



Minutes
1371st Regular Council Meeting
April 14, 2021
(TELECONFERENCE)

6:00 p.m. Regular Council Meeting

Mayor Bob Poch called the 1371st regular meeting of the Coulee Dam Town Council to order at 6:05p.m. via teleconference.

Roll Call

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

Staff Present: Police Chief Paul Bowden, Public Works Superintendent Mike Steffens and Clerk/Treasurer Stefani Bowden.

Attorney Mick Howe, Engineer Kurt Holland, Cody Desautel of the Colville Tribes and The Star reporter, Jacob Wagner were also present.

Public Input

a. Cody Desautel, Colville Tribes

Cody Desautel informed the council that the Colville Tribal Council has expressed some interest in acquiring the community building from the Town of Coulee Dam. Currently the building houses a bowling alley, a restaurant and formerly housed the movie theater. Desautel stated that he was asked to present the idea to gauge interest from the Town Council.

Councilman Schmidt asked if the tribe had an idea of what they would use the building for. Desautel thought the intent was to continue its current use with the potential of growth and changes in the future. Desautel informed the council that the tribe is in the process of closing on the purchase of the Coulee House Motel that is adjacent to the community building. The Town's Fire Department is currently located in the bottom of the community building, which the Tribe is aware of and would consider leasing the space back to the Town for the Fire Department.

Mayor Poch asked if this topic should or could be discussed during an executive session. Attorney Howe stated that it is allowed under RCW 42.30.110 (ii)(c) *To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;*

Discussion took place and several questions were asked such as if the Town even wanted to entertain the idea of selling the building. Councilman Rey felt that they were "putting the cart

before the horse” and it is a little premature to start going into details. He asked if he could ask more questions from Mr. Desautel. Councilman Schmidt would like to wait and hold a discussion on this topic in executive session which would be where the council could discuss a price should they pursue the possibility of selling. After the executive session, Schmidt would like to invite Mr. Desautel back to a council meeting for further discussion and questions. Councilman Netzel feels that the general public should be aware of the issue before proceeding.

(m/s St. Jeor/Rey) to take the topic to an executive session. More discussion continued and Netzel asked for the motion to be re-stated. He asked that the motion include a date as to when the executive session would take place. St. Jeor added “to take place at a later date” to the motion. Motion carried.

Mayor Poch and the Council thanked Cody Desautel for his attendance and presentation.

Updates and Modifications to Agenda

Dale Rey requested that animal control be added to the discussion agenda. Merv Schmidt asked to have the topic of Council Training added to discussion but withdrew that after a brief explanation was provided regarding the training. Mayor Poch asked to add a Proclamation for Mental Health Month to the Action Agenda.

Consent Agenda

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

Minutes Regular Council Meeting – March 10, 2021

Vouchers: Claim Vouchers and Checks:
Claim Voucher No.’s 39435 through 39451 , and EFT’s dated March 24, 2021 in the total amount of \$ 99,628.14

Claim Voucher No.’s 39458 through 39497 , and EFT’s dated April 14, 2021 in the total amount of \$ 68,978.15

Manual Checks
EFTs to DOL for CPL (Concealed Pistol License) dated March 11, 2021 in the total amount of \$36.00.

Bank Fees: March 2021 Invoice Cloud Fees in the amount of \$88.60

Payroll: Payroll Check No.’s 39434 , 39452 through 39457 EFT’s and direct deposits dated March 15 and 31 , 2021 in the total amount of \$84,950.80

Action Agenda

- a. AB 2021-04, Resolution No. 2021-02, Surplus Property
Resolution No. 2021-02 was presented to surplus a generator with cargo trailer that was originally purchased to use at the wastewater treatment plant.

(m/s St. Jeor/Ray) to approve Resolution No. 2021-02, surplus property. Rey asked how the

town would go out to bid for the property. Mayor Poch is looking into consignment or auction. Netzel asked if there was definitely no town use for the equipment. Mayor stated that it is of no use to the Town. Motion carried.

b. Proclamation, Mental Health Month

Mayor Poch informed the council that he received a request from Okanogan County Behavioral Health to issue a proclamation for Mental Health Month. Mayor Poch recited the Proclamation in support and will send the signed proclamation to Okanogan County Behavioral Health.

Discussion Agenda

a. Wastewater Treatment Plant Update – Varela Engineers

Kurt Holland of Varela Engineering provided an update on the project. From the conversations that Wastewater Operator, Rich Coffey, has had with the contractor, the contractor still intends on finishing the project. The contractor has not responded to the letter sent regarding a final completion date. Councilman Fred Netzel told the Mayor that we need to be very careful about having anybody other than people specifically tied to the contract having conversations with the contractor. Netzel stated that Rich Coffey does not represent the City. Mayor Poch replied that since the inception of the project, Rich Coffey has been an integral part. Kurt Holland clarified that Rich Coffey has not been the “spokesman” for the City. Mr. Coffey is the one on scene every day and is able to see the progress and report back to the engineer. Netzel stated again, “we need to be “real careful as to who is representing the city and who is not”. Rey agreed that it needs to be an authorized person making contact with the contractor in regards to completion status and it should only be the Mayor, the engineer and the council doing that. He feels an employee of the city is not the appropriate person to be discussing completion status with the contractor.

Councilman St. Jeor wanted to address Netzel’s statement of being cautious. He feels that the council needs to be more cautious about making statements of dollar figures than an employee, working in his area, reporting back to the engineer on what is taking place on site. Rey agreed that it is okay for the employee to observe and report on the happenings but it is not appropriate to have conversations with the contractor regarding completion status or the satisfactions of the city. Netzel stated that there is a letter that has the dollar figures and it is knowledge. He wants all conversations between the contractor and the Town of Coulee Dam funneled through the Mayor.

Mayor asked Attorney Howe what his thoughts were. Howe stated there are some preliminary procedural things that need done before a claim can be filed against the contractor and he would like to meet with the Mayor to go over that. Mayor asked the engineer if he thought this could be settled without having to file a claim or go to court.

Holland said the contractor is still slowly working and making progress. This biggest issue is

that the contractor isn't providing any kind of communication with the engineer or the City. They aren't responding to letters, phone calls or emails, they just "show-up". Holland stated this is why it is so important in having Rich Coffey report back to the engineers on when the contractors are on site and what progress they have made. He isn't telling the contractors anything. The contractor is substantially complete but they won't sign a certificate of substantial completion. It took six months for them to sign their last pay estimate. They have just been generally non-responsive but they do keep showing up and doing stuff.

Attorney Howe told the council that if the town makes the step to file the claim against the bond, it changes the whole "ball game" and will probably stop all of their cooperation in getting the project completed. The Town would have to give notice to the contractor and surety bonding company 15 days prior to filing the bond claim to give them the opportunity to respond. After that there is another time period of requirements. It is a defined process. The bonding company has a number of ways to proceed. Getting another contractor to come in and complete the job could be a lengthy process. Howe explained the difference between a bond claim and litigation. He advised the council to do everything possible to stay out of litigation. Litigation or filing a claim could cause a substantial delay in getting the project complete. Howe feels that as long as the contractor continues to work, though very slowly, it is still faster than going down the route of filing a claim.

Rey asked if we could send a letter to the contractor stating that the town is under serious consideration of filing a claim against bond and maybe that would be enough to get the contractor to respond. Howe agreed and suggested to not only put them on notice, but to actually meet with them in person. After continued discussion it was determined that an in person meeting with the contractor should take place between McClure and Sons, the Mayor, attorney, engineer and the public works committee. Attorney Howe will begin setting a meeting up.

Rey and St. Jeor feel that no further payments should be released to the contractor until they finish up the project. Netzel stated that from what information he was given, it seems the plant is operational but it isn't safe for the operator. Holland agreed. Netzel asked if there is any leverage with OSHA or the City's insurance. Holland and Rey both felt that would only cause more issues. Rey didn't feel that would motivate the contractor by doing so. Holland assured the council that the plant is safe to operate and asked the council to be careful about making statements on public record that it is unsafe.

Mayor Poch feels it is in the best interest of the Town to work with the contractor to get the project completed and agrees that a meeting with them is needed. Attorney Howe suggested that if we have a problem with getting the contractor to come to Coulee Dam that we go to their office instead.

Netzel wanted to express that his number one concern is making sure the plant is safe for the operator. His next concern is having it completed so that it is known what the bill to Elmer City will be.

c. Animal Control

Councilman Rey reported that he had talked with the Tribal Council and they expressed some interest in working with the Town for animal control for dangerous and potentially dangerous dogs through a contract. Tribal Council needs to talk with more of their people but there is interest in moving forward.

Staff, Council & Committee Report

Clerk

The Clerk informed the council that she will be out of the office the week of April 19th through the 23rd so the packets for the next council meeting will go out the Monday before the council instead of the usual Friday.

The Town's employee wellness program met all of the requirements and was awarded the AWC WellCity Award once again, which saves the Town 2% on medical insurance premiums. The Clerk stated that the year 2020 brought some challenges in being able to provide a good program and to meet all of the requirements.

Council

Dale Rey asked that if the Public Works Committee meets with Engineer, Kurt Holland, regarding stimulus projects, they keep the rest of the council "in the loop".

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 7:14pm.

Mayor 
Bob Poch

Clerk 
Stefani Bowden