland Gulstine, Account #4350 to \$1,371.55 and allow for a repayment over a two-year period with a \$57.15 payment each month. CARRIED 3-0.

C. Ordinance 2021-08-1084, Adopting Revised Comprehensive Plan

Jan Brending, Clerk Treasurer said the ordinance provides for the formal adoption of the city's comprehensive plan the city adopted on July 28, 2021. She said all changes that were part of that adoption have been incorporated into the comprehensive plan.

Moved by David Lindley. Seconded by Jim Ransier.

Motion to adopt Ordinance 2021-08-1084, Adopting a Revised Comprehensive Plan for the City Including Severability and Effective Date. CARRIED 3-0.

D. 2022 Policy Area Priorities

Marla Keethler, Mayor said what is presented in the agenda memo is what staff feels was discussed at the city's retreat. She said because two council members are absent this could be delayed to the next council meeting.

Jim Ransier, Council Member said that one thing he did not see specifically called out was playground equipment but thinks it might come under "invest in existing parks to improve amenities and increase citizen use."

Keethler and Brending said that is correct.

Ransier asked that if it was passed tonight how could it be reconsidered.

Ken Woodrich, City Attorney said anyone of the council members who voted in the affirmative could move to reconsider it at a later date.

David Lindley, Council Member said he is open to postponing the decision.

Moved by Jim Ransier. Seconded by Joe Turkiewicz.

Motion to table decision on 2022 Policy Area Priorities to the next available city council meeting. CARRIED 3-0.

E. Resolution 2021-08-524, Relating to COVID-19 Pandemic

Marla Keethler, Mayor said this is coming forward so it is clear how the city is operating during the pandemic. She said she has been updating staff based on information coming from the state. Keethler said she felt it was appropriate to document how the city is operating and to not include a specific expiration date.

Jim Ransier, Council Member said it was not clear what has changed.

Keethler said the original resolution included specifics about what type of business matters could occur in council meeting and that there were no committee meetings occurring. She also noted that it included early information about how to handle COVID contact and use of sick leave. Keethler said that it also addresses the requirement of the public and staff to wear face masks in city facilities regardless of vaccination status.

Jan Brending, Clerk Treasurer said Section 2, Item B said it should identify the date that city hall was opened to the public and that it is open and that face masks are required for everyone. She said the section also needs to be re-lettered.

Moved by David Lindley. Seconded by .

Motion to adopt Resolution 2021-08-524 Modifying Resolution 2020-04-502 Modifying Resolution 202-04-501 Ratifying Proclamation of Emergency and Providing Temporary Procedures to Respond to the COVID-19 Pandemic with changes to Section 2 identifying when city hall reopened and that face coverings are required in all city facilities and re-lettering. CARRIED 3-0.

VII. Reports and Communications

A. Department Heads

Marla Keethler, Mayor said that Chief Mike Hepner provided a letter regarding a missing person incident in the city limits of White Salmon. She said she will pass along the letter to the council members. Keethler said Chief Hepner made a decision to elevate the incident due to the heat and conditions. She said it was posted in social media and through one of the posts that a local resident and checked the area around their residence and the individual was found. Keethler said Hepner wanted to commend the individual who helped find the missing person and he recognized Haley Mangum for her efforts today.

Keethler said there are a lot of new legislative changes related to law enforcement. She said she hopes to record a conversation with Chief Hepner about how the city is responding to those changes that can be posted to the city's website.

Pat Munyan, City Administrator said he had hoped to meet onsite with interested parties related to the DNR easement issue but was unable to do so because of the fire situation in the state. He said the city will be sending off a letter to DNR about how the easement should be handled.

Russ Avery, Public Works Operations Manger said the gas company is now in the White Salmon city limits. He said the city will be doing the inspecting making sure they are meeting WSDOT standards. Avery said they are currently in the vicinity of Ingram and Highway 141. He said that staff attends weekly updates by the gas company via Skype. Avery said that an 8-inch water tap was done for the Harvey subdivision off Loop Road in the county. He said the city has also connected six new services. Avery said there is still a lot of construction going on.

Jim Ransier, Council Member asked if the weekly meeting is a public meeting.

Keethler said she can check with NW Natural Gas to find information about that. She said the city can reenforce on its website the stated work time provided by NW Natural Gas and update the city's website based on information from the weekly meetings.

Jan Brending, Clerk Treasurer said that she will be elevating the news release on the webpage so that it is always at the top. She said she did include a map that shows where the work will be taking place. Brending said language has also been added to encourage residents to leave early or to use Alternate 141 to avoid the construction area.

Pat Munyan, City Administrator said he wants to discuss the traffic control plan with NW Natural Gas.

Brendan Conboy, Land Use Planner said the short-term rental issue will be brought before the Planning Commission before the September 1 meeting. He said he is working on quick updates to the zoning and land development regulations – updating items that have been identified as problematic. Conboy said he is establishing his work schedule around the 2022 priority areas.

Ken Woodrich, City Attorney said he has been representing the agency since 2007 and he has only requesting a fee increase once which he believes was in 2012. He said he is requesting a fee increase from all of his agencies and has sent that request to Keethler and Brending so it can be addressed in the budget process. Woodrich said there will need to be some code changes related to the criminal code due to the Blake decision that deals with possession of drugs and that he will be working with Ron Reynier on those changes.

Jan Brending, Clerk Treasurer said the city has moved into the budgeting cycle that is a priority. She said the city is in union negotiations that will have an impact on the budget and will require council approval. Brending said the single-year federal audit begins next week. She said she is working with Brendan Conboy on short-term rental permits as allowed by the moratorium. Brending said the public hearing on the temporary short-term rental moratorium will be held via teleconference on September 1. She said most committees took a hiatus in August due to vacations but will resume in September. Brending said the Personnel and Finance Committee will meet next Monday to review a budget amendment and budget reports. She said the first meeting of the City Lab Board will be scheduled in September and a meeting of the Lodging Tax Advisory Committee will also be scheduled.

B. City Council Members

David Lindley, Council Member said he hopes to make some movement on the heritage tree ordinance. He said he will try to discuss the ordinance with Brendan Conboy.

Jan Brending, Clerk Treasurer said the goal is to get a draft ordinance out prior to the upcoming Tree Board meeting with input from Brendan Conboy.

C. Mayor

Marla Keethler, Mayor said the pandemic is ongoing and that the COVID cases in Klickitat County are high for the month of August which appears to be on track to surpass the previous highest month which was December 2020. She said she has been talking with Erin Quinn about a pop-up vaccination clinic at the Farmers' Market. Keethler said the governor is reinstating beginning on Monday an indoor mask requirement. She said the information will be posted on the city's webpage. Keethler said she has met with Ashley Post and some community members related to replacing park equipment in the park. She said she had a positive conversation with Senator Murray about the housing issues in White Salmon. Keethler said she expects there will be future conversations related to housing. She said if council members have ideas or concerns that could be addressed at the federal level to please pass them along.

Jim Ransier, Council Member asked Keethler if she spoke to Senator Murray about the bridge.

Keethler said it was a brief mention but spent more time discussing housing and childcare.

Jan Brending, Clerk Treasurer noted that remaining funding set aside for grants and loans for economic development in the Scenic Area Act has been appropriated (just under \$2 million) and made available for economic development. She said the original language related to this funding was that it could not be used in counties that had not implemented the Scenic Area Management Plan, i.e. Klickitat County.

VIII. Executive Session

The city council did not meet in executive session.

IX. Adjournment

The meeting adjourned at 8:43 p.m.



Marla Keethler, Mayor



Jan Brending, Clerk Treasurer