

MINUTES
CITY OF STEVENSON COUNCIL MEETING
September 16, 2021
6:00 PM, City Hall

Facemasks and social distancing were required of those attending in person.

Information in parentheses after the agenda item references
the 2021-2022 council goal the item relates to.

1. CALL TO ORDER/PRESENTATION TO THE FLAG: Mayor Anderson called the meeting to order at 6:08 p.m. He led participating Council members in reciting the Pledge of Allegiance.

Attending: Mayor Scott Anderson; Councilmembers Dave Cox, Robert Muth, Annie McHale. Staff in attendance: City Administrator Leana Kinley, Community Development Director Ben Shumaker. Others attending included City Attorney Ken Woodrich and Skamania County Community Development Director Alan Peters. Public attendees: Mary Repar, Pat Rice, Rick May, Curt Gray, Ann Leuders, Rondi Cohn, Hope Thibodeaux.
Councilmember Hendricks was absent.

MOTION to excuse Councilmember Amy Weissfeld from the evening's meeting was made by Councilmember McHale, seconded by Councilmember Cox.

- Voting aye: Councilmember Muth, Cox and McHale.

2. CHANGES TO THE AGENDA:

a) * 9/15 changes included:

-Addition of Initial 2022 Budget (item 9e; Update of Maul Foster Alongi Contract-no change to scope of work or cost (item 9f); Addition of Voucher information (item 12)

3. CONSENT AGENDA: The following items were presented for Council approval.

a) **Special Occasion Liquor License Application** - Skamania Democratic Central Committee at the Hegewald Center on October 9th from 5pm-10:30pm.

b) **Liquor License Renewal** - El Rio Texicantina

c) **Approve Contract Amendment with Exigy LLC** - The attached contract amendment with Exigy LLC extends the contract through March 31st for a public workshop on diversity, equity and inclusion. The September 7th workshop has been delayed until next spring due to the recent rise in COVID cases, as discussed at the August 12th council meeting.

d) **Approve Amendments 1 and 2 to the EDA Grant Contract 07 75 07550**

(1)- Amendments 1 and 2 to the EDA contract allow the city to receive funding on a percentage of

each reimbursement request rather than after all matching funds are spent, and push the phase 1 construction out to spring 2022 as previously discussed. There is no change in scope or funding amount.

e) Minutes of August 12, 2021 City Council Meeting.

MOTION to approve consent agenda items a-e was made by **Councilmember Muth**, seconded by **Councilmember McHale**.

- Voting aye: **Councilmember Muth, Cox and McHale**.

4. PUBLIC COMMENTS:

> Mary Repar provided comments regarding a Grange program on sustainability to be held on September 28th. She noted registration for the program is through the Fort Vancouver Regional Library website. The presenter is a planner with the City of Portland, and he will provide an overview on 'doughnut' economic theory.

She also announced the Grange is having a plant/seed/bulb swap November 13th from 10 a.m. to 2 p.m.

5. PUBLIC HEARINGS:

Mayor Anderson opened the public hearing at 6:15 p.m.

a) Commercial Wastewater Moratorium (1) - **City Administrator Leana Kinley** presented and explained resolution 2021-380 adopting the findings of fact related to the moratorium extension; and ordinance 2020-1165 extending a wastewater moratorium on commercial sewer connections with discharge above residential strength for public comment and council consideration. The intent is to lower BOD's (Biological Oxygen Demand) generated by commercial connections to less than 300mg/L in order to reduce water quality violations. Without the city led extension, the state could enact its own moratorium in the event any further BOD violations occur, and it would be for a year past when improvements to the WWTP go online. The improvements to the WWTP in 2023 will improve the capacity of the plant to treat commercial discharges.

Public comments were received:

> Rick May asked if the volume generated created problems. It was explained the concentration of organic matter was the main cause of BOD violations. He expressed concerns over possible loss of businesses. It was explained only new businesses are affected by the moratorium. The one violation that has occurred in 2021 was due to excessive rainfall.

Mayor Anderson closed the public hearing at 6:22.

MOTION to approve resolution 2021-380 adopting the findings of fact related to the moratorium extension on commercial connections was made by **Councilmember Cox**, seconded by **Councilmember Muth**.

- Voting aye: **Councilmember Muth, Cox and McHale**.

MOTION to approve ordinance **2020-1165** extending the wastewater moratorium on commercial connections with discharge above residential strength was made and passed by a unanimous vote, then amended at 6:24 to correct the ordinance number to **2021-1174** by **Councilmember Cox**, seconded by **Councilmember Muth**.

- Voting aye on the amended vote: **Councilmember Muth, Cox and McHale**.

Mayor Anderson opened the public hearing at 6:25

b) Noise Ordinance - First Reading - City Administrator Leana Kinley presented and explained the attached staff memo and ordinance amending SMC 8.08 regarding Noise Control for public comment and council consideration. Some noise complaints have been received, but enforcement is difficult due to the way the current ordinance is written. The revised ordinance closely follows Skamania County's. It removes references to the Russell Street RR Crossing/train horn prohibition.

She noted restrictions on compression braking would fall under traffic control instead of a noise ordinance. She pointed to an email from the Sheriff regarding RCW's that prohibit unmuffled engine braking. Safety concerns were also recognized due to Stevenson's hilly terrain, as most engine braking takes place with log trucks.

Public comment

>Ann Leuders stated she found it unfortunate the City has received enough complaints to warrant amending the noise ordinance, and suggested neighborly conversations as a way to address problems, or make more noise than them so they cooperate. She personally likes the sound of Jake Brakes on log trucks and urged the Council to ignore the Jake Brake issue.

>Mary Repar remarked about compression brakes, noting signs around the county prohibiting compression braking are likely based on more than wishful thinking. She stated the signs are there not because someone loves the sound of compression brakes. She suggested the idea to hold friendly conversations is difficult in today's social climate, as rational discussions cannot always take place and can turn confrontational.

>Rondi Cohn from Stevenson provided examples of noisy neighbors making life difficult. She has attempted civil discussions multiple times, but the last time the neighbor cussed her out.

> Hope Thibodeaux spoke next, agreeing with Mary and Rondi. She has also tried to talk to noisy neighbors with no satisfaction. She sent **City Administrator Kinley** a video documenting the loud noise she experiences, and asked for an ordinance with teeth.

The public hearing was closed at 6:35 p.m. by Mayor Anderson

Mayor Anderson advised that deputies from the Sheriff's Office have requested more enforcement options to address noise complaints with Stevenson. **City Administrator Kinley** noted this is the first

reading. If council adopts the ordinance, it will have to go to the Department of Ecology as it is outside what the WAC (Washington Administrative Code) specifies.

Councilmember Cox commented the problem he has is with unmuffled braking. He addressed the concerns from the public with noisy neighbors and suggested they make recordings of each incident followed by reports and complaints to law enforcement in order to raise the bar on how complaints are handled. He agreed with Sheriff Brown's request to not ban compression brakes for safety reasons.

Councilmember McHale and **Councilmember Cox** discussed how speed increases the noise from compression brakes due to higher RPM's. **McHale** stated it seems the trucks are speeding down Kanaka Creek and applying brakes too near the stop sign. **Cox** agreed compression brakes at 40 mph are loud, but riding the brakes down the full length of the hill is unsafe. He suggested the Sheriff's Office could increase patrols in the area to curb speeding.

Councilmember Muth asked it was possible to include private right of action to give citizens a chance to take offenders to district court. City Attorney Ken Woodrich stated he would have to look at the noise ordinance under a possible home rule authority. **Mayor Anderson** suggested having a tool residents could use after all other reasonable attempts to solve the problem were exhausted was worth looking into.

>Curt Gray, who lives on Kanaka Creek Road, commented trucks don't always stop at the intersection of Kanaka Creek and Gropper Road, and he expressed concerns over the proximity to a school zone. He noted it seemed safety was not really an issue, after prior complaints to the Sheriff's Office about the use of Jake Brakes resulted in elimination of the noise for nearly a year.

City Administrator Kinley asked if the Council wanted the second public hearing to include a private right of action within the noise ordinance. Attorney Woodrich stated he would check into it to see if it was possible. The second public hearing will be held at the October 2021 City Council meeting.

6. PRESENTATIONS FROM OUTSIDE AGENCIES:

a) Skamania County Community Development Director Alan Peters updated the council on building inspections services as per the local agreement. Inspection services are now under Community Development (Planning/Environmental Health/Building) as opposed to Public Works. They plan to build up to having 3 FTE's in the Building Department and purchase an additional vehicle to allow two inspectors to be out at any given time.

As of June 2021, there were 19 permits issued, including five for a single family residence, four commercial additions, and various other residential projects. Permit approval timelines are averaging three to five weeks.

7. SITUATION UPDATES:

a) COVID-19 Update - **Mayor Scott Anderson** provided an update on the city's response to the COVID-

19 pandemic. The City has not required COVID-19 vaccinations for staff, as the number of employees don't meet the mandate. Kelly O'Malley-McKee was unable to attend and make a presentation. **Councilmember Cox** noted that due to almost 100 new COVID-19 cases since September 1, a planned training for local amateur radio operators has been canceled.

b) Sewer Plant Update (1) - City Administrator Leana Kinley presented the update from **Public Works Director Karl Russell** on the Stevenson Wastewater System and the Compliance Schedule. Weight restrictions on the Bridge of the Gods have been delayed, so Stevenson's Public Works Department can truck bio-solid waste over BOTG to Hood River's WWTP rather than crossing over at The Dalles. The PWD hopes they will only have to cross twice over The Dalles Bridge rather than four times, as it will reduce costs considerably. Equipment purchase bids for the WWTP Project are due October 13th.

8. UNFINISHED BUSINESS:

a) Second Reading-Latecomers Ordinance (1 & 4) - City Administrator Leana Kinley presented and explained the enclosed ordinance revising the city code regarding Latecomer's Agreements for utility hook-ups due to changes in state law for council review and consideration. Part of the WWTP project involves extending sewer lines up Loop Road and partially up Frank Johns Road.

It was explained that residents will not be required to join the extended section of the sewer system unless or until their existing septic fails and they live within 300' of the new line. Hook-up costs will be apportioned to each parcel when hook-ups occur.

Councilmember Muth received confirmation of the current location of sewer lines along Loop Road and Frank Johns. Several new lots along Loop Road will need to connect to the new sewer lines as the lot size is too small to allow a septic tank to be installed.

MOTION to approve the Latecomer's ordinance **2021-1175** as presented was made by **Councilmember Cox**, seconded by **Councilmember Muth**.

- Voting aye: **Councilmember Muth, Cox and McHale**.

6:57 9. COUNCIL BUSINESS:

a) Discuss Councilmember Identity Theft - Council discussed the issue of multiple incidents of fake Facebook accounts and other online impersonations of council members. Several Councilmembers shared instances of recent electronic communications made using bogus accounts attributed to them. Hate speech, false accusations and warnings of harm directed at Councilmembers were shared. City staff is also being subjected to similar attacks, as are a number of city residents.

Councilmember McHale shared how the threatening contacts trigger feelings of victimization.

Councilmember Muth noted it is a class C felony to impersonate another. He stated the FBI has become involved, and **Councilmember Muth** is prepared to prosecute and/or sue the responsible individual(s).

Councilmember Cox noted that law enforcement is also experiencing similar occurrences, and urged all those affected to file reports with the Sheriff's Office.

Councilmember McHale encouraged people to report or counter suspicious postings.

>Comments on the subject were received from Curt Gray, Pat Rice, Ben Shumaker and Rick May. They expressed concerns over the rise in cybercrime, the need for resources for law enforcement, and how the abuse creates an unwillingness to serve as elected officials. It was also expressed to have the issue of cybercrime be recognized as important for all residents in order to develop protections for all.

b) Approve Resolution 2021-381 Authorizing the Mayor to Sign DOE Loan Agreement (1) - City Administrator Leana Kinley requested council approval of resolution 2021-381, which authorizes the Mayor to sign the State Revolving Fund loan agreement with the Washington State Department of Ecology in the amount of \$9,936,000 at 1.5% interest. A large portion of the loan is forgivable principal. A copy of the draft agreement was included in the packet.

MOTION to approve Resolution **2021-381** authorizing the Mayor to sign the State Revolving Fund loan agreement with the Washington state Department of Ecology in the amount of \$9,936,000 at 1.5% interest was made by **Councilmember Cox**, seconded by **Councilmember McHale**.

- Voting aye: **Councilmember Muth, Cox and McHale**.

c) Approve Revised City Council Rules of Procedure - City Administrator Leana Kinley presented the attached resolution 2021-382 amending the city council rules of procedure preventing the ability for submitting anonymous public comment for council discussion and consideration. This change was prompted by an anonymous comment sent via email to the Council at the August 2021 meeting. It was agreed that asking email commenters for their identification would support transparency in communications and public records requests. It was noted participants attending in person are required to state their name when addressing the Council.

City Administrator Kinley also requested approval to change the order of the agenda to move any guest presentations before public hearings.

MOTION to approve ordinance resolution **2021-382** amending the city council rules of procedure with the addition of changes to the agenda order as discussed was made by **Councilmember McHale**, seconded by **Councilmember Cox**.

- Voting aye: **Councilmember Muth, Cox and McHale**.

d) Approve Lease Agreement for One Prevention Alliance (17) - City Administrator Leana Kinley presented the agreement between the City and Educational Services District 112 on behalf of One Prevention Alliance to lease 500 square feet of the basement of city hall for their operations and storage for council consideration. There will be no rental fees assessed due to OPA's status as a government entity. The agreement will expire December 31, 2022.

MOTION to approve the lease agreement with Educational Services District 112 as presented was made by **Councilmember McHale** seconded by **Councilmember Cox**.

- Voting aye: **Councilmember Muth, Cox and McHale**.

e) Preliminary 2022 Budget - City Administrator Leana Kinley presented and explained the staff memo and preliminary 2022 budget for council review and discussion. A copy of the council goals adopted in April were included for review. She noted it is a very initial budget, and changes will occur.

The first public hearing will be in October 2021 at the City Council meeting, followed by a special meeting on November 8th and a second public hearing on November 18th. She provided an overview of the plans and infrastructure projects contained in the budget, which led to a brief discussion on road maintenance costs and tax usage.

She also provided information on the projected increases in fees for water and sewer services, and asked for Council confirmation that the proposed Cost of Living Allowance was appropriate. It was decided to wait until the full Council was in attendance to make any decision regarding the inclusion or priority of projects.

f) Approve Contract with Maul Foster Alongi (2) - Community Development Director Ben Shumaker presented and explained the attached contract with Maul Foster Alongi. The contract is for initial services related to the Integrated Planning Grant received by the Department of Ecology for evaluating the concept of the Columbia Ave Realignment project brownfield sites.

The amount of the contract is not to exceed \$3,690. The intent is to ascertain if the project will be viable, and will include additional soil testing, feasibility of soil remediation if contaminants are found, architectural drawings, and a market analysis to determine the potential return on investment for developers.

MOTION to approve the contract with Maul Foster Alongi in the amount not to exceed \$3,690 as presented was made by **Councilmember Cox** seconded by **Councilmember McHale**.

- Voting aye: **Councilmember Muth, Cox and McHale**.

10. INFORMATION ITEMS: Council reviewed the following items contained in the meeting packet:

a) Financial Report - City Administrator Leana Kinley presented the Treasurer's Report and year-to-date revenues and expenses through August 2021.

b) Skamania County Chamber of Commerce activities in August 2021.

c) The Skamania County Sheriff's report for activity within Stevenson city limits for August, 2021.

d) Project Status Updates - City Administrator Leana Kinley and city staff presented updates on city projects in process.

e) **Port of Cascade Locks Update** from Olga Kaganova, General Manager of the Port.

f) **Scenic Area Funds Press Release** regarding the \$2M appropriation in economic development funds.

11. CITY ADMINISTRATOR AND STAFF REPORTS:

a) Ben Shumaker, Community Development Director

- **Community Development Director Shumaker** provided an update on the parking project in Stevenson. The intern from UW is inventorying all the parking spaces in the downtown area and creating a usage study. A gap analysis will also be developed to show where additional parking could be provided. The information will be provided to traffic consultants to help them determine costs of any additional on street parking. It will later be used to help in assessing what impacts new developments may have on parking and how to establish a fee structure when addressing parking requirements.
- The Planning Commission had its first review of their updated bylaws. They are to looking to establish what public involvement really means, and how best to proceed in approaching new projects. Several members of the committee that worked on expanding public outreach would like the City Council to consider similar methods of community engagement.
- Chinidere Development has several action phases coming up. Some portions are moving forward, some face permit deadlines that expire within a few weeks. **Shumaker** is meeting with some of the owners to learn their intent.
- A two-lot short plat has been submitted, approved, and recorded on Willard St.
- The approved Shoreline Master Program, submitted to the state for its approval in 2018, is nearing a point where the state will issue a set of recommended and required changes to the program. The Shoreline Advisory Committee and the Planning Commission will review the changes, and then send it on to the City Council for approval possibly in October or November 2021. An ordinance will be needed to adopt the revised SMP.

b) Karl Russell, Public Works Director

- Kanaka Creek underpass has had the timbers replaced and should be open soon. City road striping is to be done tomorrow by Clark County starting at 7 a.m.

c) Leana Kinley, City Administrator

- **Kinley** shared the new city website is live and provided a brief demonstration. There are still some areas to clean up and update before a formal unveiling.
- Delaying the special meeting planned for early October on deliberate growth strategies regarding services for outside city limits was agreed to by consensus. No pending projects will be affected. The meeting will be rescheduled for early 2022.
- Storm drains are clear, as streets are being swept in anticipation of line paintings. With the Rock Creek blockage removed, backups/flooding should not take place this year.
- Governor Inslee's proclamation preventing utility shut-off's due to the pandemic has been lifted. The city is working with overdue residential and commercial accounts. Curt Gray with WAGAP

noted they have a payment program that helps low-income residents pay utility costs. He asked if the information could be put on the utility bills, and how to find that information on the WAGAP website.

- The audit report will be published by September 23rd, 2021. There was an an over-reporting error that has been corrected-some matching funds were not taken out.

12. VOUCHER APPROVAL:

*August 2021 payroll & September 2021 AP checks were audited and presented for approval. August payroll checks 15382 thru 15385 total \$97,855.43 included EFT payments. September 2021 AP checks 15360 thru 15378, 15380, 15386 thru 15432 total \$166,621.10 included EFT payments and checks. The AP check register with fund transaction summary was attached for review.

MOTION to approve the vouchers as presented was made by **Councilmember Muth**, seconded by **Councilmember Cox**.

- Voting aye: **Councilmember Muth, Cox and McHale**.

13. MAYOR AND COUNCIL REPORTS:

Councilmember Muth (Coach) reported the Stevenson High School's girls' soccer team won their last match.

Mayor Anderson highlighted the Main Street program available to Stevenson businesses that pay B&O tax. Kelly O'Malley-McKee with the Stevenson Downtown Association has more information. He pointed to the new Rock Creek Tavern as an example of the 'Bricks and Clicks' program used for facade upgrades.

Councilmember McHale reported the feasibility study for Skamania Fresh has been completed. Skamania Fresh is a partnership intended to offer culinary training to local youth/unemployed individuals in coordination with WAGAP, Worksource, Skamania Lodge and Stevenson-Carson School District.

14. ISSUES FOR THE NEXT MEETING:

None reported.

15. EXECUTIVE SESSION

a) The Council convened at 8:47 for 10 minutes into an Executive Session under RCW 42.30.110(1)(b) to consider the selection of a site or the acquisition of real estate. The Council reconvened in regular session at 8:57.

16. ADJOURNMENT - Mayor Anderson adjourned the meeting at 8:58.

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