

MINUTES
CITY OF STEVENSON COUNCIL MEETING
October 21, 2021
6:00 PM, City Hall and remote

Information in parentheses after the agenda item references the 2021-2022 council goals the item relates to. Items with an asterisk (*) have been added or modified after the initial draft publication of the Agenda.

1. **CALL TO ORDER/PRESENTATION TO THE FLAG:** Mayor Anderson called the meeting to order at 6:01pm, led participating Councilmembers in reciting the pledge of allegiance, and conducted roll call.

Attending: Mayor Scott Anderson; Councilmembers Dave Cox, Amy Weissfeld, Annie McHale, Paul Hendricks. Staff in attendance: City Administrator Leana Kinley, Community Development Director Ben Shumaker. Others attending included City Attorney Ken Woodrich. Public attendees: Mary Repar, Rick May, Mathew Joy, John Mobley and others unidentified.

MOTION to excuse **Councilmember Robert Muth** from the evening's meeting was made by **Councilmember Cox**, seconded by **Councilmember McHale**.

- Voting aye: **Councilmember Cox, Hendricks, McHale and Weissfeld**.

2. **CHANGES TO THE AGENDA:** Revised Payment Plan Policy Resolution, addition of last three paragraphs to the second page of the policy (item 9b) - Addition of Shell Engineering and Consulting Contract (item 9d) - Addition of Hearing Examiner Services (item 9e) - Addition of Insta-Pipe Small Works Contract (item 9f) - Addition of Voucher information (item 12)
3. **CONSENT AGENDA:** The following items are presented for Council approval.
 - a) **Water Adjustment** - Peggy Lowry (meter no. 300100) requested a water adjustment of \$88.28 for a water leak which they have since repaired.
 - b) **Liquor License Renewal** - Red Bluff Brewing.
 - c) **Minutes** of September 16, 2021 City Council Meeting.

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

- Voting aye: **Councilmember McHale, Weissfeld, Hendricks, Cox**

4. **PUBLIC COMMENTS:**

>Mary Repar spoke about the fire danger as the woods are still dry. She expressed concern about burning slash piles. She also stated some municipalities are putting ballot measures before voters regarding limiting the number of vacation rental homes in an area in order to increase workforce housing options, and would be sending the information to **Community Development Director Ben Shumaker** and members of the Planning Commission. **Councilmember McHale** asked Ms. Repar to include her on the email regarding the vacation homes issue.

>Rick May provided comments on land use appeals and the cost of the process for those appealing. He noted a plan to make those appealing pay the hearing officer would make it even more costly, and asked the Council where the authority was in the code regarding who pays the hearing officer's costs. May urged the Council to review the issue and allow public input prior to initiating any code changes creating that authority.

5. PRESENTATIONS FROM OUTSIDE AGENCIES:

a) **Veterans' Flags** - Mathew Joy of the Veteran Advisory Board provided information and answered questions from the City Council regarding a Hometown Hero's program through the American Legion to install banners throughout the county representing the service history of local residents. The banners and accompanying American flags would measure 18" wide by 42" long and be installed on city light poles during certain holidays. The banners are sponsored by families or other interested parties.

Potential conflicts with local event advertising were addressed. Ken Woodrich, City Attorney, advised that since the city Right-of-Way was to be used a no-fee permit would be required.

The Council approved the program via consensus.

>Mary Repar then spoke on the positive aspects of having a Veterans Service Officer in place locally. The American Legion is attempting to get one for Skamania County. There are approximately 1,200 vets in Skamania County. VSO's help veteran's obtain benefits by working with the Veterans Administration.

6. PUBLIC HEARINGS:

a) **Noise Ordinance - Second Reading - City Administrator Leana Kinley** presented an attached staff memo and ordinance **2021-1176** amending SMC 8.08 regarding noise control for public comment and council consideration. Several talking points were added from the last meeting.

City Administrator Kinley noted the Municipal Research and Service Center (MRSC) was unsure if a private right of action would allow private residents to sue each other over noise concerns. There is an ability already to do that for nuisance code violations.

Councilmembers discussed daily cutoff times for noise abatement at public and private events. Under the current code, private events are not allowed to generate any noise. Public and/or city sponsored events need to end music or other amplified sounds by 10:00 p.m. Standards regarding what is considered 'unreasonable' noise levels are subjective and hard to define.

Ken Woodrich, City Attorney suggested language to address amplified sounds rather than using decibels as a measure. Using decibels becomes complicated, as calibrated decibel meters need to be used by a trained expert to establish noise levels. Using time limits for noise succession was considered a possible alternative.

City Administrator Kinley then directed Council attention to Judith Morrison's concern about mechanical noise from fans located in the local grocery store. The proposed ordinance does not address commercial noise generation and Judith would like it to contain the WAC from the current city code pertaining to commercial sites as it is more specific. The current city code regarding maximum environmental noise levels (SMC 8.08.020(B)(3)) is 57 dBA. At any hour of the day or night, the noise limitations may be exceeded depending on the length of time. *(A decibel (dB) is a unit of measurement for sound. A-weighted decibels, abbreviated dBA, are an expression of the relative loudness of sounds in air as perceived by our ears.)*

6:34 - Mayor Anderson opened the public hearing

- John Mobley, owner of A&J Grocery, spoke on the fan noise issue. He noted there are 14 fans and 28 compressors used at the store and their location cannot be changed. He described the steps he has taken to reduce noise. He pointed out that with increasing development behind the store trees and bushes which provided some buffering to the noise have been removed. Water cooling is an option, but water rates are prohibitively expensive. John stated building a 17' wall might reduce some noise, but it would also block resident's views, as well as being highly impractical.

>Rick May shared 57dBA is the equivalent of a percolating coffee maker, and 60 dBA is the typical human voice. **Councilmember Hendricks** noted the decibel measure is logarithmic, so even small increases in decibels represents a significant increase in volume.

6:49 - Mayor Anderson closed the public hearing

Additional council discussion included examples of other noise sources, including trains, continual droning sounds, animals, power equipment and loud music played by neighbors during the day. All agreed attempting to address issues by first approaching neighbors with concerns is better than the city having to impose rules and restrictions.

Mayor Anderson requested a further hearing be scheduled for November 2021 due to additional questions. **City Administrator Kinley** advised any ordinance changes would need to be approved by the Department of Ecology, so the timeline for implementation would be extended.

NO MOTION was put forward.

- b) **Proposed 2022 Budget Hearing - City Administrator Leana Kinley** presented and highlighted details on the 2022 proposed budget for public comment and council discussion.

6:57 - Mayor Anderson opened the public hearing

City Administrator Kinley provided information on items to be considered for the 2022 city budget. A Cost of Living Allowance (COLA) of 5.1% for city employees; projects and priorities under smart goals, hiring a temporary Public Works position, new computers for city hall, a

strategic plan development for the Fire Department, street projects and more were reviewed. An increase of 1% for property tax is included on the revenue side, as are increases to utility rates. She pointed to the memo included in the meeting packet for more complete details on the budget items.

Councilmember Cox received an explanation on standards update as they relate to materials, engineering requirements and zoning regulations regarding construction projects. **Community Development Director Shumaker** is working to ensure engineers and developers from the private and public sector are included in the standards update process.

>No public comments were received.

7:07 - Mayor Anderson closed the public hearing

Councilmembers held a discussion on the budget information presented. **Councilmember Weissfeld** asked for a discussion over raising staff wages while increasing sewer rates. **Councilmember Hendricks** observed not giving a COLA is equivalent to a salary decrease, noting many items have increased in cost over the past year. **Councilmember McHale** stated having the data to support the wage increases would be helpful.

City Administrator Kinley responded to questions on the rise in sewer rates by sharing information on a potential federal grant for \$2.5M funding. If approved, it would mean a lower increase of sewer fees.

City Administrator Kinley observed many other municipalities have union contracts that require COLA increases, and Stevenson does not. She reviews other salary schedules frequently to ensure Stevenson is keeping pace. She shared it can be a challenge to keep and or hire employees if wages do not keep pace with inflation. The City of Stevenson has relied on the Consumer Price Index (CPI) to ensure the wages are competitive.

>Rick May commented that you have to pay good people to keep them on staff.

Councilmember Cox asked a number of questions about the budget and was invited to meet with **City Administrator Kinley** to learn more. Questions can also be asked at a special meeting scheduled for the budget on November 8th, 2021 at 6:00 p.m.

7. SITUATION UPDATES:

- a. **COVID-19 Update - Mayor Scott Anderson** provided an update on the city's response to the COVID-19 pandemic. He reported there was nothing to be addressed.
- 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.

- The Department of Health is having problems with getting supplies and equipment for rapid response Covid tests.
- The potential \$2.5M federal grant for the WWTP was discussed during the budget presentation.
- Ian Lofberg, the Public Works current Group 1 wastewater treatment operator will be going for Group 2 operator certification in November/December of this year.
- Continuing inflow and Infiltration (I&I) mitigation on the School Street sewer line is scheduled for completion by the end of this year.
- Final design of the WWTP has been completed.
- Crestline Construction is still anticipating starting the Rock Creek Lift Station and Storm Outfall in April of 2022.
- The city's application for \$9.9M in construction funding through the Department of Ecology for the wastewater treatment plant and extension of the sewer line was approved. It is for a \$931,946 grant, \$9,004,054 loan at 1.5% interest for 30 years (approx. \$375k annual payment). A contract will be in place in 2-3 months and costs can be incurred against the project for reimbursement.
- **Karl Russell's** final day as Public Works Director will be towards the end of November/ beginning of December 2021. An interim director will be hired while a replacement search takes place.

8. UNFINISHED BUSINESS:

- a) **Discuss American Recovery Plan Act Fund Distribution** - Kelly O'Malley-McKee, Executive Director for the Stevenson Downtown Association, presented background information and answered questions as a follow-up to the July 15th discussion on the topic. ~\$450,000 is available. The city has until 2024 to allocate, with spending completed by 2026.

She provided a number of options regarding using the funds available through ARPA, and highlighted successful projects the SDA participated in that helped local businesses stay open during the COVID-19 restrictions. Bricks and Clicks, Stevenson Strong and the Streatery were among those.

Kelly suggested a number of possible ideas additional ARPA funds could be used, including tourism and hospitality grants, hiring incentives to staff local food establishments, blade signs for outdoor advertising, larger grants to improve external facades, preservation grants for historical locales, or an entrepreneur hub in partnership with the Chamber of Commerce. She singled out improving broadband as the most requested support from both businesses and their customers. She would like to develop a survey to gather data on what options community members would like to see.

- b) **Community Development Director Shumaker** suggested that ARPA funds may not be subject to restrictions on gifting public funds, so their usage for facade upgrades or blade signs would be a good strategy. **Mayor Anderson** recalled blade signs were incorporated into Stevenson's sign ordinance several years ago.

City Administrator Kinley asked the City Council for guidance on where to direct the funds. She commented that using the funds for items that otherwise have no other funding options could be beneficial. A number of options were discussed regarding equipment purchases, capital projects and business support. It was agreed to engage the public in decision making via different modes.

City Administrator Kinley suggested further discussion at the November City Council meeting.

>John Mobley pointed out not one downtown business closed during the Covid-19 lockdown and thanked Kelly and the SDA for their work.

9. COUNCIL BUSINESS:

- a) **Water Adjustment** - Matthew White (account no. 25169) requested a water adjustment of \$773.04. An attached staff memo provided further clarification and information. City Administrator Kinley explained there had been a mix-up when the new meters were installed. She explained there was no billing history associated with the new meter so it was not something the homeowner was aware of.

City Attorney Woodrich advised the city contributed to the problem via the meter mix-up, and the adjustment was not a gift of public funds.

MOTION to approve the water adjustment in the amount of \$773.04 for Matthew White was made by **Councilmember Cox**, seconded by **Councilmember Hendricks**.

- Voting aye: **Councilmember McHale, Weissfeld, Hendricks, Cox.**

- b) **Approve Resolution 2021-383 Adopting a Payment Plan Policy** - City Administrator Leana Kinley presented resolution **2021-383** adopting a utility payment plan and setting a service fee as required by the state constitution for council discussion and consideration. Washington state law requires the city to charge a fee for a payment plan, otherwise it is seen as lending credit or gifting public funds. The policy establishes the fee and rules around when the fee is charged. The fee is \$3.00 or 1% of the outstanding bill (whichever is greater.)

MOTION to approve resolution **2021-383** adopting a utility payment plan as presented was made by **Councilmember Cox** seconded by **Councilmember Weissfeld**.

- Voting aye: **Councilmember McHale, Weissfeld, Hendricks, Cox.**

- c) **Utility Rate Restructuring Discussion** - City Administrator Leana Kinley presented and explained the attached staff memo regarding restructuring utility rates for council discussion.

The current rate structure for mixed use properties is different than it is for multi-family properties with mixed-use properties paying less for services. A number of buildings in the downtown core are mixed-use with commercial and residential units.

The current code and practice classify mixed-use properties solely as commercial. Sewer flow is billed on commercial properties based on water usage. In the past it was assumed the differences would even out in the end due to this factor. With base fees increasing to pay for the plant upgrades, this is no longer the case. She asked if the rate structure should be changed or remain as is.

Councilmembers held an extensive discussion on the issue. A key point was determining if a base fee should be charged with some water (400 cu ft) included; do away with the base fee and charge for all water used, or charge a base fee even if there is no water usage. Responses to hardship cases were considered. **Councilmember Hendricks** suggested exploring a tiered rate system. City Attorney Woodrich advised developing a fee structure that provided for ongoing support and maintenance of infrastructure.

City Administrator Kinley also asked about changing the way sewer system development charges for businesses wanting to expand are assessed. It was agreed additional information regarding budget impacts was needed prior to making any decisions on either item, and the issue would be re-visited.

- d) ***Approve Insta-Pipe Contract - City Administrator Leana Kinley** presented the attached small works contract with Insta-Pipe for sewer lining and repair services for the amount of \$95,985.15. This amount is budgeted, the repairs are an extension of work completed in 2020, and they are part the city's overall maintenance plan to reduce infiltration and inflow throughout the city's sewer collection system.

MOTION to approve the contract with Insta-Pipe for sewer repairs for an amount not to exceed \$95,985.15 was made by **Councilmember Cox**, seconded by **Councilmember Weissfeld**.

- Voting aye: **Councilmember McHale, Weissfeld, Hendricks, Cox**.

- e) ***Extend Contract for Hearing Examiner Services - City Administrator Leana Kinley** presented the contract with Joe Turner, P.C., Municipal Hearings Official, for hearing examiner services. This agreement is the same as the 2015 agreement and is needed for an appeal in process. Costs are split 50/50 with the appellant.

City Attorney Woodrich noted a clarification for the record. The contract in question needs only to be extended for existing services through December 31, 2022. There are no changes to the funds already in place through the existing contract.

MOTION to extend the existing contract with Joe Turner, P.C., Municipal Hearings Official through December 31st, 2022, for hearing examiner services as presented was made by **Councilmember Cox**.

Prior to the second and the vote, City Attorney Woodrich responded to **Councilmember Weissfeld's** asking if the contract should reflect Rick May's earlier comments on hearing

examiner cost sharing. Attorney Woodrich explained the contract is between the City of Stevenson and Joe Turner, the hearing examiner. Including an unidentified third party to split costs was not in the current contract and could lead to potential liability for the city. He stated the cost sharing issue is a separate issue.

>Rick May asked where in the code it was written the fees would be split. **Community Development Director Shumaker** noted the fee structure had been adopted by a council resolution.

Councilmember Hendricks seconded the motion on the table. **Councilmember Weissfeld** asked for clarification of the indemnification issue requested by May. Attorney Woodrich provided further details, noting the costs to the appellant were to help pay for the service requested.

- Rick May spoke of his records requests pertaining to billing history, stating costs have not been shared in the past and citizens should have the same rights as the city. He was reminded of the motion on the table.

City Administrator Kinley provided an example of other situations where costs are passed on to the applicants. **Councilmember Cox** confirmed the city would pay the contractor, then bill the appellant for half the fee.

Mayor Anderson called for the vote.

- Voting aye: **Councilmember McHale, Weissfeld, Hendricks, Cox.**

In response to further comments and questions by May regarding billing information, **Community Development Director Shumaker** shared current practices include an agreement to pay those services, how the billings occur and what information is released.

- f) ***Approve Shell Engineering and Consulting Contract - City Administrator Leana Kinley** presented the contract with Shell Engineering and Consulting, LLC for on-call services as needed, billed at time and materials basis for an amount not to exceed \$20,000. This is to cover Public Works Director duties on an interim basis until a new Public Works Director is hired. The contract runs through June 2022.

MOTION to approve the contract with Shell Engineering and Consulting LLC as presented not to exceed \$20,000 was made by **Councilmember Cox**, seconded by **Councilmember Hendricks**.

- Voting aye: **Councilmember McHale, Weissfeld, Hendricks, Cox.**

10. INFORMATION ITEMS: The following items were presented for Council review:

- a) **BPA North Bonneville-Midway No. 1 Transmission Line** maintenance update.
- b) **Financial Report** - City Administrator Leana Kinley presented the Quarterly Report, Treasurer's Report and year-to-date revenues and expenses through September 2021.

- c) **The Skamania County Sheriff's** report for activities within Stevenson city limits for September 2021.
- d) **The Skamania County Chamber of Commerce** activities in September 2021.
- e) **Project Status Updates** - City Administrator Leana Kinley and city staff presented updates on city projects through the city website <https://www.ci.stevenson.wa.us/projects>.
- f) **Planning Commission Minutes** from the September 2021 Planning Commission meeting.
- g) **Skamania County Housing Services Programs Report** for September 2021 by Washington Gorge Action Programs.
- h) **The 2021 Columbia Gorge Annual Economic Symposium** and the 2021 Annual Report.

11. CITY ADMINISTRATOR AND STAFF REPORTS:

a) **Ben Shumaker, Community Development Director**

Department of Ecology grant-has been submitted to address shoreline access and trails identified in the draft Shoreline Management Program, which is still under review. If awarded, it would help the city develop a plan to provide for future site acquisition outside a permitting process to increase pedestrian and viewpoint access.

Downtown Parking Study-Alex Ralston, UW intern, is helping to finalize the various aspects of the study. The report will contain ~five chapters analyzing existing parking conditions in Stevenson. There are plans to review seasonal parking inventories to get a more complete picture. Once finished the report will be turned over to transportation consultants for using in determining future parking policy. Mike Beck with the County Planning Department is helping to organize the next volunteer group to conduct a parking inventory.

b) **Karl Russell, Public Works Director**

A transition plan to cover the Director duties is being worked on.

Bids for the equipment needed for the WWTP Project are under review. The project bid is scheduled for December 2021. Having equipment before the WWTP bid is expected to reduce the bid.

Training for city tree trimming is taking place as part of the overall tree maintenance program. Crosswalk painting, road striping, reservoir cleaning and repairs to sewer collection points on School Street are underway.

c) **Leana Kinley, City Administrator**

First Street Overlook – Staff continues to work with WSDOT regarding the right of way issue. On Thursday, October 7th staff was notified the City has 10 years to move to the next phase of the project or the grant funds would need to be repaid. The issue over ROW ownership is complicated, with some evidence showing WSDOT determined in 1998 the city owned the ROW. Another meeting is scheduled for October 27th with the Assistant Regional Manager. An issue statement was sent to the City's WSDOT Local Programs representative and uploaded to the project website, <https://www.ci.stevenson.wa.us/publicworks/project/first-street-overlook>. The city notified WSDOT they may contact state legislators regarding the matter.

Homeless Housing – Increasing homeless shelter options were discussed with Leslie Naramore from WAGAP and County Commissioner Hamlin. To change the current temporary shelter set-

up and increase capacity, the maximum ongoing increased staffing cost for an additional FTE would be \$80k. Ideally, the temporary shelter would have 7 self-contained units, pallet housing and space to accommodate short-term camping and pets. It could potentially be relocated. Other options are possible. ARPA funds could pay costs. **City Administrator Kinley** asked for direction from Council.

Dog Mountain-A safety survey for Dog Mountain trail congestion is ongoing. Funding for the Dog Mountain shuttle was not received from the Forest Service for 2022. TAC (Tourism Advisory Council) funds may possibly be used.

Other-Complaints regarding pesticide spraying were received, with a request for a ban. It is a second request for a spraying ban. This was regarding a neighbor using herbicides.

Work on the city website is still taking place. Planning Commission meetings are being converted from Zoom files to YouTube.

Trick or Treating will take place downtown on Halloween from 6-7:30 p.m.

Oct. 23rd is scheduled for a Drug Take Back event from 10-2 at the Sheriff's Office.

The Chamber of Commerce will no longer have public officials on board to avoid issues with public records requests.

Software updates issues are occurring, with two-sided checks being produced. **City Administrator Kinley** pointed out the last check number is 15523, not 15512. The amounts are the same.

12. VOUCHER APPROVAL:

*September 2021 payroll & October 2021 AP checks were audited and presented for approval. September payroll checks 15445 thru 15449 total \$101,890.88 which includes EFT payments. October 2021 AP checks 15433 thru 15444, and 15451 thru 15523 total \$209,743.63 and includes 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 McHale**, seconded by **Councilmember Cox**.

- Voting aye: **Councilmembers Weissfeld, McHale, Hendricks, Cox**.

13. MAYOR AND COUNCIL REPORTS:

Elected official essential training will take place Saturday, December 4th, 2021.

14. ISSUES FOR THE NEXT MEETING: None presented.

15. ADJOURNMENT - Mayor Anderson adjourned the meeting at 9:19 pm.

Scott Anderson, Mayor

Date