



Minutes
1342nd Regular Council Meeting
September 11, 2019

6:00 p.m. Regular Council Meeting

Mayor Bob Poch called the 1342nd regular meeting of the Coulee Dam Town Council to order at 6:00p.m.

Roll Call

Council members present: Fred Netzel, Mervin Schmidt, Marcia Warnecke, Ben Alling and Keith St. Jeor.

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

Pledge of Allegiance

Ben Alling led the Pledge of Allegiance.

Public Input

Lynda Zernick provided the council with a cost estimate to have pickleball court lines painted on one of the tennis court in Cole Park. Mayor Poch thanked her and said that the Town Council will consider the request during the upcoming budget process.

Updates and Modifications to Agenda

Fred Netzel requested that time be added for discussion of the Public Works Committee meeting regarding the wastewater treatment plant and west side lift stations.

Consent Agenda

Councilmembers Fred Netzel and Marcia Warnecke had some concerns over the August 28th minutes, specifically under Discussion item “h.” regarding Dangerous Dogs. The second sentence of the fourth paragraph stated that Warnecke and Netzel “directed” the Police Chief. Several Councilmembers voiced that councilmembers cannot direct an employee. The Clerk responded by saying “that is correct but that is what took place”. Netzel moved and Warnecke seconded to change the word to “advised” in place of “directed”. Motion carried.

Keith St Jeor moved with Marcia Warnecke seconded to approve the consent agenda with revisions to the minutes. Motion carried.

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Vouchers: Claim Vouchers and Checks:
 Claim Voucher No.’s 38427 through 38453 and EFT’s dated September 11, 2019 in the total amount of \$54,198.21.

Manual Claim Vouchers and Checks:

Claim Voucher No. 38426 dated September 4, 2019 in the amount of \$300.00 and EFTs dated September 3, 2019 in the total amount of \$71,483.00.

Payroll Checks: Payroll Check No.'s 38419 through 38425, EFT's and direct deposits dated August 15 and 30, 2019 in the total amount of \$ 83,926.28.

Bank Fees: August 2019 Invoice Cloud fees.

Action Agenda

a. AB 2019-16, Melody Lease Addendum #2

The owner of the Melody is requesting a modification to the Lessee name once again. The addendum is still being worked out between the Town attorney and the Melody owner to ensure the changes will satisfy the Liquor Control Board. Mayor Poch asked the council for pre-approval to sign the Lease Addendum once the attorney has approved it. Ben Alling moved with Merv Schmidt seconding to authorize the Mayor to execute the agreement addendum that satisfies the requirements for the Melody to obtain a liquor license. Motion carried.

b. Ordinance 775, Speed Limit on Highway 155/River Drive

Police Chief Paul Bowden provided a summary and history to the council of the discussions and requests with WSDOT to reduce the speed limit on River Drive/Hwy 155 from 35mph to 30mph. Discussions initially began with changes to school zones and a concerned citizen. WSDOT is willing to make some adjustments to sign placement for school zones but has also requested that the Town pass an Ordinance to reducing the speed limit to 30. The proposal from WSDOT included a bike lane, which the council had some concerns over. Some concerns included limited parking space and an appearance that the bike lane is a sidewalk/walking path which could cause safety issues. Councilman Alling suggested that "school zone" be painted on the asphalt as a way to slow traffic down. Chief Bowden stated that some of the correspondence between WSDOT and the school has indicated that they may be looking into installing flashing lights. Council has requested that WSDOT remove the bike lane from the plan. Mervin Schmidt moved with Ben Alling seconding to table the Ordinance for further consideration by WSDOT. Motion carried.

c. Resolution 2019-09, Police Body Camera Policy

Keith St. Jeor moved with Merv Schmidt seconding to adopt Resolution No. 2019-09, implementing a Body Worn Camera policy for the Police Department. Councilman Netzel asked for discussion before final vote. He had some questions and concerns over the use of the word "should" and felt it should be changed to "must" and "may" to "will". Councilman St. Jeor felt the words meant the same when it came to legal interpretation. Chief Bowden stated that the policy had been reviewed and approved by the attorney. Netzel stated that the attorney provides legal advice but we don't have to follow it. With no further comments, motion carried.

Discussion Agenda

a. Tree Removal Form

A revised tree removal request was presented for the second time reflecting changes requested by councilmembers made at the previous council meeting. Merv Schmidt asked about the tree inventory referenced in the document and stated he would like a copy of the inventory. It was requested to insert the words “adjacent to” when determining tree locations. Fred Netzel wanted to ensure that the Clerk’s Office staff will verify and provide the “Latin” name of trees should property owners not be able to locate and provide it on the form. Keith St. Jeor moved with Marcia Warnecke seconding to move the item to Action Agenda. Motion carried.

Action Agenda continued

d. Tree Removal Request Form

Ben Alling moved with Marcia Warnecke seconding to approve and implement the Tree Removal request form with noted changes. Motion carried.

Discussion Agenda continued

b. Dangerous Dogs Ordinance

A draft dangerous and potentially dangerous dog ordinance was presented to council for review. Fred Netzel started by saying he thought the council decided not to adopt the ordinance until all sections were completed. The Clerk replied that this section is just for review and once we are ready to adopt, the entire ordinance will be presented at once. This is just for review and discussion at this time, not action. Keith St. Jeor pointed out a couple of areas that only referred to dangerous dogs and not potentially dangerous. Those corrections can be made to include potentially dangerous as well. St. Jeor referred to Okanogan County’s Dangerous Dog Ordinance and felt the Town should consider using their’s as a sample for drafting ours.

Merv Schmidt asked why barking dogs were not addressed in the draft ordinance. Police Chief Bowden stated that is covered under the standard dog ordinance which applies to all dogs. This is just specifically addressing Dangerous and Potentially Dangerous Dogs.

Fred Netzel asked why the Pit Bull breed was taken out of this ordinance. Chief Bowden stated that changes have been made to RCW not allowing the discrimination against breeds. This also came through the Town Attorney, who advises the Town to not include the breed specific restrictions. A copy of the RCW was passed around the table and several councilmembers made comments as to means of still imposing the breed specific restrictions. The Mayor will speak with legal for a better interpretation of the RCW.

Fred Netzel wants Pit Bulls required to be in enclosures and carry the insurance even if they can’t be deemed Potentially Dangerous or Dangerous. It was suggested to have the Town Attorney present at a meeting before adoption of a new ordinance. Keith St. Jeor suggested adding an “attorney clause” stating that dog owners are responsible for all medical, confiscation and legal fees of all parties.

Netzel wanted clarification on several “definition” sections of the draft ordinance. He feels

that Animal Control Authority shouldn't be defined as Mayor and/or Police Chief. It should be one or the other but not both. He wants it to be the Mayor and not the Police Chief. He also questioned who is considered an Animal Control Officer and does it include the Clerk who is issuing the license. Netzel would like to insert the word "written" before the word "notice" when defining dangerous dog. The applicability section states it applies to adult dogs. Netzel asked how we can prove the age of dog. When providing certification of Dangerous Dogs, he wants language that states the Animal Control Officer will inspect the enclosures prior to issuing a certificate and would like the enclosure inspected once per year. Netzel requested that a minimum size be required for warning signs. He questioned the definition of a "responsible person" and feels we should put an age on it. Several councilmembers responded that age doesn't make a difference. It is about capabilities. Mayor Poch suggested the wording be as such to state "physically capable".

Netzel continued with several more questions. He asked why "private property" was removed from the potentially dangerous item under definitions. Chief Bowden stated that the attorney advised of removing it. Netzel also inquired about the Hearings Officer Appointment and what process the Town will use.

c. Energy Efficiency Funds

The Town has about \$1300 to use up in energy efficiency funds. The Clerk and Mayor have been working on getting quotes to upgrade Town Hall offices lighting fixtures to LED.

d. Public Works Committee – Wastewater Treatment Plant update

Fred Netzel reported on the committee meeting held between Varela Engineers, Merv Schmidt, Mayor Poch and the Clerk. Cost estimates for engineering were provided for the lift stations. Worksheets were handed out to the councilmembers.

The inspector hours for the Treatment Plant project have been reduced as a cost savings measure. The engineers plan to be present more often to handle any issues. There were some questions about the drafting of the O&M manuals.

Keith St. Jeor asked if the Town has received the additional USDA funding. No official letter has been received to date.

Public Input

Archie Dennis reported on issues with his neighbor's dog. The pen that was built doesn't meet requirements and dog isn't contained in the pen. He also reports that the dog is not muzzled or leashed. He would like council to consider that not just the enclosure be inspected but also the surrounding area.

Keith St. Jeor has been reading RCWs regarding dangerous dogs. Fred Netzel asked what secure enclosure that the dangerous dog owners have. Chief Bowden explained that it was lean-to style with a padlock. The police do have photos and the dog owners are being ticketed. The RCW states that the dog can be confiscated until they comply.

Tim Lynch asked the council not to lose sight following rules and to think about safety.

Staff, Council & Committee Report

Mayor

After communication with the Town attorney, it is determined that council members cannot serve as the planning commission.

Councilmembers

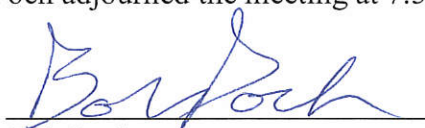
Keith St. Jeor, in reference to the dog issue, feels the council should take citizens into consideration regarding health and safety.


Announcements

None

Adjournment

Mayor Poch adjourned the meeting at 7:50pm.

Mayor 
Bob Poch

Clerk 
Stefani Bowden