

OPENING OF COUNCIL MEETING

Mayor Pro-Tem Debbie Chapman opened the remote and in person council meeting at 7:02pm. The council members present were Michelle Plumb, Marsha Smith, Mike Schrag, Dennis Chamberlain, Dede Boyer, and Scott Yaeger. Staff members in attendance were Clerk-Treasurer Julie Flyckt, Deputy Clerk Treasurer II Michelle Asmussen, City Police Chief Dave McCormick, City Attorney John Kragt, and Public Works Director Dave Breazeale. City Fire Chief Joel Bell and Mayor Linda Kadlec were excused. Also present were Barry Boyer, Linda Schrag, Jen Verhey, Jessica Quinn, Mrs. Burrows, Officer Dew, and Dale Brown from the Cheney Free Press.

ACCEPTANCE OF THE CONSENT AGENDA

Mayor Pro-Tem Debbie Chapman asked if there were any corrections or additions to the consent agenda. Council Member Scott Yaeger stated under the action agenda he would like to add Main Ave TIB Contract completion paperwork. Council Member Mike Schrag made a motion to approve the agenda for October 17th, 2023, with the addition to the discussion agenda for Main Ave TIB Contract. Council Member Dennis Chamberlain seconded the motion. Motion passed 7-0.

PUBLIC REQUESTS AND COMMENTS- Mayor Pro-Tem Chapman asked if there was anyone from the public who would like to comment. With no comments, Mayor Pro-Tem Chapman moved on.

ACTION AGENDA

- A. Development Code Update Agreement-SCJ Alliance-** Clerk-Treasurer Julie Flyckt stated the agreement to review the work Mike Connolly's office did to restructure the development code and bring that forward to council to have that part go to a public hearing for approval. Then SCJ Alliance will take on Phase 2 of updating the development code. There are a number of development code items which have been noted over the last couple of years that need to be updated in the code. When there are areas in the code that need to be defined further or do not exist, that item is listed on a spreadsheet for the next code update. A big piece of the update will be adding information that is in the city's approved housing action plan around accessory dwelling units and having those allowed in certain zones in our city and the requirements. That big chunk of work is what the majority of this work will be for this agreement. In the budget the breakdown for the development code update tasks is review and amend structural code amendments, code workshops, to develop a code draft & adoption and any miscellaneous expenses. Originally, we were thinking the attorney's office would do the majority of it, but SCJ Alliance took on this part. There is \$10,000 allocated from the coronavirus local fiscal recovery fund for this work. The agreement needs to be approved by the council to move forward with updating the development code. Council Member Michelle Plumb wanted to know if there was something coming that is pushing this because there was a grant to update ordinances that we weren't eligible for this year because we weren't a big city. Is there a reason we wouldn't wait until something is available at a later date? Flyckt stated her and Aren with SCJ Alliance met with the

Department of Commerce about a month and a half ago. Commerce stated the tier 3 round of funding will most likely open eligibility for a city our size but right now they are focusing on the cities that are required by the legislature to increase housing. We know there is a need for accessory dwelling units in our community and a lot of families that want other family members to live on the same property. Council Member Dennis Chamberlain stated he sees one item that sticks out in his mind and the part about administrative interpretation. He does not understand that one right now as the planning commission is tasked with that. Flyckt stated the list of items on the spreadsheet are the items that have been noticed in the city code and where there have been struggles when applications come in. It doesn't mean that this is what we are going to do per say. Dennis stated, you forget you are the administration and administration looks at things differently than somebody else. Flyckt stated in our process right now, when these applications come in, such as the short plat, it's going to Aren the contracted city planner to review. Council Member Dennis Chamberlain made a motion to accept the Shea, Carr & Jewell, Inc. Agreement for Professional Services in the amount of \$10,000. Council Member Scott Yaeger seconded the motion. Motion passed 7-0.

- B. Main Ave TIB Contract Completion-** Council Member Scott Yaeger stated at the last council meeting finalizing the nonpayment of the slurry seal company was discussed. The total main avenue project cost was \$389,681, that included design engineering, construction engineering on the ADA ramps and the pavement repair. The contract amount was for Corridor Contractors to do the ADA ramps and pavement repair and for Blackline to do the slurry seal, and the construction other was \$16,467 for the county to do the chip seal. The city already received additional funding prior to the slurry seal as TIB had upped their contribution to \$35,5647, and council approved the city's portion at \$34,030. Council Member Scott Yaeger made a motion for the council to approve the mayor to sign the TIB update cost estimate contract completion documentation. Council Member Dennis Chamberlain seconded the motion. Motion passed 7-0.

DISCUSSION AGENDA

- A. Nuisance Ordinance Amendment-** City Attorney John Kragt stated he has spent a lot of time drafting the new nuisance ordinance that we passed in the last two years, and we have done quite a bit with it. There have been some larger scale nuisance concerns that have been talked about at the council meetings. Mike Connelly, the city's land use attorney, and Kragt had a good conversation the other day regarding recent case law in the state and the 9th circuit trying to determine what is a nuisance and does the city council have the authority to make the decision or do you have to have the superior court judge issue a writ of abatement. Connelley's opinion is even though it is not fully settled, why not put that in the code so when you get one of these nuisances that have a significant dollar amount and the council says let's go to the superior court judge to make this decision, it is due process and there are no concerns. Mike is preparing an addition to the nuisance code, which is going to allow an option for the council to "punt" for lack of a better term, the enforcement action to the superior court judge. It is going

to be more expensive and take more time, but it will be a choice the council can make on a case-by-case analysis.

CORRESPONDENCE:

- A. The 6th Avenue Project Community Letter from Mary Arlt was provided in the council packets.

MAYOR UPDATES: There were no mayor updates.

DEPARTMENT UPDATES

- A. **City Attorney-** John Kragt stated he threw out the idea of the city considering changing from a second class to a code city and not trying to tell council this is what should happen, but he thinks if the city moved to the code city concept it would save administration a lot of additional work because there is a lot of good examples of code cities. A second class city is going to follow RCW 35 and a code city is going to follow RCW 35A.
- B. **Public Works-**Public Works Director Dave Breazeale stated POW is paving tomorrow and will try to pave all of the open holes. POW thought they would be able to get it all done in one day, and we will see how it goes. The grass up at Weber and Division is coming in sparsely, and there are a few spots that will need to be filled this spring. Breazeale met with another electrical contractor at the park today for electric upgrades on the grant, and he is meeting with another contractor tomorrow. The crew is going to start sweeping for leaves pretty soon as they are starting to fall. Well #8 is going out to bid tomorrow.
- C. **Police Department-** Chief Dave McCormick stated on the 10th of this month he went to Clarkston for a four-hour class on use of force for the morning session and Officer Carlson went down in the afternoon. Today, Chief McCormick spent eight hours in Moses Lake, and he has another second half, eight-hour class for use of force class, which is put on by the city's risk pool tomorrow. Adams County Pet Rescue is going to have a low cost spay and neuter cat event to prevent overpopulation. It will be at the Ritzville Grade School Gym on Saturday, November 4th. Cost will be \$40 and includes a rabies vaccination, for an extra \$5, FVRCP vaccinations are available. It will be available to Ritzville, Washtucna & Lind residents first, if spots are not filled by Oct. 24th, it will then be open to the rest of the county. All cats will be ear tipped with no exception. People must sign up by contacting an ACPR staff member and pay in full. Briana Larese wanted to be here tonight but couldn't be and asked me to read this. The group she is involved in is a 503C and they really need donations. They still need volunteers for the event and those interested can call Briana to volunteer (509) 720-8598. There is one applicant that has applied for the officer position and in a couple weeks Chief McCormick should know more.
- D. **Clerk/Treasurer-** Clerk-Treasurer Julie Flyckt stated the next part of the budget process is the preliminary budget, which will be sent to the council on the 1st of November as that is a requirement by state law. The next council meeting isn't until the following Tuesday so council members will have some time to review it. One of the steps in front of us is the 110 funds from the applicants that were presented at the special meeting earlier tonight. Flyckt will work with the mayor to do the first downsizing of those requests. In the last utility bill that went out there was a slip of paper included where

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you could donate to the Helping Others fund. That fund has gotten smaller and smaller over the years, as our system has changed and that has dropped off the bill. In one day, the city received \$205 toward the Helping Others fund. Flyckt went to the planning conference last week and learned a lot. During one of the sessions there was an organization that helps cities to communicate with the public about accessory dwelling units and the steps to placing one on their property. Late today, the city received a document with pictures from a community member about the property at 315 W. Broadway. There was a wrecked car placed in the front yard last week. Breazeale was successful in talking the property owner into moving it. Then we found out it was placed on top of a cargo container at his commercial property. John Kragt has had a conversation with him also. He did push it off the container and there is now a backhoe bucket sitting on top of it. The city will start the nuisance process again for this property unless it is resolved.

ADJOURNMENT-With no further comments or business to come before the council, Mayor Pro-Tem Chapman adjourned the remote and in person meeting at 7:56pm.



Michelle Asmussen, Deputy Clerk-Treasurer II