



Minutes
1369th Regular Council Meeting
February 24, 2021
(TELECONFERENCE)

6:00 p.m. Regular Council Meeting

Mayor Bob Poch called the 1369th regular meeting of the Coulee Dam Town Council to order at 6:04p.m. via teleconference.

Roll Call

Council members present: Fred Netzel, Mervin Schmidt, Dale Rey, Larry Hall and Keith St. Jeor.

Staff Present: Police Chief Paul Bowden, Public Works Superintendent Mike Steffens and Clerk/Treasurer Stefani Bowden. Attorney Mick Howe was also in attendance.

Public Input

Judy Miles stated she would like to provide her input on the number of dogs allowed in the proposed dog ordinance. Mayor Poch informed her that he would allow her to speak on the subject during the Animal Ordinance discussion.

Updates and Modifications to Agenda

Mayor Poch added discussion time for surplus town property that a private property owner is requesting to acquire.

Consent Agenda

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

Minutes Regular Council Meeting – February 10, 2021

Vouchers: Claim Vouchers and Checks:
 Claim Voucher No.'s 39382 through 39397, and EFT's dated February 24, 2021 in the total amount of \$ 91,060.74

Action Agenda

None

Discussion Agenda

a. Animal Control Ordinance

Attorney Mick Howe suggested the council allow Judy Miles to speak first as there potentially could be a lengthy amount of time spent discussing the issue. Judy Miles wanted the council to know that she feels that allowing 3 dogs is too much. She likes the limit of 2 dogs that the council is proposing. She also supports a \$10 license fee that is good for three

years.

Attorney Howe asked the council how they would like to proceed with the 22 page draft Animal Control document that was drafted by councilmembers. He also referenced a draft animal control ordinance that he prepared and sent over to the council for review.

Howe started off by acknowledging the amount of time that councilmembers have put into the document and informed the council that he has to look at it from a legal standpoint. Howe stated that there are a lot of items included in it that are not legal and that he would not sign it. The proposed ordinance will take substantial revision as it is not adoptable in its present form.

Howe stated there are a number of items proposed in the draft that Coulee Dam does not have jurisdiction over. Some of the fines proposed are in excess of the Coulee Dam Municipal Codes, which isn't allowed. The document also makes reference to felony charges. The Town has no criminal jurisdiction. Howe stated that only the courts can charge felonies in the State of Washington.

Howe pointed out that there was contradicting information when it came to an appeals process. One section states that the "animal control authority" provides the appeals process but in another section it states that appeals are handled through Okanogan County District Court. He pointed out that Okanogan County can't be used for Douglas or Grant County issues. The process and procedures for appeals needs to be clearer. As written, an individual can appeal a citation to the animal control authority is assigned to the Police Department and the animal control is the Police Department, which is making the Police the "judge and jury". Councilman Rey stated that the intent was that once a police officer wrote a citation, the individual would have a chance to appeal it to the Animal Control Authority or a board. After the appeal is heard, if the board agreed with the citation written, it would then get processed the same as any other citation such as traffic tickets. Councilman Hall stated that once a citation is written and given to the individual, you don't have any authority after that. Netzel asked how an individual would challenge a citation they didn't agree with. He asked, "do we automatically have to go to a court or can we bring it in front of the council and let the council decide" in regards to the fine. Howe responded that any citation that is written in the State of Washington must be filed with the court. Once a citation is written, it goes to the court and is out of the Town's hands. Court rules are set by the Washington State Supreme Court including the process for appeals on citations. They are standard for all entities across the state and out of the Town's jurisdiction. Once a citation is written, the Town loses all authority to handle it.

Councilman Rey asked how to best make the changes to the ordinance. Howe suggested that the council put aside this ordinance drafted by the committee and consider the ordinance that he had prepared or something similar. The ordinance that Howe presented was a combination of multiple cities which were ordinances that have "stood the test of time" and "stood the test of court challenges". There is no reason to re-invent the wheel. Howe proposed that the committee use the template of the ordinance that has been drafted using established ordinances from other cities and make the desired changes to fit Coulee Dam.

Dale Rey stated he was fine with trying to incorporate changes into the ordinance as Howe suggested. Rey had questions regarding dangerous dog collar colors and posting of signage.

Rey asked Netzel what his thoughts were. Netzel responded with “no comment”.

Councilman Schmidt feels that we need to go back to a basic ordinance and work from there and stated that he should have questioned it sooner as to where the committee came up with the basis of the proposed ordinance. He would like to follow the suggestions of the attorney. Hall agreed.

Mayor Poch asked Councilmen Netzel and Rey if they would be willing to sit down and look at the ordinance again and if necessary use the attorney to rewrite it. Netzel stated that he will not do “another lick of work” on it unless the attorney is present. Netzel said the whole process started many, many months ago when an ordinance was presented and the council was told it had been reviewed by the attorney. Netzel stated that he did not put anything brand new in it and is not willing to sit down with anyone and work on it unless the attorney is there to guide them. Councilman St. Jeor feels that the attorney has a pretty good idea of what the council’s intentions are by what was in the proposed ordinance and would like the attorney to draft the ordinance based on what is reasonable. Hall agreed. Rey agreed that the attorney should be involved in either rewriting it or by providing review and guidance. Rey stated that a lot of time has been put into it and the problem is that the councilmembers are not lawyers and don’t fully understand the legal aspects of what goes into the ordinance.

After lengthy discussion, it was decided that the committee of Netzel, Rey and Mayor Poch will work with Attorney Howe to rewrite the ordinance. St. Jeor requested that any changes to the document be red-lined to make it easier to see where changes have been made.

b. Surplus Town Property – Request to Purchase by private property owner

A request has been received to purchase a small section of town owned land located on the northwest corner of town in Douglas County. The town declared the property as surplus in 2012 along with several other small sections that were then sold to abutting property owners. The specific section in question was not purchased by the abutting property owners at that time but the new property owners would now like to acquire it.

Mayor Poch asked Attorney Howe what the process for selling the property is. Howe stated the first thing that must be done is to adopt a resolution declaring the property as surplus, which the Town has already accomplished on the subject property. The next step is to determine fair market value of the property in order to insure that there will be no “gifting of funds”. Howe suggested having Foisy & Kennedy help with determining the value. He also suggested using Douglas County Assessor, which would show the assessed value.

Councilman Netzel asked if bids have to be opened up to anyone interested in buying the property or can it just be offered to the property owner abutting the property. Attorney Howe said that is at the Town’s discretion but it must be fair to everyone. Rey and Netzel asked if there was a requirement to advertise for bids. Howe stated there was no legal requirement to do so. Discussion was held on accessibility to the surplus property. It is only accessible through the abutting private properties. Rey would like more research to determine if there is access to the parcel without crossing private property before deciding whether or not it should go out to bid.

Mayor Poch will work towards determining a fair market value. Once that has been agreed upon, Attorney Howe will prepare a deed.

Staff, Council & Committee Report

Mayor

Mayor Poch thanked Nespelem Valley Electric for taking care of the recent power outage. The USBR is still working on some settings in the 11.95kv switchyard.

Council


Dale Rey had a question regarding the 2020 4th quarter financial report. He wanted some more clarity on what the \$100,000 deficit in the water reserve fund was for. Clerk Stefani Bowden explained that it was the budgeted amount to transfer from the reserves into the water operating fund to cover some high maintenance and repair expenditures for the year stating it was basically transferring money from a “savings” account into the general account. Rey asked if the revenues for 2021 are on track to meet projections. The Clerk responded that it is a little early to tell, but it does appear to be on track at this point.


Public Input

Mayor Poch asked if there was any further input from the public. No comments were heard.

Adjournment

Mayor Bob Poch adjourned the meeting at 7:27pm.

Mayor 
Bob Poch

Clerk 
Stefani Bowden