REGULAR COUNCIL MEETING  February 5, 2020

Officials in Attendance: Mayor Dorothy Knauss; Councilmen Payton Norvell, Ryan Sieber, Bruce Nupp, and Evan Schalock; Councilwomen Nicole Norvell, Cori Wuesthoff and Ashley Grubb

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 removed the Executive Session. Motion by Councilman Norvell to approve agenda as amended, seconded by Councilman Schalock. Roll call vote taken with all in favor. Motion carried.

Mayor Announcements/Appointments (including):
• The Deputy Clerk position has been filled with a start date of 2/18.
• The effects of I-976 were discussed at the AWC Board meeting -- if upheld by the courts, the State and cities will lose transportation revenue. Although the Department of Revenue is still collecting and remitting these funds to cities, cities have been advised not to use them as they may be required to return the funds if I-976 is upheld.
• MRSC has advised that the duty of approving job descriptions could not be delegated to the Mayor – so we’re going to review all the job descriptions and bring those to Council for approval – it may take some time.
• Is the Council in favor of applying for a Housing Study Grant in the amount of $50,000 – no City match. It would be initiated by a letter of approval from me. It’s a planning grant to see if we have zones that are working against people wanting to build. This would be a study of what we need, how it fits into our existing zoning and what needs to be changed. No objections from Council.
• I received an email that there is funding for electric charging stations. No objections from Council.

Presentation: None

Consent Agenda:
Motion by Councilman Norvell approving Consent Agenda consisting of:
  >January 2nd Regular Minutes
  >January Payroll and Claim Vouchers and additional December Claim Vouchers
Seconded by Councilwoman Norvell. Roll call vote taken with all in favor. Motion carried.

Committee/Commission Reports:
Airport, Councilman Norvell: Discussing airport plans and where to put some things. Have some parties interested in placing hangars up there.

Mayor's Report (including):
• Still waiting on Tribe’s legal team to send something to the City Attorney for review with regard to fuel at the airport.
• The Street Department purchased a used grader, but it needs four tires, the cost of which falls within budget.
• The Public Works Director has declared surplus a 1977 John Deere 570-A grader w/

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12-foot backhoe. Condition is well used with estimated value of $10,000. Resolution 08-09 states that the disposition of surplus property with an estimated value exceeding $5,000 must be approved by a majority of the City Council. The Public Works Director is requesting that he be able to negotiate the sale with a known buyer for that amount. It was the consensus of Council that comparables be provided.

- The new plow truck may be here next month and a new water truck in three to four months.
- The big water project scheduled for this year is the replacement of the 4” line on King from Stevens to West.
- Having problems with the UV system at the WWTP. They usually last ten years -- these are twenty years old. The cost of $40,000 will have to come out of reserves.

City Attorney Report: The Public Records Act has been a thorn in the sides of municipalities across the State. We’ve been waiting for over two years for the Supreme Court to rule on whether the Public Records Act applied to the legislature -- the ones who imposed the Act on everyone. That ruling came down in probably the best results-oriented way it could have come down. The legislature itself is not subject to the Act; however, each individual office is. They’re already getting piled up with requests from people. The incentive for the legislature to fix this law is now, I suspect, firmly in place and hopefully we’ll see a little bit of relief. While they weren’t feeling the pain, they had no incentive to fix it. I do think this was a significant, huge and beneficial decision to come down from the Supreme Court for all municipalities.

Police Chief Report: None

Fire Chief Report: None

Old Business: None

New Business:

- Motion by Councilman Norvell to introduce Ordinance #941 by title, seconded by Councilwoman Norvell. Roll call vote taken with Councilman Nupp voting against, remaining votes in favor. Motion carried. The Clerk read the introduction of Ordinance #941 by title. *Motion by Councilman Norvell to adopt Ordinance #941 amending some sections of Title 18-Zoning of the Chewelah Municipal Code, seconded by Councilman Schalock. Roll call vote taken with all in favor. Motion carried.*

- Motion by Councilman Norvell to introduce Ordinance #942 by title, seconded by Councilwoman Norvell. Roll call vote taken with all votes in favor. Motion carried. The Clerk read the introduction of Ordinance #942 by title. *Motion by Councilman Norvell to adopt Ordinance #942 repealing sections of the Chewelah Municipal Code which created Airport, Criminal Justice and Capital Project Funds, seconded by Councilman Nupp. Roll call vote taken with all in favor. Motion carried.*

- *Motion by Councilman Norvell to approve draft RTTF agreement format, seconded by Councilwoman Norvell. Roll call vote taken with all in favor. Motion carried.* The City Attorney explained that properties along Richmond Lane have hangars on their private property but not on the airport property. Some on the south side of Richmond Lane are on airport property -- their hangars open to the taxiway. But there are quite a number of aircraft on the north side of the property. The arrangement since it was built has been that they can taxi their airplane on Richmond lane which everyone also knows is just a normal residential street that people drive and walk on. This is essentially a memorialization of the agreement between the aircraft owner and the City because the street is a city street and people can’t just taxi airplanes willy-nilly on any street -- and so this is saying “We’ll let you get through the fence, literally, to the airport” -- you get to use the
gate -- basically you get to taxi on the street -- you just have to follow these rules. Quite honestly, what it really comes down to is insurance. They have to demonstrate that they have adequate insurance to cover anything that might happen -- it could be something like a wildlife incursion where someone's dog runs out and hits a propeller -- it could be something more catastrophic like a car or child -- these are very unlikely, obviously, and there hasn't been an incident . . . but as a professional pessimist insurance is critical here to protect the City because if you don't have that then the City definitely faces some risk and litigation -- if someone says my child was hurt by an aircraft that the City allowed on my street. When originally passed there was a group insurance policy and that was covered -- there was an ownership group and they bought a group policy to cover this. That gradually died away as people didn't have airplanes, but we didn't really think thru the fact that wait -- we still need insurance on people who are using it. The through-the-fence agreement will always be associated with the property and the right to enter one goes with the property but the actual agreement itself is not transferrable and it's confined to . . . each aircraft operator must have his own agreement. The right to enter an agreement goes with it but they have to enter their own. The City can't unreasonably withhold it. Technically, if a guest is going to taxi through the gate and on Richmond Lane they would have to have their own agreement tied to that property with the property owner's permission -- but typically a guest would park on the other side of the airport and pay a tie down fee.

- **Motion by Councilman Schalock to approve Master Agreement for Professional Services with T-O Engineers, Inc., seconded by Councilman Norvell. Roll call vote taken with all in favor. Motion carried.**

- **Motion by Councilman Norvell to approve Collective Bargaining Agreement with Teamsters Local Union No. 690 for Police Department 2020-2022, seconded by Councilwoman Grubb. Roll call vote taken with all in favor. Motion carried.**

**Adjournment:**  
At 7:28 PM, **motion by Councilman Norvell to adjourn**, seconded by Councilman Schalock. Roll call vote taken with all votes in favor. Motion carried.

_Dorothy L. Knauss_  
Mayor

_Damiana McCart_  
Clerk/Treasurer Pamela McCart