



Minutes
1367th Regular Council Meeting
January 13, 2021
(TELECONFERENCE)

6:00 p.m. Regular Council Meeting

Mayor Bob Poch called the 1367th regular meeting of the Coulee Dam Town Council to order at 6:03p.m. via teleconference.

Roll Call

Council members present: Mervin Schmidt, Dale Rey, Larry Hall and Keith St. Jeor. Fred Netzel joined the meeting at 6:27p.m.

Staff Present: Police Chief Paul Bowden, Public Works Superintendent Mike Steffens and Clerk/Treasurer Stefani Bowden. Engineer Kurt Holland of Varela & Associates was also in attendance.

Public Input

None

Updates and Modifications to Agenda

None

Consent Agenda

(m/s St. Jeor/Schmidt) to approve the consent agenda. Motion carried.

Minutes Council Meeting – December 28, 2020

Vouchers: Claim Vouchers and Checks:
 Claim Voucher No.'s 39293 through 39311 and EFT's dated December 30, 2020 in the total amount of \$ 43,238.36 .

 Claim Voucher No.'s 39312 through 39329 and EFT's dated January 13, 2021 in the total amount of \$ 20,292.76.

 EFTs dated December 23 and December 31, 2020 in the total amount of \$440.34

Payroll Checks: Payroll Check No.'s 39287 through 39292 , EFT's and direct deposits dated December 15 and 31, 2020 in the total amount of \$ 91,627.50 .

Action Agenda

- a. Appointment of Mayor Pro-Tem

(m/s Schmidt/Rey) to appoint Keith St. Jeor as Mayor Pro-tem for the year 2021. Motion carried with 3 (Schmidt/Rey/Hall). St. Jeor abstained.

b. Captain's Cod Food Truck – Permission to Park on City Property

Captain's Cod Food Truck has requested to park on City owned property on an on-going basis of once per month beginning with the first Saturday in February. Chief Bowden had some concerns with where the truck was parked during the last set-up. There were some foot traffic safety issues. He spoke with the owner and agreed upon parking further away from the intersection if/when they return. Mayor Poch received some input from a concerned citizen feeling that it isn't fair to other businesses to not charge them to park as they are not contributing anything else to the community such as property taxes, supporting the schools and the community. The food truck owners are not members of the community; therefore the business profits are leaving the area. Years ago the Town did a street fair in between the post office and the park and would charge \$50 plus a business license fee. Mayor asked the council for discussion whether or not they feel a fee should be charged for this type of service/activity. Dale Rey mentioned that concessionaire's fees were charged in the past. Merv Schmidt said that in his recollection the concessionaire's fees in the past did not go to the city. The fees were charged by the Chamber of Commerce or the Business Association for setting up festivals. A fee of \$25 was suggested. Merv Schmidt suggested the Town consider approving it for the entire year to avoid having the business making requests every month. Rey feels that the town should come up with a good system for allowing these types of business as they may become more frequent. (m/s Rey/Schmidt) to allow Captain's Cod the use of the parking space for a charge of \$25 for a period not to exceed two consecutive days in one calendar month, with the agreement expiring December 31, 2021. Motion carried.

Discussion Agenda

a. Wastewater Treatment Plant Project Update – Varela & Associates

Kurt Holland of Varela & Associates provided the council with a project update. There has not been a lot of response from the contractor regarding substantial completion and closeout. A contractor pay estimate was just submitted. The contractor continues to show up onsite and continues to "plug away". There is about \$100,000 remaining in contract work, and approximately \$260,000 being held for retainage. It is estimated at \$700,000 remaining in contingency funds.

The West Coulee Dam Lift Station design is about 80% complete. The "critical path" is securing easement through USBR property. USDA RD will require a signed document from the Town's attorney verifying that all properties are legal and secure.

The engineering budget is still under-budget on the treatment plant project and there is about \$97,000 left for the West Coulee Dam lift station project.

Dale Rey asked if the contractor is being charged contingency fees for late delivery. Holland stated that the contractor has been notified that there are liquidated damages that the city may choose to assess them. It is up to the council whether or not to charge them. The city is currently retaining \$260,000 of the contractor's money to be released at completion of project. Liquidated damages would be deducted from the retainage. Rey asked how much the

contractors are “in the hole” at this point with the liquidated damages. Holland estimated it to be roughly \$30,000 to \$40,000.

Rey asked if the contractor has given any idea as to when it will be completed. Holland said that they have not. They continue to show up onsite and work. Rey stated that one of his concerns about the date is that the Town needs to know final costs to be able to determine what portion of the project will be billed to Elmer City. It is difficult to determine without final bottom line figures. Rey asked if the plant is functionally complete. Holland said that it is however the substantial and final completion dates are crucial when it pertains to warranty issues.

Fred Netzel asked about the change orders that are yet to be processed. Holland clarified that the change orders have already been approved by council but they have not been paid out yet. They are not new change orders.

b. Animal Control Ordinance

The City Attorney reviewed the draft ordinance and provided a modified Dangerous and Potentially Dangerous Dog ordinance for council consideration.

Merv Schmidt had comments regarding the enclosures for dangerous and potentially dangerous dogs. He felt they should be the same. He also had some questions regarding a few issues such as removal of deceased dogs, license fees, dogs visiting from out of the area and the number of animals allowed per household.

Clarification was needed regarding the draft ordinance prepared by Fred Netzel and Dale Rey versus the draft prepared by the Town Attorney. The Clerk stated that the only ordinance that was included in the council packet was the attorney’s draft. The other copy that councilmembers were referring to was the draft that had been prepared by Netzel and Rey several months ago. The Mayor had distributed to councilmembers to have for reference.

Discussion was held regarding out of town visitors. The consensus was that they should comply with all areas of the ordinance other than the requirement to license. Dogs should be licensed if they reside in town for more than two weeks.

Regarding license fees, Schmidt feels they should be the same regardless if they are altered or not. A fee of \$10 or \$15 was suggested.

The length of quarantining time and facilities to keep dogs in was discussed. The town currently has no designated area to keep animals. The council felt that language needed to be included in the ordinance in order to move forward.

The number of animals was a concern of Schmidt’s. He was not in favor of 4 animals. He felt that 2 would be sufficient. Rey thought that 4 would be fine and is a reasonable balance. The ordinance currently states no more than 4 animals of which no more than 2 shall be dogs.

Fred Netzel has some comments and questions regarding the dangerous dog ordinance prepared by the attorney. There was no specification of length of leash and no reference to the requirement of a blaze orange collar or harness. Dangerous dog signage on enclosures

and on the property was also not addressed in the ordinance.

Netzel also had some concerns regarding Animal Control Authority. The attorney listed the authority as the Police Department. Netzel stated that the ordinance he and Rey prepared set the authority as the Mayor, a councilmember and the Police Chief. Keith St. Jeor responded that he did not want to be involved followed by the Mayor stating he also did not want to be involved. Schmidt feels it is a law enforcement issue and the council should not be involved. Dale Rey feels it is up to the Police Chief to enforce the codes as needed but the appeals process should go through the council. The Police Chief pointed out that the ordinance prepared by the attorney set an appeal process that would go through the Okanogan County District Court.

The council had questions regarding the fees associated with dog ordinance violations and dangerous/potentially dangerous dogs. Some fees, mainly the dangerous/dangerous dog fees, are set by RCW. Chief Bowden stated that in addition to what the town fines would be, the state and the county charge fees for each ticket processed.

c. Ferry Ave Sidewalk Project

The Clerk informed the council that advertisement is out seeking Request for Qualifications (RFQ's) for engineering on the Ferry Ave sidewalk project. RFQ's are due by January 29th. There is language in the request that the town has the right to retain the services of the successful firm for any subsequent phases associated with this project. The town has been using Varela & Associates for this project up until this point.

Fred Netzel asked about how the council would like to address individual property owners paying for sidewalk repairs and asked that the topic be put on the next council agenda.

Staff, Council & Committee Report

Committees

Dale Rey informed the council that the Labor Union reached an agreement to defer negotiations until July.

Fred Netzel asked for a recap on the food truck discussion and decision as he joined the meeting late.

Public Input

Mayor Poch asked if there was anyone else on the line that would like to speak. No comments were heard.

Adjournment

Mayor Bob Poch adjourned the meeting at 8:05pm.

Mayor


Bob Poch

Clerk


Stefani Bowden