REGULAR COUNCIL MEETING  December 4, 2019

Officials in Attendance:  Mayor Dorothy Knauss; Councilmen Payton Norvell, John May, Evan Schalock and John Wight; Councilwomen Nicole Norvell, Cori Wuesthoff and Carra Nupp

Staff Present:  City Attorney Mike Waters, Clerk/Treasurer Pamela McCart

The Mayor called the meeting to order at 6:30 PM.

Audience Comments:  None

Approval of/Changes to Proposed Agenda:
The Mayor requested permanent removal of “Mayor’s Youth Award” as she was discontinuing that program due to difficulty in procuring nominations.  Motion by Councilman Norvell to approve agenda as amended, seconded by Councilman Wight.  Roll call vote taken with Councilmembers May and Nupp voting against, remaining votes in favor.  Motion carried.

Mayor Announcements/Appointments (including):
• The City was awarded $404,700 in TIB grant funding for the grind and overlay of Lincoln from Ehorn to Stevens.

Presentation:  Tyrone Bryant, Airport Manager  
Laurence Schafer, USDA, Airport Biologist  
Wade Carlson, USDA, District Supervisor  
Douglas King, WA Dept Fish & Wildlife

The Airport Manager stated that two accidents involving deer occurred at the airport in September of this year resulting in substantial damages to aircraft – no personal injuries reported.  There have not been any deer incidents to anyone’s recollection up to that point and his biggest fear is a loss of life.

USDA:  We’re usually not called until something really bad has occurred and then we’re greatly limited at that point.  Oftentimes a lot of small communities don’t have the funding to deal with wildlife issues and we see well intended efforts that aren’t practical or effective.  So, we strive to come into areas which need this kind of help to provide the background and offer practical solutions.  Only 3% of the strikes that occur involve deer as most strikes involve birds.  Deer are the most hazardous species nationwide simply because when a deer is struck there will be some kind of damage due to the size of the animal.  When you’re trying to land you don’t have a lot of wiggle room -- and when you’re taking off at full power and you lose that, where does that aircraft end up?  It’s clear that there’s a deer issue at your airport so it’s great that you can be proactive -- we’re not going to eliminate the problem, but we can reduce it.  We’ve seen lawsuits where the plaintiff has been successful because the management authority was shown to have avoided the problem or not taken steps/done their due diligence.  This isn’t rocket science -- we can provide some really simple recommendations for you to consider which we think would be practical solutions -- ways for you to protect yourselves and, more importantly, reduce hazards so you don’t need to protect yourselves.

The suggested solutions included logging on both sides of the runway, adopting a “No Feed Policy”, fencing ¾ of the airfield, and deer harassment with occasional lethal reinforcement.
The Mayor stated that the logging would be forthcoming in the spring. Airport Manager to maintain contact with USDA to formulate proposals for Council’s consideration.

Consent Agenda:
Motion by Councilwoman Nupp approving Consent Agenda consisting of:
> November 6th Regular Minutes
> November Payroll and Claim Vouchers
Seconded by Councilman Schalock. Roll call vote taken with all in favor. Motion carried.

Public Hearing on Budget for Fiscal Year 2020:
The Mayor opened the public hearing. She gave a brief overview of the 2020 budget, touching on the following: property taxes, electric base rates, utility taxes, Deputy Clerk position, wage adjustments per contracts/resolutions, purchase estimates and outsourcing of the maintenance of police vehicles.

There was no written or oral testimony. The Mayor closed the Public Hearing.

Committee/Commission Reports:
Airport, Councilman Norvell: Still working on fuel at the airport. Trey Dail is working on the airport study that is scheduled to be done in June. Discussed plowing and possible airport lounge upgrades by volunteer labor.
Public Safety, Councilman May: It would be nice if some kind of protection/storage could be afforded to the fleet of police vehicles.

Mayor’s Report (including):
• The specs on the police car we were looking at purchasing in 2020 were changed and the new specs will not be available until mid-January at which time we can call out for bids.
• Public Works is looking into purchasing a used ¾ ton 4WD pick up for snow removal at the airport. We have a plow to put on it.
• We had a public hearing on a zoning text amendment scheduled with the Hearing Examiner, but we cancelled it because there were concerns that we had not followed the correct procedure. It began as a citizen applying for a rezone application to put mini storage units in. We started thinking that since we were getting other inquiries about mini storage units, maybe this is something that would apply to the whole city. The planner decided that the City should be the applicant and it really should have been the planner. When we changed from a planning commission to a hearing examiner, we blanket said everywhere it says “planning commission” it will now say “hearing examiner”. What happened was our code now allows for the hearing examiner to initiate this process which doesn’t make any sense at all since he’s the one who has to sit in judgement of the process. The City Council can initiate the process. The storage units, according to what the application was, would be allowed in R-B zones with a conditional use permit on a 5-acre parcel. It’s not like someone is going to be able to go downtown and build mini storage units. My question for City Council tonight is do you want to initiate that process to allow that to be looked at and reviewed? It would go through an application process, be reviewed, go to the hearing examiner who would then bring his recommendation to the Council for their final approval.
City Attorney: Just to clarify - the planning commission had two roles, a planning role and an evaluation role. When the language was fixed when the city moved from a planning commission to a hearing examiner there was a blanket fix that said everywhere that says “planning commission” will now say “hearing examiner” -- but it didn’t take
into account those hats. Ideally, we will come up with a fix for the code – where we go through and figure out where does it now say “hearing examiner” where we really mean “planner”. We hadn’t split it up properly because the old entity did both roles. That fix, once in place, would say in the code that whoever can initiate this type of zone text amendment would be either City Council, because City Council can always do something like that, or the planner. Right now, it doesn’t say the “planner” so the only entity who can logically do it right now before the code is fixed is the City Council. That’s what brings the Mayor here today. The only other concern on that is that a vote to initiate this to explore is not the same as a vote to approve it. It’s a vote to set the process in motion and it’s going to go through that evaluation, through that public hearing process, and eventually get a result from the hearing examiner where a recommendation then comes to City Council for a vote. I would just like to clarify for the Council that those votes are unrelated. Signing on today if the Council decides to initiate that process and then for some reason decided not to approve whatever was spit out -- there’s no disconnect there. This is more just let’s get the information and see where we end up and then decide. Council can also decide that it doesn’t want to initiate that.

It’s a zone text amendment so it’s actually a change to the zoning as opposed to a variance -- so it’s not ‘hey I want to do this on my property’ -- that’s what it initially was. As the city planner looked at it, she made the determination that this may be better as a zone text amendment so rather than just doing a one-off variance saying you can do this -- the planner’s approach at this point is to change what can be done in any R-B zone as opposed to a particular parcel which is zoned R-B. It’s not a blanket permission -- as the Mayor pointed out it still requires other criteria (5 acres or more, conditional use permit approval).

Consensus of Council to table this matter to the December 18th meeting.

City Attorney Report: None
Police Chief Report: None
Fire Chief Report: None
Old Business: None

New Business:

- Motion by Councilman Norvell to introduce Ordinance #937 by title, seconded by Councilwoman Norvell. Roll call vote taken with all in favor. Motion carried. The clerk read the introduction of Ordinance #937 by title. Motion by Councilman May to adopt Ordinance #937 Authorizing Acquisition of Personal Property and the Execution of a Financing Contract and Related Documentation (for plow truck), seconded by Councilman Norvell. Roll call vote taken with all in favor. Motion carried.
- The clerk read Ordinance #938. Motion by Councilman Norvell to adopt Ordinance #938 Amending the 2019 Budget, seconded by Councilman May. Roll call vote taken with all in favor. Motion carried.
- The clerk read Ordinance #939. Motion by Councilman Wight to adopt Ordinance #939 Increasing Utility Taxes on the Gross Income of Water, Sewer and Garbage Services from 20% to 21% Effective 1-1-20, seconded by Councilwoman Norvell. Roll call vote taken with all votes in favor. Motion carried.
- Motion by Councilman May to adopt Resolution #19-10 Designating General Funds (from 1% increase in utility taxes) to Police Car Reserve, seconded by Councilwoman Wuesthoff. Roll call vote taken with all votes in favor. Motion carried.
- Motion by Councilman Wight approving Municipal Lease Contracts for 2020 with McGrane & Schuerman, NEW Alliance, Red Marble Mountain Massage, Purple Flat Top, Brad Haslam and Rachel Jackson, seconded by Councilman May. Roll call vote taken with all
in favor. Motion carried.

- Motion by Councilwoman Norvell to approve 2020 Contract with McGrane & Schuerman Law Firm for City Attorney Services, seconded by Councilwoman Wuesthoff. Roll call vote taken with all in favor. Motion carried.
- Motion by Councilwoman Nupp approving Airport Manager Agreement for 2020 with Tyrone Bryant, seconded by Councilman Norvell. Roll call vote taken with all votes in favor. Motion carried.
- Motion by Councilman Schalock to approve Amendment No. 2 to Agreement for Professional Services with SCJ Alliance for 2020 planning, seconded by Councilman Norvell. Roll call vote taken with all in favor. Motion carried.
- Motion by Councilwoman Nupp to approve 2020 Personal Services Agreement with Bruce Barone (building inspector), seconded by Councilwoman Norvell. Roll call vote taken with all in favor. Motion carried.
- Motion by Councilwoman Norvell to approve 2020 Agreement with Rural Resources Community Action for Family Support Center funding, seconded by Councilman Schalock. Roll call vote taken with all in favor. Motion carried.
- The clerk read Ordinance #940. Motion by Councilman May to adopt Ordinance #940 Adopting Budget for Fiscal Year Ending 12-31-20, seconded by Councilwoman Norvell. Roll call vote taken with all in favor. Motion carried.
- It was the consensus of Council to postpone the annual election of a councilmember to serve on the Local Firefighter Board of Trustees to the January meeting.

Adjournment:
At 8:22 PM, motion by Councilman May to adjourn, seconded by Councilman Wight. Roll call vote taken with all votes in favor. Motion carried.

Mayor Dorothy L. Knauss

Clerk/Treasurer Pamela McCart