



NORTH BONNEVILLE CITY COUNCIL

*Mayor Don Stevens
Bianchi*

Councilmember Bob

North Bonneville Council Meeting Tuesday October 11, 2016 6:00 p.m.

Council Workshop: Note - the workshop discussion period is from 6:00 P.M. to 7:00 P.M. followed by the Regular Council Session - it is possible that workshop discussion items are continued into the regular council session.

Workshop Meeting Call to Order Unfinished Business

Council receiving pay [at Craig Forster's request]

Craig Forester noted that the City's budget includes \$3,000 for council pay. He observed that even though every councilor, except Councilor Bianchi, is eligible for this \$25 per meeting stipend - that to his knowledge no one took it - hence why budget for it? He thought the City had many needs where this money could be redirected. Steve said he could construct a resolution that can be considered at the next Council meeting doing away with this funding source. John Spencer said he could reduce the Council payment budget to zero if that would resolve this concern. He said, this way you do not kill the potential for future council pay and noting it is sometimes hard to entice citizens to serve on the Council. The Mayor noted it is not like the money disappears if it is not spent rather it rolls over into the next year. Steve will bring back a resolution at the next meeting and in the interim the Council members can consider which way this wish to proceed.

Amending Municipal Code Chapter 2.24 Volunteer Fire Department

Councilor Bob Bianchi said that he added everyone's input into the code update of those who had commented by last Thursday and also noting he had received comments from Gregg Johnson after that time period. He said that Gregg had a number of concerns about the proposed language. Councilor Bianchi said that Gregg's comments were similar to those he had received all year requesting that the physical and drug testing requirements be dropped and he did not yield to that demand given the City's insurance requirements. He added that Gregg's belief that the Chief is not subordinate to the Mayor is misguided because he certainly is; however, he is receptive to another word in lieu of subordinate. Councilor Bianchi also noted that the number of volunteers was reduced from 25 to 15 because the City cannot afford to cover the turnout equipment and air tank costs associated with 25 volunteers. He said Gregg had brought up about sponsoring a cadet program for those less than 18 years of age. Steve noted that he had conversations with the Washington State Department of Labor and Industries [L&I] and they advised that no one under 18 could engage in fire fighter related activities. Dennis Moore, a former commissioner with Fire District Five [5] said that it was possible for other fire districts to loan turnout gear if that is a financial imposition.

For instance, he noted - we understand you have a female firefighter confronted with garb that is too large for her to wear. He said that Chris Fuller, at Fire District Four [4], may be able to help address this need. Councilor Bianchi said he was satisfied that he had made every effort to consider all comments and was ready to move forward towards possible Council adoption. He said that in addition to the adoption of this new code there was still a need for the fire department to develop their by-laws.

Councilor Sabo noted that none of the nearby cities have language in their code addressing agility or drug testing. He noted these cities rely upon a standard operating manual to address these types of concerns. He said it made more sense to place these types of requirements in a manual that could be changed with less effort than an ordinance. He noted that the RCWs allow for a board of trustees to make for changes based on manual provisions and that creates an expediency of outcome. Councilor Sabo said he was concerned about the vagueness of the drug policy and agility test language incorporated in this document. He felt if these matters were not detailed that we were setting the stage for liability. He said he was advocating for a procedures manual in lieu of codifying certain actions.

Mayor Stevens said Councilor Bianchi has committed about six [6] years of his life to developing the code language that is before the Council for consideration. He said that the language Councilor Bianchi has placed in this document is intended to protect the City and keep our insurance rates low. Dennis Moore said instead of reinventing the wheel, the City should seek advice from the City of Vancouver as they have vetted many of these problems and are very capable of suggesting a good course of action. Councilor Norris cautioned that the manner of the requirements put forth was heading the City away from a volunteer fire department and towards a full-time one. He said if you are going to drug test the volunteers then you ought to drug test City employees. He also recommended we have 25 volunteers instead of 15 and to substitute the word subordinate with chief. Joana Fry said that she would be concerned about a firefighter responding to a fire or accident when they were under drug influence or physically unfit. She said, "I don't want them to be on my roof and then keel over from an asthma attack or heart condition. Accordingly, I think background checks are very important." She continued, "I think we want a fire department we are proud of instead of we will take anyone regardless of condition." Tom Flanagan said high standards should also be applied to volunteers. Cheryl Jermann said there is such a high usage of drugs in our community if you subject the firefighters to strict drug standards you may lose most of them. A discussion followed about drug testing. Steve noted that the City does drug test its employees as the need to do so arises.

Status Heritage Trails Foundation Agreement

Tom Jermann spoke on behalf of the foundation stating they were okay with the agreement as constructed but was concerned about carrying \$1,000,000 in liability for auto insurance when they did not intend to use motorized vehicles to accomplish their work. Councilor Forster noted that this type of insurance requirement was fairly standard. It was agreed this matter would need further attention.

Budget Update

John Spencer provided a budget update – handing out two new spreadsheets, one was a revenue summary update and the other was expenditure summary. He said he wanted to provide Council a first glimpse of the expenditure side of the budget. He said he would provide the full details at a later date. John noted the fire portion of the budget had been enhanced this year over previous years to include \$16,000 for fire gear. He said more money would be needed to properly equip 15 firefighter let alone more than that. He recommended taking the \$3,000 from council and dedicating it towards fire equipment. John also noted that the public works employees need more revenue for equipment and gear.

He said he was concerned about the jail budget as the City is paying considerable more for incarceration than it ever has. He said he budgeted \$4,000 for jail costs but anticipated the costs being more than that. He said that he anticipated the City would be \$20,000 over budget in part due to incarceration costs. John said he would be bringing forth a budget amendment ordinance to cure this budget shortfall before the end of the year. John said we would be wiping out the capital improvement budget paying for all the new infrastructure improvements that were initiated this past year and noting no new monies are going into that account. A discussion followed about the City's real estate excise tax. John noted that it is currently at $\frac{1}{4}$ of 1% and could be raised to $\frac{1}{2}$ of 1% through council action and this would help improve out transportation situation and noting we have very little money to fix roads. He said it is a fee that is paid when you sell your property. He noted for example: if the Hotsprings sold at its \$15,000,000 assessed value that $\frac{1}{2}$ of 1% would bring in \$75,000 for road repairs. He said Stevenson is able to pay for its many street improvements because it has levied this extra $\frac{1}{4}$ of 1% tax. The Council was receptive to looking at numbers and John said he would bring them at the next meeting. Steve confirmed there was hardly any money in the piggy bank for roads. John said we were actually taking money from 2 funds next year just to help provide some road revenue. John noted there was revenue to upgrade the backhoe so that it was functional during the winter months. Councilor Sabo asked if there was money for animal control and Mayor Stevens said that was a function that he fulfilled as best he could.

New Business

Adjournment The Council adjourned the workshop meeting at 7:00 P.M.



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City Council Meeting Minutes Tuesday October 11, 2016

Regular portion of the Council Meeting reconvened 7:06 P.M.

Roll Call: All Present

Audience: 21

Pledge of Allegiance

Agenda Changes & Additions None

Public Hearing

Public Hearing - Revenue Hearing associated with the 2017 budget

Mayor Stevens announced we had a revenue hearing associated with the 2017 budget. Steve noted that this evening's revenue hearing had been adequately noticed in accordance with State requirements. John Spencer noted this was the first of two revenue hearings held to gather public input and this meeting will be followed with one October 25th. John said that the budget anticipated a 1% property tax increase which works out to about a \$2000 increase spread amongst the City's 1000 individuals or about .16 cents per month increase per person. John noted he had a copy of the revenue summary for anyone in the audience who wanted one. Cheryl Jermann inquired whether there was revenue money anticipated in the budget from the sale of marijuana. There being no further comment the Mayor closed the public hearing.

Consent Agenda

Approval of September 27 minutes

Councilor Bianchi made a motion to approve the minutes and invoices and seconded by Councilor Forster.

Yes Councilors Sabo, Bianchi, Whitcomb, Forster and Norris

No

Abstain

Passed 5-0-0

Guest Presentations: None

Public Comments:

Mayor Stevens asked Attorney Ken Woodrich to provide some instruction on public comment and noting the many citizens present and a belief some of them may wish to comment on an upcoming land use matter that will be heard by the Planning Commission. Ken said there may be persons present who wish to comment on a land use application filed with the City concerning the Bonneville Hot Springs Resort. Ken noted that the Council was the appellate body on land use decisions determined by the Planning Commission. He noted that there is only one land use decision allowed per appellate body and it will be before the Planning Commission. Thus, he encouraged those present to take their comments or concerns to the commission where they will be considered. He said the liability with those present sharing their concerns with the Council is that action would interfere with the U.S. Constitution's fourth [4th] amendment that is intended to protect people's property interests and making sure there is a fair and unbiased process that a property owner is entitled to when they file a land use application.

He said, "Not only are there Federal law protections but State Statues also provide these protections through the Appearance of Fairness Doctrine." He continued, "that statute says that the deciding body's decisions not only have to be fair in fact but also in appearance." Thus, if evidence comes before the Council that does not originate with information found in the planning commission's record that would prejudice this body in its decision making capacity. Therefore, if you speak on this issue tonight, the Council might not be able to make a fair and impartial decision at a later date if this matter was appealed to them.

Steve advised the audience that the Planning Commission meeting would be held next Tuesday at 6:00 P.M. here at City Hall. **Tom Jermann** noted that he normally presents the land use items before the Commission but acknowledges a possible conflict of interest and hence will not participate in that land use matter. Ken also cautioned the public from talking to the Council outside this meeting. He said the Council, as well as the Planning Commission, is to avoid knowledge about this land use matter unless it is properly noticed and before them in a public meeting. Mayor Stevens inquired what if there is an article about this matter in the newspaper should we avoid reading it? Ken advised the Council not to read about this matter by avoiding any information conveyed outside a properly noticed public hearing.

Rick Lowrance said he understood the need not to speak on this issue but what if the public is unhappy with the Council's decision then what?

Doug McKenzie said he appreciated City Attorney's comments with respect to this issue and how it needs to be handled.

Penny Debrie said she was frustrated with the fact no one can speak this evening to their elected representatives on this matter and they [the public] should be able to share their concerns.

Gregg Johnson provided comment on the reconstructed volunteer firefighter ordinance that is pending before Council. He said he would like the term subordinate replaced with Chief as to assure direct lines of authority and wished for a 25 volunteer cap instead of the proposed limit of 15 volunteer fire fighters.

Travis Randall wanted to call attention to the fact that Slingshot Sports is moving from North Bonneville to another location April 1.

Cheryl Jermann said she hoped that the new fire rules would enhance the relations between the City and the fire department.

Dennis Moore urged the Council to consider having the volunteer firefighter cap set at 25.

Council's Comments:

Councilor Bianchi said he appreciated everyone comment and input into construction of the updated volunteer fire fighter code. He said he did not have trouble changing subordinate to chief but would defer to the council about the number of volunteers and noting the more members you have the greater the costs. He said we don't even have one certified SCBA [air tank] as a reflection of unmet fire needs due to cost considerations; therefore we can't even go inside a building to fight a fire.

Councilor Forster thanked those who were in attendance who wished to speak but couldn't and urged them to attend the planning commission meeting for that purpose.

Councilor Sabo noted that generally the Council can discuss citizens concerns but not with certain land use matters.

Mayor Stevens thanked those in attendance this evening and again clarified why it was important from the standpoint of due process that they [the Council] not be involved in this land use matter. He said he agreed with Councilor Sabo about placing some of the fire code in a procedural manual as a next step. He also noted the need for agility standards to assure the volunteer firefighter can meet certain physical or health criteria before they go out on a fire call. He said an insurance company isn't interested in training assessment hearsay provided by volunteers rather they want validated documentation from health professionals.

Administrator's Report:

Steve provided information about how our insurance agency, WCIA, interacts with the City and how we in turn participate in the insurance policy making process. He also responded to Cheryl Jermann's inquiry why we did not budget for marijuana noting the Public Development Authority [PDA] that is in the retail marijuana business is a separate governmental agency from that of the City and thus we cannot budget for their proceeds.

City Attorney's Report:

Ken Woodrich said he had attended the WCIA insurance conference and learned considerable new information and that knowledge will be beneficial to the City. He reminded the City of the need to maintain the vision triangle area at intersections, alleyways and driveways by the removal of vegetation and obstacles that impair driver's vision. He said if we don't make the effort to clear these vision obstacles we set the stage for liability claims.

Unfinished Business**Continued item: Revisions to City of North Bonneville Council Rules of Procedure**

Mayor Stevens noted the most recent Council document has a color coding legend so that the viewers know who contributed what. Councilor Sabo commented on the fact that the section 1.4 he had added had been struck through by Councilor Bianchi who had also provided comments about the strike through. Councilor Sabo inquired why Councilor Bianchi had taken this action. Councilor Bianchi advised that the language would constrain attorney comments and direct the Clerk to attend all meetings and that action was beyond the Council's legislative authorities and trespasses on the Mayor's authority. He said it is the Mayor's prerogative who attends the Council meeting from the City.

Councilor Sabo said the Council could require the Clerk's presence at Council meetings and that action was consistent with her job scope the Council had approved. He said Council had approved Ordinance 1060 and its provisions took precedent over earlier or conflicting ordinances and its language clearly qualified the Clerk shall perform certain council related duties. He said, specifically - this Ordinance supersedes the Clerk and Administrator provisions noted in Ordinance 978. He then proceeded to read the pertinent provisions of Ordinance 1060. Councilor Sabo noted he was not speaking to the Administrator's authorities rather to the Clerk's duties. He said he had discussed the addition of Section 1.4 with MRSC and in fact that is where he had obtained the language that Councilor Bianchi has stricken. He cited Ordinances he had relied upon to construct the language stating he had limited his inquiry to similar Code classified cities.

Attorney Ken Woodrich weighed in noting that the Mayor alone determines what staff person attends the Council meeting regardless of legislated directives. Ken said the Council can define job duties and other related legislative tasks but once those tasks, or duties and/or compensations are established those policies and practices flow to the Mayor for initiation. Ken noted the Mayor is the Chief Executive and he decides what employee does what. He said it is true the Clerk has certain authorities but those can be delegated and all that activity falls on the executive side of the aisle. Councilor Sabo called to the attorney's attention a provision in law that he was relying on for his assessment. Ken noted that provision was not applicable to a code city. After review of that particular language, Ken said the Clerk is responsible for certain activities and actions but those functions can be delegated to others and the Council has no say so in how they are delegated, rather the Mayor orchestrates how these duties are completed. Councilor Sabo said to the attorney, "What you are saying is the Council has no authority to dictate any directive to a City employee." Ken said that is correct. Councilor Sabo clarified his point stating, "Essentially the Mayor can do what he wants" and Ken agreed. Ken clarified, "Councilor Sabo you do not direct staff." Councilor Sabo said he did not agree with the attorney but we should move on.

Councilor Bianchi said he made a mistake on page 9 in that he did not delete a sentence. Mayor Stevens suggested they walk through each page and clarify the language before they voted on this matter. Councilor Sabo said he was done with the discussion and the Council should vote. Councilors Norris and Forster said they would like to go through the document. At this juncture, Councilor Norris more or less reiterated Councilor Sabo's point of view. Councilor Norris also said the table was not for the City Administrator. Steve said he did not wish to get drug into this debate. He said he would sit elsewhere given his presence at this table is causing agitation. The Mayor quickly went through each page and clarified changes. With a few minor changes and some clarification, the Council was receptive to the remaining language as amended. It was understood that the Mayor would compile the changes and develop the new document.

Councilor Forster made a motion to adopt revisions to the council's rules of procedure and seconded by Councilor Norris

Yes Councilors Sabo, Bianchi, Whitcomb, Forster and Norris

No

Abstain

Passed 5-0-0

New Business

Legal Services Agreement – Modification of rate for Ken Woodrich City attorney services

Councilor Bianchi made a motion to accept Ken Woodrich's modified attorney service rate with the agreement to go in effect on Jan 1, 2017 and seconded by Councilor Sabo

Yes Councilors Sabo, Bianchi, Whitcomb, Forster and Norris

No

Abstain

Passed 5-0-0

ORDINANCE NUMBER 1070 – action item amending Municipal Code Chapter 2.24 Volunteer Fire Department

Councilor Bianchi made a motion to amend NBMC Chapter 2.24 with some minor modifications and seconded by Councilor Forster. Specifically, Council Bianchi, who authored this document with considerable input, agreed to change subordinate to chief and change the number of volunteers from 15 to 20.

Yes Councilors Bianchi, Forster and Norris

No Councilor's Sabo and Whitcomb

Abstain

Passed 3-2-0

License agreement for mutual assistance between the Bonneville Trails Foundation and the City of North Bonneville

Councilor Bianchi made a motion to enter into a license agreement for mutual assistance between the Bonneville Trails Foundation and the City of North Bonneville and seconded by Councilor Norris

Yes Councilors Sabo, Bianchi, Whitcomb, Forster and Norris

No

Abstain

Passed 5-0-0

Ordinance Number 1071 – internal increase of the City’s utility tax rate – raising the utility tax rate on all city owned water and sewer services to 15%

John Spencer qualified this action will transfer money at the noted rate from the sewer and water fund to the general fund to increase its strength and purpose and noting the general fund is responsible for paying most City obligations and needs a strong balance sheet.

Councilor Bianchi made a motion to raise the utility tax rate on all City owned water and sewer services to 15% and seconded by Councilor Bianchi

Yes Councilors Bianchi, Whitcomb, Forster and Norris

No Councilor Sabo

Abstain

Passed 4-1-0

Closing Public Comments

Tom Jermann wished to thank the Council for the agreement.

Dennis Moore felt the proposed land use should be put to a public vote. Mayor Stevens qualified that the City could not respond to his assessment.

Closing Council Comments

Councilor Sabo thanked the audience for their attendance.

Councilor Norris asked for clarification on the license agreement with the Bonneville Trails Foundation

Councilor Bianchi thanked everyone for their indulgence and said there would be further discussion on volunteer fire fighter agility and drug testing procedures. He also wanted to thank the Granite Corporation for their \$1750 contribution to the Park fund as well as the \$1078 received from the color dash run.

Mayor Stevens noted that he will be reimbursed for a small portion of the color dash contribution associated with shipping costs to return some materials. He also noted the City was in the process of setting up a dedicated park fund.

Adjournment

Councilor Forester made a motion to adjourn the meeting and seconded by Councilor Bianchi

Yes Councilors Sabo, Bianchi, Norris, Forster and Whitcomb

No

Abstain

Approved 5-0-0

Meeting was adjourned approximately 8:27 PM

Mayor

City Administrator