



**Minutes**  
**1358<sup>th</sup> Regular Council Meeting**  
**July 22, 2020**  
**(TELECONFERENCE)**

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**6:00 p.m. Regular Council Meeting**

Mayor Bob Poch called the 1358<sup>th</sup> regular meeting of the Coulee Dam Town Council to order at 6:02p.m. via teleconference.

**Roll Call**

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

Staff Present: Police Chief Paul Bowden, Public Works Superintendent Mike Steffens and Clerk/Treasurer Stefani Bowden. Planning Commission Chairman Ben Alling was also in attendance.

**Public Input**

Mayor Poch asked if there was anyone from the public that would like to speak. With no response heard, the Mayor moved on to the next agenda item.

**Updates and Modifications to Agenda**

Mayor Poch added an application for Fire Department Membership to the Action Agenda. Keith St. Jeor requested to add discussion time for utilities and rental of Town owned property.

Dale Rey asked whose cones are at the site of Daniel Moomaw's proposed coffee stand. Mayor Poch stated he believed they were the Tribes and were used to stop RV's from parking by the museum during the Fourth of July weekend.

**Consent Agenda**

Keith St. Jeor moved with Mervin Schmidt seconding to approve the consent agenda. Motion carried.

Minutes                      Regular Council Meeting – July 8, 2020

Vouchers:                      Claim Vouchers and Checks:  
   Claim Voucher No.'s 38988 through 39008 and EFT's dated July 22, 2020 in the total amount of \$ 63,239.73 .

Voided Checks:              Lost Checks No.'s 34634 and 36983 (re-issued as No's. 38986 and 38987)

## Action Agenda

### a. Fire Department Membership

An application to join the Coulee Dam Fire Department was received from Dalton Boutain. A Background Check has been completed. Dale Rey moved with Keith St. Jeor seconding to approve the Fire Department membership for Dalton Boutain pending results from the required drug testing. Motion carried.

## Discussion Agenda

### a. Kasey Garvin – Coffee Shop Proposal

Kasey Garvin met with the Public Works Superintendent regarding utility connections. Sewer hook-ups could be very expensive and difficult due to the location of the mains on USBR property and the distance it would have to run to the coffee stand's proposed location. Garvin presented a catchment type system as an alternative for council consideration. Due to a restroom being located nearby, she will not need to have a restroom in her building. The 30 gallon tank catchment system would only be used for gray water. She would haul her gray water to the city's community disposal station. Electricity and water were close and wouldn't require extensive work to hook-up to. Councilman Schmidt asked about which restrooms she would be using and asked if she was aware that the park restrooms nearby typically shut-down for the winter. She was not aware that they close down. Superintendent Mike Steffens says that they will remain open for as long as possible until the winter weather causes freezing or if vandalism becomes a problem.

### b. Rental of Town Owned Property

Councilman St. Jeor started off the conversation saying that he apologizes if he comes off offensive in any way and that he is looking at this issue from a legal standpoint. He commented that Kasey Garvin submitted a good proposal. St. Jeor asked about another location that Garvin previously looked into between the museum and the daycare, which is an alley right-of way or a town owned alley, and what was the reasoning that location did not work out. Garvin stated that the Tribe owned that entire dirt section between the museum and daycare except for a small alleyway of the town's. Tribal Business Council decided not to lease the area she requested near the museum because they wanted to keep it for government use only. The daycare owner also didn't want the traffic in that area. It ultimately came down to the Tribe did not want to lease out that property. St. Jeor stated that he has been going to every council meeting for the past eight years and asked Garvin if she had ever made contact or presented her plan to the Town of Coulee Dam. Garvin responded "not for that property". She had also worked with a private land owner for a couple of years but there was some septic issues and she has not heard anything back from him regarding that. The previous Mayor had suggested a piece of town owned property on River Drive. Garvin feels that the location of her stand should be near where people do business which is near the Casino, the grocery store, the motel and the park. She stated that the Town of Coulee Dam is full of parking lots and have very little land for businesses to bring something new into the area. Garvin referenced the Town's Parks and Recreation Plan. She feels her stand will bring tax dollars to the Town.

St. Jeor asked Garvin if she was aware that Daniel Moomaw had presented multiple sites for his coffee stand, one of which is the same location that she is now proposing. She stated she

was not aware of that. St. Jeor indicated that the same issues were discussed with Moomaw regarding the difficulty in connecting to utilities at that site so another location was encouraged. St. Jeor said the Town now has the consideration that Moomaw was talked out of putting a business in that same location that Garvin is now proposing. St. Jeor is concerned about the Town from a legal standpoint. Garvin asked if it was proposed at a council meeting or was it a “behind the scenes” discussion. St. Jeor said that it was discussed at a council meeting but was not voted on. Moomaw was encouraged to meet with the Superintendent and Police Chief to review other location options. St. Jeor feels that the council needs some legal guidance on the issue before decisions can be made. Councilman Dale Rey asked “was I on the council when we discussed that”? St. Jeor thought it occurred before Rey was seated on council. Rey stated he remembered when Moomaw made his initial proposal. Clerk Stefani Bowden stated that the initial request was made in November of 2019, which was before Dale Rey was appointed to the council.

Mayor Poch stated that he had talked with the Tribal Realty. The Town has an agreement with the Tribe for issuance of building permits. Dale Rey asked why the town would have to issue a building permit before the tribe approves a lease as an adjacent property owner. Poch stated that is how the agreement reads. Before a business owner can get financing, they will have to have some kind of lease agreement in place. Rey stated there is a process of steps that has to be followed to get to that point and for him to obtain a lease he will have to do his part and jump through all the hoops. He would need to provide a statement from the bank saying that he will be approved for financing once the lease is approved. Bob Poch stated that technically it is not a lease; it is a franchise as clarified by the Town’s attorney. Rey asked how is it that it is a franchise and not a lease to rent Town property.

Rey said “we have yet to see a viable business plan from Mr. Moomaw”. Mervin Schmidt said the Town needs to give Moomaw some reason to believe he is going to get the lease so that he can get financing and include that on his business plan. Schmidt stated that it feels like everybody has one opinion and the council can’t seem to agree that a lease is what Moomaw needs to have to get a loan and present a business plan.

Kasey Garvin stated that the Mayor told her she needed to have a business plan and site plan to the council before the meeting to be considered and asked why she was being required to provide it before being on the Council Agenda when Moomaw wasn’t. Poch stated that those items have been requested of Moomaw. The only thing missing is the actual business plan. The council requests something from Moomaw and then we turn around a couple weeks later and decide it isn’t needed. He had tried to comply.

Rey stated that Moomaw refused to talk to the adjacent property owners and put that back onto the town and that’s not the way it should be. Poch stated that Moomaw has talked to the tribe. Rey disagreed. Rey feels that Moomaw is refusing to talk to the tribe because he knows the outcome will be the same as the other individual that applied and was denied and feels Moomaw has been made aware of that.

Rey said this all comes down to the Town not having a defined process for individuals to apply for use of town owned property. That is on the Town and it should not hold up the process of the current applicants. Poch agreed that a process needs to be in place, however it was not in place when both of the applicants submitted their requests. Schmidt stated that we

are just spinning our wheels and getting nowhere. We need to step back and create a process.

The council requested to move the topic of creating a procedure to the Action Agenda.

c. Financials/Utilities

Keith St. Jeor asked some questions regarding the 2<sup>nd</sup> Quarter Financial Report specifically pertaining to the financial health of the utility funds. The Clerk stated that as of the time being, the utility funds seemed to be doing okay but she has some concerns regarding future revenues in the street fund.

Dale Rey asked if the information provided in the packets regarding street funding for this year's TIB grant applications will impact the funding for the Ferry Street project. Poch stated that it will not. They are different grant sources.

Mayor Poch informed the council that he received word from Felix Cabrera that he will be down to sign the restaurant lease agreement tomorrow.

Daniel Cowger of Varela came down to go over the Sixth Street project to submit for a TIB grant.

Keith St. Jeor asked where we are at with the roof on the community building. Mayor Poch said it has been at a standstill but he will get back to it.

**Action Agenda continued...**

b. Leasing of Town owned Property

Mayor Poch asked the council where they would like to start with the process. Keith St. Jeor asked if there was a process that the tribe or Spectrum had to follow regarding their franchise agreements. St. Jeor feels that the attorney should be involved in the process.

Kasey Garvin provided a summary of what she had to follow when submitting an application to the Tribe.

Mayor Poch asked if any of the councilmembers would be willing to sit on a committee to work on creating the application process. Dale Rey volunteered but said he would defer if the council felt it was a conflict of interest. Keith St. Jeor suggested it be run by the attorney. The council consensus was to have the Mayor contact the attorney.

**Discussion Agenda**

d. Comprehensive Plan Update

Mayor Poch asked Planning Commission Chairman Ben Alling to provide an update to the council. Alling noted some changes made to the plan and provided a brief explanation of why the changes were requested. One of the items that Alling requested was to remove the requirement to hire a certified arborist for tree trimming. The old plan also included a section for a library which the Town no longer has. Rey noted that the plan was very lengthy and it must have taken quite a bit of time for Alling to go through it all. Alling asked the council to

review it so changes can be made before it goes out to the public hearing. All the councilmembers and Mayor thanked Alling for his work and expressed their appreciation for the time and effort he put into it.

Alling also wanted to make the council aware that there are some previous agreements that would require certain things to remain in the plan such as the agreement with USBR for maintenance of the old tunnel and Candy Point Trail.

### **Staff, Council & Committee Report**

#### Clerk

The Clerk informed the council that the audit will be starting soon.

#### Police Department

Chief Bowden informed the council that one of the patrol cars is down and he is waiting on an estimate from the shop.

#### Councilmembers

Keith thanked Kasey Garvin for her proposal and for hanging in with us while we work through the process.

Keith St. Jeor inquired as to when the Labor Union Negotiations will begin. Mayor Poch stated that it is due to open up the end of September. St. Jeor and Rey were previously appointed to sit on that committee and both agreed that it would be best to wait until in-person meetings are possible to begin the negotiation process.

### **Public Input**

Scott Hunter provided some background as to why the town included the requirement for a certified arborist in the Comprehensive Plan. Years ago the city maintenance crew received tree trimming training. He thinks that if the town doesn't want to hire an arborist then they should train the employees. He feels the trees are worth taking care of. He also provided some history on the tunnel and the maintenance of it.

### **Adjournment**

Mayor Poch adjourned the meeting at 7:17pm.

Mayor   
Bob Poch

Clerk   
Stefani Bowden