

DAYTON CITY COUNCIL MINUTES

Regular Meeting

Monday, October 10, 2016

111 S. 1st Street

Dayton, WA 99328

1. CALL TO ORDER: Mayor George calls the meeting to order at approximately 6:00 p.m.

Roll Call: Present - Kathy Berg, Christine Broughton Zac Weatherford, Dain Nysoe, Byron Kaczmariski, Michael Paris

Absent - Delphine Bailey

Staff: Public Works Director Jim Costello, Planning Director Karen Scharer, Code Compliance Officer Clint Atteberry, City Clerk-Treasurer Trina Cole

2. CONSENT AGENDA:

ACTION: Paris makes a motion; Broughton seconds the motion, and the motion carries unanimously approving the Consent Agenda as presented: A (i) August 15, 2016 City Council Meeting Minutes; (ii) September 12, 2016 City Council Meeting Minutes; (iii) Table September 26, 2016 Special City Council Meeting; & B & C The following voucher/warrants/electronic payments are approved for payment:

Funds

	43304 - 43309; 43366-43409;	
	99939038; 99939123;	
B. Claims	99939150;	
Clearing	99939250;99939306;99941030;	\$301,317.06
Vouchers	99941447; 999941674;	
	99941694;999939150;99941832;	
	99904302023	
C. Payroll	43347-43365; 43418-43448;	
Warrant Nos.:	99909222016	\$87,978.03
Total		\$389,295.09

3. SPECIAL GUESTS/PUBLIC COMMENT

Bill Clemens, Pacific Power, presents the City with Pacific Power Foundation Grant award of \$3,500 for the Dayton City Park Safe Fall Project.

Carol Anderson, 809 E Tremont Street, expresses concern about the dog control issues including vicious dogs and lack of education for pet owners. She recommends that the City include educational material specific to responsible pet ownership in the monthly utility billings. In addition, she recommends that the City

install pet waste bag stations. She asks the City to encourage a kennel business to take care of pets when people are not home.

Brianna Fulbright, Dayton Chamber of Commerce, reports on the Chamber's 2016 3rd quarter tourism and promotion activities.

4. COMMITTEE/BOARD/ COMMISSIONER REPORTS

Public Safety - Nysoe reports that the Public Safety Committee is working on modification to the existing enforcement of nuisances specifically relating to marijuana grows and the regulations are under review by the Sheriff's Office.

Public Works - There is no report.

Finance - George reports that there will be a special meeting on Monday, October 17, 2016 to discuss the proposed 2017 budget.

Parks/Public Grounds - Broughton reports: 1) Friends of the Dog Park Committee have been urged to present dog park plans to the City Council for their review; and 2) Board of Park Commissioners should be eliminated due to lack of volunteer interest to serve on the Board and that the Parks and Public Grounds Council Committee currently performs similar duties. There is no action.

Planning/Economic Development - There is no report.

Personnel - There is no report.

Emergency Management - There is no report.

Chamber of Commerce - Berg reports that the 2016 Chamber Banquet will be held at the Columbia County Fairgrounds on November 10, 2016.

Commissioners - There is no report.

5. REPORTS OF CITY OFFICERS

Sheriff - There is no report.

Planning Director - Scharer reports: 1) Friends of the Dog Park submitted a dog park proposal and it is currently under staff review. It will be distributed to City Council following staff review; 2) Record year for building permits with a total of seventy one (71) with a total valuation of about \$4,800,000. 2015 was approximately \$47,000.

George reports that the Friends of the Dog Park purchased the dog park's sprinkler system parts and it was installed by the City; it has been tested and is in working order. City will plant grass next and staff recommends that the fence be installed by a professional. Berg asks if the property could be vandalized without the fence. Costello responds yes, but, the entire park could be subject to vandalism as well.

Code Compliance - Atteberry reports that several community members received a notice regarding recreational vehicles being parked in the public right of way.

Public Works - Costello reports: 1) Dayton City Park's Safe Fall Project is underway; and 2) Department of Corrections is working on cleaning up the Touchet River Levee to meet the Corps of Engineers requirements.

City Clerk-Treasurer - Cole reports that a proposed 2017 Budget was been made available to the City Council for review.

Mayor Pro-Tempore - There is no report.

Mayor - Mayor - There is no report.

6. UNFINISHED BUSINESS

There is no unfinished business.

7. NEW BUSINESS

George closes the regular meeting and opens the public hearing at 6:25 p.m.

Scharer provides the following: The public hearing is to receive public testimony specific to vacating a portion of E. Tremont Street located generally between S. 5th Street and S. 6th Street. Two adjoining and or abutting property owners petitioned to have the city right of way, as described, vacated. Three property owners have interest in the property. A portion of one of the property owner's home was constructed within the stated public right of way. The City will need an easement to have access to the water tower drain line and a 12" water line that exists within the proposed portion of public right of way. There are no other franchised utilities in the area. The city recommends that the easement be exclusive for the City's use. Based on the City's Comprehensive Plan and other plans, there is no need to improve the corridor for alternative access. Notices were posted in various locations within Dayton. The easement agreements have not been written and will be subsequent of the Council's decision today. The City staff would not have issue with a fence or gating system to allow reasonable access to the area.

Scott Marinella, Attorney at Law, representing Mr. and Mrs. Miles Miller states the following: 2.1 feet of the Miller's front porch encroaches into the City's public right of way. At one time, there was a fence that encroached out into the right of way as well. The fence was taken down and then replaced by the city. However, the area is in disrepair and the petitioners are willing to clean the area up. He cites Ordinance No. 366, and its effect on the area. 50% would be split between the adjoining property owners accordingly. Also, the owners understand Mr. Costello's need to have access to the waterline and the drain line and the fencing would be removable for access purposes and restored by the property owner and are willing to work with the City as needed. The property owners support the Ordinance No. 1900 with one exception specific to the responsibility of costs associated with the vacation process.

George closes the public hearing and reopens the regular meeting at 6:42 p.m.

ACTION: Nysoe makes a motion; Broughton seconds the motion to authorize Ordinance No. 1900, vacating public right of way (a portion of E. Tremont Street located generally between S. 5th Street and S. 6th Street). George asks Attorney Marinella what the property owners intend on building within the easement. Marinella responds nothing of permanent structure. The motion carries unanimously.

At 6:45 p.m. George closes the regular meeting and opens the public hearing to receive public testimony on amending Ordinance No. 1864 and Title 11, zoning, prohibiting medical marijuana cooperatives and amending marijuana definitions pursuant to RCW 36.70A.390, Chapter 69.50 RCW and Chapter 69.51A RCW.

Scharer provides the following: The proposed ordinance provides an amendment with the focus being on marijuana cooperatives which is only allowed for qualifying patients that need it for medical purposes. Effective July 2016, the legislature amended state law revising terminology that took out the term relative to collective gardens for medical patients and replaced it with the term cooperatives. Within a cooperative, there can be up to four people, within a residence, each taking a role in the care of the crop, and the crop cannot be sold. Changes in the definition make it a better program. Because the state has changed the law, our current code states a term that no longer exists within state law. If the City were to remain silent on the new term "cooperative" then cooperatives would automatically be allowed. Therefore, to uphold the previous prohibition on collective gardens, and the sale of medical or recreational marijuana and based on discussion with councilmembers, Ordinance 1901 was prepared. While meeting with the Council Planning Committee there was discussion relative to whether or not minds are changing at the Council level and whether there is a clear answer on the effects and costs of marijuana use and allowing it in small cities. Effects and costs include tax revenues, costs for education and effects and costs relative to law enforcement services.

Nysoe asks if the proposed ordinance bans cooperatives? Scharer responds yes.

George closes the public hearing and reopens the regular meeting at 6:50 p.m.

ACTION: Berg makes a motion; Paris seconds the motion to authorize Ordinance No. 1901, amending Ordinance NO. 1864 and Title 11, zoning, prohibiting medical marijuana cooperatives and amending marijuana definitions pursuant to RCW 36.70A.390, Chapter 69.50 RCW and Chapter 69.51A RCW. Nysoe asks why the City wants to prohibit cooperative gardening for medical marijuana stand point. The ordinance provides that all cooperatives must be medically qualified. Discussion ensues on the number of persons that may be involved in a cooperative garden and the number of plants per cooperative. Further discussion follows regarding the potential increase in illegal

activities including potential public nuisances specific to outdoor grows. Kaczmariski, Paris, Berg, and Weatherford vote yes. Nysoe and Broughton vote no. The motion carries.

ACTION: Nysoe makes a motion; Berg seconds the motion to authorize Ordinance No. 1902, amending the fee provisions for certain sections of the Dayton Municipal Code and repealing certain sections of said code that are in conflict with fee provisions of other sections of the Dayton Municipal Code. There is no discussion. The motion carries unanimously.

ACTION: Cole request Council tables Resolution No. 1289 until punch list items specific to the completion of the project have been completed by Humbert Asphalt Inc. Nysoe makes a motion; Broughton seconds the motion to table Resolution No. 1289, accepting The Transportation Improvement Board (TIB) FY 2017 Overlay Project, Project No. 2-E-924(004)-1, As Final and Complete. There is no discussion. The motion carries unanimously.

ACTION: Nysoe makes a motion; Kaczmariski seconds the motion to authorize Resolution No. 1290, repealing Resolution Numbers 1245, 1236, 982, 971, 941, 889, 813, 768, and 750 and approving a Master Fee Schedule, and other matters relating thereto. There is no discussion. The motion carries unanimously.

ACTION: Paris makes a motion; Broughton seconds the motion to authorize Resolution No. 1291, approving the interlocal agreement with the Association of Washington Cities Risk Management Service Agency and its members. George provides that the by-laws have been rewritten by RMSA, improving individual language. The motion carries unanimously.

ACTION: Paris makes a motion; Kaczmariski seconds the motion to authorize the contract with Financial Consulting Solutions Group, Inc. for City of Dayton Water and Sewer Financial Health Plan not to exceed \$24,835. There is no discussion. The motion carries unanimously.

ACTION: Paris makes a motion; Berg seconds the motion to amend the Real Estate Purchase and Sale Agreement between the City and Hubert and Lois Russell removing the title insurance requirements. There is no discussion. The motion carries unanimously.

ACTION: Berg makes a motion; Nysoe seconds the motion to authorize agreement between the City and Association of Washington Cities for drug and alcohol consortium services - Public works supports. There is no discussion. The motion carries unanimously.

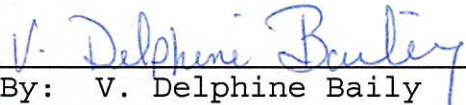
8. FINAL PUBLIC COMMENT

Nysoe recommends that the City Council meetings be held twice per month and return to the 7 p.m. slot. Staff expresses support of the change. George directs Cole to prepare an ordinance changing the City Council meetings times as stated.

9. ADJOURN

With no further business to come before the Council, the regular meeting is adjourned.

City of Dayton


By: V. Delphine Baily
Mayor Pro-Tempore

Attested:


Trina Cole, City Clerk-Treasurer

Approved:

November 28, 2016

Date