

ASOTIN CITY COUNCIL MINUTES
June 22, 2015
Asotin City Hall, 121 Cleveland Street, Asotin WA

CALL TO ORDER: Mayor Bonfield called the City Council Meeting to order at 5:30p.m.

PLEDGE OF ALLEGIANCE: Councilmember Appleton Led the Pledge of Allegiance.

ROLL CALL: Jennifer Bly, Mervin Schneider, Joe Appleton, George Tucker, Bob Van Pelt

STAFF PRESENT: Tiffany Rogers, Clerk/Treasurer, Tina Davidson, Deputy Clerk, Bill Frye, Waste Water Treatment Plant Operator, Jane Richards, City Attorney

PRESS: None

AUDIENCE: Elaine Greene, Lynn Jarvis, Charlotte Tuttle, Jo Anne Miller, Asotin County Commissioner, Jim Fuller, Linda Forsberg, Jack and Amy Bezona, Mike Good, Bud Greene

PUBLIC HEARING: None

ORAL COMMUNICATIONS- PUBLIC COMMENT:

Mayor Bonfield explained in consideration of others wishing to speak, your remarks will be limited to three minutes for items not listed on the agenda. Please stand, state your name and address for the records.

Resident, Charlotte Tuttle asked the council what happened to the water issue on 5th Street. Mayor Bonfield stated she has not had any further communications. City Attorney, Jane Richards stated she did receive an e-mail from Virginia Earl's attorney and discussion will take place at the next council meeting on July 13th. Charlotte Tuttle also reported a sink hole that is developing under the surface on a steep driveway to a property next to her on 5th Street. Mayor Bonfield stated to contact Stormwater.

Resident, Lynn Jarvis, stated she was thankful that the City of Asotin placed a message on the reader board about "Saving our Beaches" Call 509-758-2331 to report problems. Deputy Clerk, Tina Davidson also placed it on the City of Asotin Face Book page and asked the Asotin-Anatone School if they could place it on their reader board too. The school agreed to do so.

Resident, Jack Bezona of 407 Cleveland Street, stated the sewer line under the street is starting to collapse. Mayor Bonfield asked is the problem on his side of the main? Mayor Bonfield stated anything from the center of the street to the main where the sewer hooks in to your building is the owner's responsibility. Jack Bezona stated he does not think that is right. City Attorney, Jane Richards asked Jack Bezona, are you having a problem with your sewer line. Jack Bezona replied yes. Waste Water Treatment Plant Operator, Bill Frye stated the situation has been reported to the city. Waste Water Treatment Plant Operator, Bill Frye explained to Jack Bezona that he received incorrect information from a plumber that was trying to explain the ordinance to Mr. Bezona. The plumber has misinterpreted the ordinance. Building Inspector, Bill Frye provided the council with a copy of the ordinance, it reads as follows:

Ordinance 13.10.190 Sewer service ownership and maintenance.

The city shall own, maintain, and operate the sewer service connection. The customer shall own, maintain and operate the service line from the point of delivery on a property line of the customer's premises to the structure

receiving the sewer service. The city shall bear no responsibility for maintenance of the service line. (Ord. 05-670 § 1, 2005)

Building Inspector, Bill Frye invited Jack Bezona to attend the city council meeting to discuss this issue with the council. City Attorney, Jane Richards asked Jack Bezona where the problem with the sewer line is. Jack Bezona stated it's under the street. City Attorney, Jane Richards explained whether it is from the house to the sewer main or whether the main is in the street which sounds like the line has collapsed in the center of the street. It is still the homeowners responsibly. Councilmember Bly asked Jack Bezona how long have you lived there? Jack Bezona stated 20 years. Councilmember Bly stated it is your sewer line. Mayor Bonfield stated it is the owner's responsibility to fix.

CONSENT CALENDAR:

The Council was presented with the following consent agenda:

- 1. Minutes of June 8, 2015 Regular Meeting**
- 2. Expense Checks - #37300 \$964.81 #37301-#37330 \$35,201.07**
- 3. Payroll Checks- #37282-#37299 \$15,083.08**
- 4. EFT – \$5,611.54**
- 5. Voids- #37291 \$1,135.74**
- 6. Approval of Unexcused and/or Excused Councilmember's absents**

Councilmember Bly made a motion to approve the consent calendar. Seconded by Councilmember Schneider. There was no discussion. All Aye. Motion carried.

OLD BUSINESS:

- 1. Civil Service Commission members still needed**

There are two people interested that have applied to be on the Civil Service Commission. The City of Asotin needs one more applicant to complete the commission.

- 2. Update on City of Asotin Owned Property Parcel 1-049-00-033-0000 Part of Filmore Street Extended Lot 7**

Work in progress.

- 3. Discussion of selling City of Asotin owned property (Cleveland and Meador) Update 68'x119' 100' set back (Well House Property)**

Mayor Bonfield stated Riedesel Engineering, has surveyed this property and has placed markers and stakes around the 100 foot build line and has marked the street also. The 100 foot line may encompass Ed Wiemer's property. Lawn will be allowed to be placed up to and around the 100 foot line, However, no buildings will be allowed. This will have to be described in the legal description when the property is prepared for selling.

- 4. Asotin County District Court Contract and Jail Inmate Fees Contract**

City Attorney, Jane Richards stated no further information at this time.

NEW BUSINESS:

- 1. Request for update on "Application for Variance" and Asotin Municipal Code Chapter 18.76**

Building Inspector, Bill Frye is requesting that the Application for Variance be updated. Building Inspector, Bill Frye explained the Application for a Variance is difficult for the public to understand and complete. Building Inspector, Bill Frye stated the applicants are asking him for help to obtain the language from a Building Inspectors point of view. Building Inspector, Bill Frye stated he has been helping them with the language because he does not want the applicant to be rejected by the Planning and Zoning Committee. Building Inspector, Bill Frye stated that the Planning and Zoning Committee

cannot drive by the site to see the actual request. The application which is directly from the ordinances states the following:

APPLICANT: Please supply the following:

Variances to a requirement of this ordinance may be granted only if, on the basis of investigation and evidence is submitted, all six of the below findings are made. Please provide written responses to each of these:

1. That a strict or literal interpretation and enforcement of the specified requirement would result in a practical difficulty or unnecessary hardship;
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same area;
3. That the exceptional or extraordinary circumstances or conditions did not result from the applicant's actions;
4. That the granting of the variance will not be detrimental to the properties or improvements in the near vicinity;
5. That the granting of the variance would support goals and policies contained within the comprehensive plan; and
6. That granting the variance requested will not confer on the applicant any special privilege that is denied by the Ordinance to other lands, structures or building in the zone in which the property is located.

The applicant for a variance to the title shall notify **by first class mail, postage prepaid, 10 days prior** to the public hearing the owners of record of all property within 300 feet of the site of the application.

Building Inspector, Bill Frye stated if the form is not complete, then the Planning and Zoning Committee will not approve the application. Councilmember Schneider stated maybe it's a training issue. Mayor Bonfield asked Elaine Greene to help explain the non-acceptance of past variances, since she is on the Planning and Zoning Committee. Elaine Greene stated the ordinances are just not clear enough for the Planning and Zoning to make a decision. Elaine Greene also stated that if people come to the public hearing and are against the request, they have to take that into consideration also. Mayor Bonfield stated that there is a \$150.00 application fee that is paid to the city. That's a lot of money to invest if variances are being turned down. Elaine Greene stated if the variance application is turned into the Clerk/Treasurer incomplete, the Clerk/Treasurer should reject it until it is complete. Clerk/Treasurer, Tiffany Rogers stated she does not understand questions #1-#6 either the way they are written and is not qualified to respond to the questions #1-#6, therefore, she refers them to Building Inspector, Bill Frye. Councilmember Schneider stated that questions should not start out with the word "That". City Attorney, Jane Richards stated she will examine the form and help simplify the questions and add instructions to provide pictures and drawings.

2. Discussion of placing and sizing of "Clucking Hen and Friends" Sign on Off-Premises Location

Linda Forsberg, of "Clucking Hen and Friends" stated she would like to place a business sign on the corner of Cleveland and Highway 129 within the curve of Cleveland so that it is not a State Highway issue or concern. However, the City of Asotin ordinance does not state anything about Off-Premises Business sign locations. Linda Forsberg stated she wants to upgrade her sign from a sandwich board because it is too dangerous for pedestrians and cars because it is not grounded. She would like to upgrade to a 4 x 4 like Daily's Sign. She stated she wants to make sure it's in legal rights and boundaries and wants to make sure she has permission before she makes that type of investment. Resident, Lynn Jarvis stated she thinks that corner looks trashy when the signs are up against the fence. City Attorney, Jane Richards asked Linda Forsberg if she had considered going in with other local

business to create one large sign. Linda Forsberg stated she has approached others to do so, but there has been resistance. Mayor Bonfield stated the only concern she had is if the sign can be placed on that property since the property is owned by the Health District but being leased by Asotin County for parking. Mayor Bonfield stated to Linda Forsberg to ask Brady Woodbury from the Asotin County Health District. Mayor Bonfield state she is not sure if there is an easement but to check with Asotin County Health District first. City Attorney, Jane Richards asked Linda Forsberg, how many places have you explored to place a sign. Linda Forsberg stated she only has a sign on the sidewalk to advertise for people coming through town. Linda Forsberg stated she is aware the State Highway and/or the U.S. Army Corp of Engineers property are not an option. Mayor Bonfield asked Linda Forsberg to inform Clerk/Treasurer, Tiffany Rogers of the results from the Asotin County Health District's decision. Asotin City Council has no objections, Linda Forsberg just needs to check with the other property owners.

3. Revision to the Mutual Aid Agreement between the City of Lewiston and the City of Asotin for Fire and Emergency Support Services

Council Appleton made a motion to accept and have Mayor Bonfield sign the Mutual Aid Agreement between the City of Lewiston and the City of Asotin for Fire and Emergency Support Services Seconded by Councilmember Bly. There was no discussion. All Aye. Motion carried. For a complete copy of the agreement, see Clerk/Treasurer, Tiffany Rogers.

KELTIC ENGINEERING, INC.:

1. Shoreline Master Program Update Project #G1400537

Keltic Engineering, Inc. will have the last pay request for this biennium ready next week for review and signature. All work is suspended on the Shoreline Master Plan project until the budget is passed.

CLERK'S REPORT:

1. Local Inspection for 4-Wheelers and Off Road Vehicles K&D Marine Repair 1360 Bridge Street

Clerk/Treasurer, Tiffany Rogers reported that there is a local inspection place for the 4-Wheelers and Off Road Vehicles to be inspected. K&D Marine Repair located at 1360 Bridge Street, Clarkston WA. Contact Dave Lancaster or Karen Medley. The charge is \$50.00. The City of Asotin will place this information on the website.

POLICE REPORT: None

CITY ATTORNEY: Resident, Bud Greene stated he and Mr. Good met with City Attorney, Jane Richards on Friday, June 12th. They left her office with the understanding she was going to talk to Attorney, Thomas Ledgerwood and about having the landowners remove the t-post. Bud Greene stated the t-post is still there. Bud Greene asked City Attorney, Jane Richards, Why did it not come down. City Attorney, Jane Richards stated she did not state she was going to ask them to remove a t-post, she said she would look into it. She stated she would contact Attorney, Thomas Ledgerwood and kindly ask his client to take it down. City Attorney, Jane Richards stated she did contact Attorney, Thomas Ledgerwood and he stated they are not done with the title investigation and there is a pending law suit with the title company, therefore, the t-post is pertinent to the investigation. Councilmember Schneider asked why it can't be a smaller post. City Attorney, Jane Richards stated she explained to Attorney, Thomas Ledgerwood that this is causing problems with neighbors. Resident, Bud Greene stated to City Attorney, Jane Richards, you took our e-mail but you have not replied with a solution. City Attorney, Jane Richards apologized for not sending an e-mail.

FIRE DEPARTMENT: None

PLANNING COMMISSION: None

COMMITTEE REPORTS:

- a. **Mayor Pro-Tem** –Jennifer Bly
- b. **Administrative Personnel** - Jennifer Bly
- c. **Public Safety (Law Enforcement, Fire Safety, Emergency Services)** - Bob Van Pelt & Joe Appleton
- d. **Public Works (Water, Sewer, Utility Franchises)** - George Tucker & Jennifer Bly
- e. **Transportation (Streets, Dept of Transportation Liaison)** - George Tucker & Mervin Schneider
- f. **Parks and Recreation (Parks, Cemetery, Asotin Community Center)** - Bob Van Pelt
- g. **Finance** - Jennifer Bly & Joe Appleton
- h. **Asotin County EMS Board** (HOLD)
- i. **Asotin County Solid Waste Advisory** (HOLD)
- j. **Asotin County Health District** - Vikki Bonfield
- k. **PTBA** - Mervin Schneider
- l. **MPO Technical Advisory Committee** - Bob Portlock
- m. **MPO Policy Board** - Mervin Schneider
- n. **Stormwater** - Jennifer Bly

KELLER ASSOCIATES CONSULTANT REPORT:

1. USDA (Rural Development) Waste Water Treatment Plant Upgrade

This is an e-mail from Stillman Norton of Keller Associates. A total of five bids were received and all appeared to be real close to each other. We are completing a comprehensive review of the bid packets to ensure that everything was filled out properly and so far everything appears to be in order. The low bidder on this project was Contractors Northwest, Inc. out of Coeur d'Alene, Idaho. Their base bid total was \$2,084,000 and the total including both additive bids was \$2,126,434. The second low bidder was only a little more than \$20k higher. The bid amounts were what were expected since our final cost estimate provided at final design was a little under \$2.1 million. As discussed previously with Bill Frye, Bob Portlock, and Mayor Bonfield we anticipated that the cost would come in higher than we had funds for. At the City's urging we went ahead and got in touch with USDA a few weeks before the bid opening to understand the process that must be taken if the final bid amounts would require us to request additional funding. USDA's response was to wait until the bids were opened so that we knew what dollar amount would need to be requested. If the base bid and both additive bid items were to be awarded to the low bidder we would need an additional \$366,031 which includes a 5% contingency (approx. \$100k) for the construction phase. The contingency would be reserved for any possible contractor change orders, so it may or may not actually be used. We are currently working with USDA and Clerk/Treasurer, Tiffany Rogers to complete the funding application and will have it ready for the Mayor's signature either by the end of this week or the first of next. USDA also requires a public hearing meeting for the application, similar to the original funding application process which must be first advertised. We have coordinated with Clerk/Treasurer, Tiffany Rogers to hold this public hearing at the next regularly scheduled council meeting on July 13th. Finally, I have looked at what adding an additional \$366k to the overall budget would mean for your sewer user rates. Adding this additional amount will not require an additional rate increase beyond the two \$5 increases that will be occurring this year in July 2015 and January 2016.

COUNCIL COMMUNICATIONS:

Mervin Schneider– None

Joe Appleton– Councilmember Appleton attended the Asotin County Commissioners meeting today. Butch Aiken reported that he had suffered a stroke. Councilmember Appleton stated Butch Aiken gave an update on items that were purchased for the Asotin County and City of Clarkston police cars through grant dollars. Butch Aiken also expressed his concern about the upcoming fireworks. Butch Aiken stated there should be more restrictions and fines instead of warnings. Councilmember Appleton stated Karst Riggers will be adding the

dispatch number and Fire Ban Notices to the signs that were installed up the river. Karst Riggers discussed the emergency burn ban and increasing fines for burning instead of issuing a warning. Fire Fines start at \$200.00, next offense is \$500.00 then increased to \$1,000, then to \$10,000 for burning. Lisa Webber from the Prosecuting Attorney's office was approved for the renewal of the Indigent Contract and the Witness Assistance Program pending on the approval of the state budget. Asotin County Commissioner, Jim Fuller stated the signs are working that the Snake River Task Force placed on the beaches. Asotin County Commissioner, Jim Fuller talked about adopting a beach to help keep it clean. Asotin County Commissioner, Brian Shinn reported that SWEDA was nominated to provide economic development for Asotin County. Asotin County Commissioner, Jim Jeffords reported that Stormwater built a new storage building to house equipment and purchased new equipment which was paid for from the reserve funds. City of Clarkston had a presentation from EPIC. Reminder, the next Alive after 5 is July 9th. The Asotin County Court is starting a truancy court. Asotin County Planning and Zoning Commission have new appointments and renewals for the next four years. Asotin County Resident, Carl Flynn reported his concern about dust control on Asotin Creek and Cloverland Road due to the increased logging traffic. Asotin County will ask logging company if they can maybe help with expense for dust control. Resident, Charlotte Tuttle reported that the Asotin County Fair Board meeting was very productive. The Fair board is considering holding the Fair like it used to be, not splitting the weekends. Councilmember Appleton stated the city should consider placing the Filmore (Gateway Park) lot for sale. Mayor Bonfield stated it is being considered for a land appraisal.

Jennifer Bly – Councilmember Bly stated she has heard from several people stating they haven't seen any police presents around town. Councilmember Appleton stated this has been noted and is working on it.

Bob Van Pelt–None

George Tucker– Councilmember Tucker is still working on the mail box issue. Mayor Bonfield and Councilmember Tucker are going to examine the route, see how many mailboxes are on the mail routes currently. Councilmember Tucker stated he would like to see an ordinance created that allows where the homeowners can place mailboxes and only homeowners who live on the mail routes be able to have one mail box per one resident on the mail route. Any other mailboxes would have to be a group mailbox and paid for by the patrons. The Group mailboxes will also have to have a designated place by ordinance. The group mailboxes cost approximately \$1,500.00 or more. All residents/homeowners would be responsible for the purchase and maintenance of the group mailbox. The current established mail routes in City of Asotin are located on Second Street, Fourth Street and Highway 129. City Attorney, Jane Richards stated if the City of Asotin creates an ordinance that allows group mailboxes, the local postmaster will have to determine the time and labor it will take the carrier to deliver to those mailboxes besides delivering to the regular route. The postmaster will also have to consider the time if there is overnight or certified mail. Depending on how many group mailboxes are installed, now the carrier is putting more time in which may require the postmaster to ask for more funding. City Attorney, Jane Richards stated from previous conversation with the current postmaster that he was ok with new mailboxes being added, she is not sure how adding group mailboxes would affect their budget. City Attorney, Jane Richards advises talking to the postmaster to discuss this issue further before creating the ordinance which would allow group mailboxes because the next postmaster might not allow it.

MAYOR'S REPORT:

Stormwater Project

Mayor Bonfield reported that Public Works Superintendent, Bob Portlock and Public Works Maintenance Worker, Kirk Frye have completed a Stormwater project on 4th Street. This project will be reimbursed by Stormwater.

U.S. Army Corp of Engineer Meeting

Mayor Bonfield reported she met with the U.S. Army Corp of Engineers today. They stated they will have to have \$5,000.00 first before any paperwork is completed to obtain the property back from the Corp. Mayor Bonfield stated she would like to meet with Port of Clarkston Manager, Wanda Keefer before any money is

issued to the Corp. The U.S. Army Corp of Engineers completed an inspection on the leased properties today and there were no issues to report. Mayor Bonfield stated she talked to the Cornel and he stated he is working with the Fish and Game to obtain year round kill permits for the geese. The U.S. Army Corp of Engineers has oiled any goose eggs they find on the Corp property to help keep the population down. The Corp stated they understand it is a whole Valley problem and they are being proactive to this situation. Mayor Bonfield stated the U.S. Army Corp of Engineer stated that once the city receives all the property back it can only be used for recreational purposes, and the city will be responsible for the property. Mayor Bonfield stated the Corp mentioned to think about this transaction in years. Mayor Bonfield stated maybe a couple of years meaning the city is ready for this project now.

RESOLUTIONS & ORDINANCES:

1. Resolution #2015-554 Amended Six Year Transportation Improvement Program for January 1, 2016 to December 31, 2021

Councilmember Bly made a motion to approve Resolution #2015-554 Amended Six Year Transportation Improvement Program for January 1, 2016 to December 31, 2021. Seconded by Councilmember Tucker. There was no discussion. All Aye. Motion carried.

EXECUTIVE SESSION: RCW 42.30.110 1 (g) Personnel 10 minutes 7:00pm – 7:10pm

Councilmember Tucker called for a ten minute Executive Session about personnel. No decisions were made.

ADJOURNMENT: Motion to adjourn the meeting made by Councilmember Schneider. Seconded by Councilmember Appleton. There was no discussion. All Aye. Motion carried. Meeting adjourned at 7:11p.m.

Mayor Vikki Bonfield

Clerk/Treasurer, Tiffany Rogers