

City of Palouse
COUNCIL MEETING MINUTES
Tuesday, March 26, 2024

Note to persons reviewing this document: This is not a verbatim transcript. While an attempt has been made to document pertinent points, these minutes contain only a summary of the discussion and voting.

CALL TO ORDER: Mayor Tim Sievers called the meeting to order at 7 PM

Councilmembers* present at the meeting were Sarah Bofenkamp, Angie Griner, Leslie Jo Sena, Molly Quigley, Rainy Anderson, Robert Brooks, and Ann Barrington.

*In the following paragraphs, Councilmember(s) will be abbreviated as: "C."

ROLL CALL: DC Gaber took attendance; All council members were present

City staff present: City Administrator (CA) Misty La Follett, Deputy Clerk (DC) Jamie Gaber, and Police Officer Joel Anderson

APPROVAL OF MINUTES:

C. Sena introduced a **MOTION** to amend the minutes to reflect a correction requested by a resident in support of the water rate increase letter being mailed out. The **MOTION** was seconded by C. Griner. All council members approved, and the **MOTION** passed.

C. Sena introduced a **MOTION** to approve the amended minutes from the regular council meeting on March 12, 2024; the **MOTION** was seconded by C. Bofenkamp. All council members approved, and the **MOTION** passed.

PUBLIC WORKS REPORT: Supt Mike Wolf

Written Report submitted

POLICE REPORT:

Written Report Submitted

18 Calls for Service

- 9 Ordinance related
- 1 Criminal citation issued
- 2 Infractions issued
- zero call outs

CITY ADMINISTRATOR / DEPUTY CLERK REPORT: CA La Follett reported:

UPDATE ON RR CROSSING: Safety concerns

- Highway 27, USDOT 857869B, intersection of Whitman and Bridge Streets
 - Requested information about adding safety measures to intersection.

- Petition is required
- WI&M RR advised to contact City Attorney Hanson

POOL UPDATE:

- Updating immersed lights in pool requires meeting new safety standard requirements.
- Hemphill Heating & Electric has advised a new system throughout would be necessary, i.e. wiring harness placement and lights with an estimated cost of \$60,000
- Other options discussed

OLD BUSINESS:

RESOLUTION 2024-03 Approving the costs to purchase, retrofit, and upgrade the 2013 Dodge Journey from the EMS Vehicle Reserve Fund.

Purchase of the vehicle	\$ 5,000.00
Les Schwab Tire Center	\$ 3,484.03
Eric’s Auto Body and Glass, LLC	\$ 1,717.12
TOTAL	\$10,201.15

C. Sena introduced a **MOTION** to adopt Resolution 2024-03; the **MOTION** was seconded by C. Anderson. All council members approved, and the **MOTION** was passed

TD&H UPDATE:

Michelle Bly provided an update on the Palouse Cove Road Sidewalk Project:

- Survey finished.
- Starting design process.
- Goal is to have construction completed by 3rd week in August.
- Will make city eligible for future funding from the Transportation Improvement Board (TIB).

Rich Utzman gave an update:

- Polishing up drawings for curbs, gutters, and storm water system.
- Will bring design to whole council.
- Will submit design to WSDOT for approval.
- Construction should go quickly.
- Using “Small Works Roster” should speed the bidding process.
- CA La Follett: City will run an ad to solicit new vendors for the City’s “Small Works Roster.”

SHADY LANE: Update by Al Pancoast

- Awarded DNR Grant for removal of trees along Shady Lane damaged by Western Pine Beetles.
- Funds will be provided by state
- Contract needs to be finalized between City and DNR before any work begins.
- State will reimburse invoices.
- Project needs to be completed by June 2025.
- Get permits and all paperwork done asap, including City Attorney reviewing contract.

Process:

Ideally, the City would have the logging complete before June, when pine beetles emerge from bark of dead trees.

- Haul away logs.
- Slash needs to be removed/burned.
- Grade and gravel trail.
- Replant native trees and bushes.

Other considerations:

- Contacting property owners along Shady Lane.
- AVISTA will donate time/crew to help loggers keep power lines safe.
- Shady Lane will be closed for approximately one week during the logging process.

RESOLUTION 2024-06 Approving an Increase to the City’s Water Rates

- Increase the base water rate by \$2 to \$35 monthly per first 600 cubic feet of water metered.
- Increase the Water System Reserve Fund by \$10 to \$13 monthly.

C. Sena introduced a **MOTION** to adopt Resolution 2024-06 increasing water rates for bills due in May 2024 and after; the **MOTION** was seconded by C. Barrington. All council members approved, and the **MOTION** passed.

CITY COUNCIL RULES OF PROCEDURE:

C. Bofenkamp introduced a **MOTION** to approve the Palouse City Council Rules of Procedure; the **MOTION** was seconded by C. Sena. Six council members approved, C. Griner voted Nay, and the **MOTION** passed.

ORDINANCE 1028: An ordinance of the City of Palouse, Washington, adopting Palouse Municipal Code Chapter 8.14 “PUBLIC DISTURBANCE NOISES”

C. Anderson introduced a **MOTION** to approve Ordinance 1028; the **MOTION** was seconded by C. Sena. Six council members approved, C. Griner voted Nay, and the **MOTION** passed

AN ORDINANCE OF THE CITY OF PALOUSE, WASHINGTON, adopting

Palouse Municipal Code Chapter 8.14 "PUBLIC DISTURBANCE NOISES," thereby protecting the residents of Palouse from excessive and unwelcome noise that disrupts the wellbeing and tranquility of the city.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PALOUSE AS FOLLOWS:

"Chapter 8.14

PUBLIC DISTURBANCE NOISES

Sections:

8.14.010 - Unlawful Conduct

8.14.020 - Content of Sound not considered

8.14.010 - Unlawful Conduct.

It is unlawful for any person to cause or any person in possession of property to allow to originate from the property sound that is a public disturbance noise. It shall be a rebuttable presumption that any activities enumerated in this chapter disturb the peace, comfort and/or repose of others when they take place between the hours of 10:00 p.m. and 7:00 a.m., Sunday through Thursday, 11:00 p.m. and 7:00 a.m. Friday, Saturday, and Sunday, and legal holidays, and on New Year's Eve into New Year's Day, between the hours of 12:30 a.m. through 7:00 a.m. The following sounds are determined to be a public disturbance.

- (a) sound from motor vehicle audio sound equipment, such as radios, tape players and compact disc players, installed in the vehicle or merely carried therein, to be operated at a volume so as to be plainly audible by the human ear at a distance of fifty feet or more from the vehicle itself;
- (b) Sound from portable audio equipment, such as a radio, tape player or compact disc player, which is operated at such a volume so as to be plainly audible by the human ear at a distance of fifty feet or more from the source of the sound;
- (c) The frequent, repetitive or continuous sounding or any horn or siren attached to a motor vehicle which unreasonably interferes with the peace, comfort, or repose of owners or possessors of real property, or any member of the public;
- (d) The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment, or condominium, which unreasonably interferes with the peace, comfort, or repose of owners or possessors of real property, such as sounds from musical instruments, audio sound equipment, or band sessions;
- (e) Yelling, Shouting, hooting, whistling or singing on or near the public streets, at any time and place so as to unreasonably disturb or interfere with the peace, comfort or repose of owners or possessors of real property;
- (f) The creation of frequent, repetitive or continuous sounds in connection with the starting, operating, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within a residential area or near any human service facilities, so as to unreasonably disturb or interfere with peace, comfort, and repose of owners or possessors of real property.

8.14.020 - Content of Sound not Considered.

The content of the sound shall not be considered in determining a violation of this chapter

ORDINANCE 1029: An ordinance of the City of Palouse, Washington, repealing Ordinance Nos. 600, 611, 710, and 792 and amending Palouse Municipal Code Chapter 6.08.

C. Bofenkamp introduced a **MOTION** to approve Ordinance 1029; the **MOTION** was seconded by C. Barrington. All council members approved, and the **MOTION** passed

ORDINANCE NO. 1029

AN ORDINANCE OF THE CITY OF PALOUSE, WASHINGTON, repealing Ordinance Nos. 600, 611, 710, and 792 and amending PALOUSE Municipal Code Chapter 6.08.

BE IT ORDAINED BY THE COUNCIL OF THE CITY PALOUSE AS FOLLOWS:

Section 1. Ordinance Nos. 600, 611, 710, and 792 are hereby repealed in their entirety.

Section 2. Palouse Municipal Code Chapter 6.08 is hereby amended to read as follows:

**Chapter 6.08
DOGS**

Sections:

6.08.011 - Definitions

6.08.015 - Requirements for the Keeping of Dogs

6.08.031 - Dog License Required- Procedure

6.08.045 - Dogs Must be Restrained

6.08.051 - Unrestrained Dogs Subject to Impoundment- Notice of Impoundment

6.08.061 - Dangerous and Potentially Dangerous Dogs Prohibited

6.08.062 - Potentially Dangerous Dog Requirements to Keep Dog in the City

6.08.072 - Impoundment and Bond Pending Appeal of Dangerous or Potentially Dangerous Dog Adjudication

6.08.073 - Potentially Dangerous and Dangerous Dogs- Notice- Preliminary Determination- Final Determination

6.08.081 - Public Nuisance Prohibited- Penalty for Violation

6.08.091 - Care

6.08.110 - Interference with Enforcement of This Chapter Prohibited

6.08.011 Definitions.

The following terms shall have the following definitions:

- A. "Animal control officer" means a person designated by the city to enforce this chapter.
- B. "Animal shelter" means a facility operated by the city or its authorized agents to care for dogs impounded or held by authority of this chapter or state law.
- C. "Impounded" a dog shall be considered as being "impounded" upon seizure by an animal control officer.
- D. "Household" means a home, house, apartment or other property where one or more dogs are kept by one or more owners or keepers of a dog or dogs.

E. "Potentially dangerous dog" means any dog that, when unprovoked: (1) inflicts bites on human or a domestic animal either on public or private property, or (2) chases or approaches a person upon the streets, sidewalks, or any public or private grounds other than the grounds of the dog's owner or keeper, in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency, or disposition to attack when unprovoked, or a known propensity, tendency, or disposition to cause injury or otherwise threaten the safety of humans or domestic animals.

F. "Dangerous dog" means any dog that, according to records of the animal control officer or city police: (1) has inflicted severe injury on a human being without provocation on public or private property; (2) has killed a domestic animal without provocation while off the owner's property; or (3) has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

G. "Public nuisance" means a dog which:

1. Chases vehicles upon streets or other public grounds;
2. Is running at large or otherwise not restrained as required under the provisions of this chapter;
3. Damages public or private property other than that of its owner or keeper;
4. Continuously barks, whines or howls in such a manner as to disturb or annoy neighbors or the public; or
5. Which defecates on public or private property other than that of its owner or keeper.

H. "Restraint or restrained" means any dog: (1) secured by a leash or lead under the immediate control of a person of sufficient age and competence to control the dog; or (2) any dog which is secured by a leash or confined within a kennel, residence, cage, or other building or structure located on its owner's or keeper's private property, and which is constructed in such a manner so as to keep the dog confined at all times within the building or structure; or (3) any dog present on the property of its owner or keeper which is not physically confined or secured by a leash or lead, but is confined to the property by training, habit, or voice command.

I. "Owner, keeper, or person who maintains, keeps, or harbors a dog" shall be given their ordinary and usual meanings. Additionally, the terms shall include any person(s) who own(s), rent(s), or otherwise has the immediate control or possession of a home or property whereupon a dog is kept, maintained, or harbored. Proof of such control or possession shall include, but shall not be limited to, certified copies of official land title records, certified copies of official land title records, certified copies of current city clerk-treasurer's records reflecting who is regularly billed for city utilities furnished to the property, and current telephone directories indicating in whose name telephone service to the property is furnished.

6.08.015 Requirements for the keeping of dogs.

The following requirements shall apply to the raising and keeping of all dogs within the city of Palouse:

- A. No dog shall be confined or kept in an enclosure or cage or by leash, rope or tether in an area smaller than 75 square feet in size. All dogs shall be provided with sanitary and humane quarters, reasonably protected from inclement weather.
- B. The maximum number of dogs over the age of six months shall not exceed three per household.

6.08.031 Dog license required – Procedure.

All dogs three months of age or older kept or harbored within the city must be continuously licensed by the owner or keeper of the dog as follows:

- A. Written application for a license shall be made to the city clerk-treasurer or animal control officer. The application shall include the applicant's name and address, a description of the dog, and a rabies vaccination certificate issued by a licensed veterinarian or clinic.
- B. Any application for a neutered or spayed dog shall be accompanied by a veterinarian's certification that the dog has been neutered or spayed.
- C. Upon completion of the application and payment of the appropriate fee, the clerk-treasurer shall issue a license in the form of a tag. Any dog three months of age or older kept or harbored within the city must at all times have a current year tag attached to its neck. The tag shall bear an identification number and year of its issuance.
- D. Dog licenses shall be valid for one year, from January 1st through December 31st. The clerk-treasurer shall maintain a record of the identifying number of each tag issued, and shall make this record available for public inspection.
- E. Duplicate dog tags shall be issued upon payment of a replacement fee.
- F. No person shall use a tag for any dog other than the dog for which it was issued.

6.08.045 Dogs must be restrained.

- A. Any dog within the city must be continuously kept under restraint. No dog shall be tethered in such a manner as to permit it to enter within 10 feet of any public street, alley, sidewalk, or area open to the public, or to enter upon any neighboring property without the authorization of the occupant of the neighboring property.
- B. Every female dog in heat shall be reasonably restrained in a building or secure enclosure in such a manner that such dog cannot come into contact with another dog except for planned breeding purposes.

6.08.051 Unrestrained dogs subject to impoundment – Notice of Impoundment.

- A. Any dog not restrained as required under PMC 6.08.045, above, shall be subject to impound by the police chief, his officers, or animal control officer. Upon impound, if the owner or keeper of the dog is known or can be reasonably identified, the impounding officer shall immediately notify the owner or keeper by telephone, mail or in person. The impounding officer shall advise the owner or keeper that the dog has been impounded, and that the dog may be reclaimed by payment of an impoundment fee equal to \$10.00 for each calendar day or part-day the dog has been impounded.

Also, if the dog does not have a current-year tag, in addition to the impound fee, the owner or keeper shall be advised that the dog cannot be reclaimed until a current year tag is secured.

- B. Upon payment of all impound and licensing fees an impounded dog shall be released to its owner or keeper.
- C. If a dog has not been reclaimed within 72 hours following notification to the owner or keeper, or within 72 hours after impoundment if the owner or keeper cannot be reasonably identified, the dog shall become the property of the city and shall be placed for adoption in a suitable home, or shall be humanely destroyed.

D. The impound fee and dog license requirement shall be in addition to any fine or penalty which may subsequently be assessed as a result of any violation of this chapter.

6.08.061 Dangerous and potentially dangerous dogs prohibited.

No dog meeting the definition of a dangerous or potentially dangerous dog as defined in PMC 6.08.011(F) and (E), shall be kept, harbored, or present at any time within the city, except as otherwise provided in this chapter. At all times during the pendency of any legal proceeding upon a complaint or citation alleging a violation of this section, the dog in question shall either be removed from the city, or impounded by the city. The cost of keeping any dog impounded under this section shall be assessed to the owner or keeper of the dog if the dog is adjudged a dangerous or potentially dangerous dog; otherwise, the city shall bear the cost.

6.08.062 Potentially dangerous dog – Requirements to keep dog in the city.

If a final determination has been issued declaring a dog to be potentially dangerous under the provisions of this chapter, then strict compliance with each of the following requirements is required to keep a potentially dangerous dog in the city:

- A. The owner of a potentially dangerous dog shall provide for proper enclosure of potentially dangerous dog as set forth in PMC 6.08.045, within twenty days of service upon an owner of a final determination that an animal is a potentially dangerous dog under this chapter. A potentially dangerous dog may not be outside the dwelling of the owner or outside of a proper enclosure for a potentially dangerous dog, unless restrained by a substantial chain or leash and under the control of a responsible person.
- B. The owner of a potentially dangerous dog shall post the owner's premises in two conspicuous places on the property with clearly visible warning signs that there is a potentially dangerous dog on the property, within twenty days of service upon an owner of a final determination that an animal is a potentially dangerous dog under this chapter. At least one of the signs shall display a warning symbol that informs children of the presence of a potentially dangerous dog. For the signs to be removed, the owner must show their dog has passed the AKC Good Citizen test, or any equivalent professional behavioral evaluation to city clerk or animal control officer.
- C. In addition to any license required under the provisions of this chapter, all owners of potentially dangerous dogs must obtain a "City of Palouse Potentially Dangerous Dog Certificate of Registration," within twenty days of service upon an owner of a final determination, that an animal is a potentially dangerous dog under this chapter. The owner shall apply for such a certificate upon the forms supplied by the city administrator. The certificate of registration shall reflect that the owner has:
 - a. Provided for proper enclosure of a potentially dangerous dog as required by PMC 6.08.062(A)
 - b. Posted the owner's premises with warning signs as required by PMC 6.08.062 (B).

Failure to comply with these provisions will result in the dog in question being removed from the city, or impounded from the city, per PMC 6.08.061. Any other infraction that meets the description of a potentially dangerous or dangerous dog shall result in the dog being deemed a dangerous dog and result in the dog being removed from the city per PMC 6.08.061

6.08.072 Impoundment and bond pending appeal of dangerous or potentially dangerous dog adjudication.

Pending appeal from an order adjudging a dog to be kept, harbored, or present in violation of PMC 6.08.051 or 6.08.061, the subject dog shall, at the option of the owner or keeper, either be removed from the city or impounded by the city. If impounded by the city, the owner or keeper must bear the cost of keeping the dog and must post a cash bond for the dog in the amount of the daily animal shelter charge multiplied by 30 days. Such bond shall indemnify the city against the cost of keeping the dog.

6.08.073 Potentially dangerous and dangerous dogs – Notice – Preliminary determination – Final determination.

- A. Declaration of Preliminary or Final Determination. In making a preliminary or final determination that a dog is a potentially dangerous or dangerous dog as defined by PMC 6.08.011 (E) or (F) the animal control officer shall serve notice of the determination upon the owner of the animal, if the owner is known.
- B. Notice. Notice of the preliminary or final determination that a dog is a potentially dangerous or dangerous dog as defined by PMC 6.08.011 (E) or (F) shall contain:
 - a. The name and address, if known, of the owner of the animal;
 - b. The license number, if available, and the description of the animal; and
 - c. The statutory basis for the proposed action; a statement that the animal control officer has made a preliminary or final determination that the animal is a potentially dangerous or dangerous dog as defined by PMC 6.08.011 (E) or (F); the reasons the animal control officer considers the dog is potentially dangerous or dangerous; a statement that the dog is subject to registration and controls required by this chapter, including a recitation of the controls and an explanation of the owner's rights and of the proper procedure for appealing a decision finding the dog dangerous or potentially dangerous.
 - d. Service of the notice shall be delivered personally, or by first class and certified mail with return receipt requested.
- C. Preliminary Determination. Upon the issuance of a preliminary determination and within fifteen calendar days following the service of the notice, the owner of the animal declared to be potentially dangerous or dangerous dog may meet with the animal control officer to state, orally or in writing, why the animal should not be declared a potentially dangerous or dangerous dog. If the owner actually meets with the animal control officer, any statements made at the meeting shall be considered by the animal control officer before making a final determination.
- D. Final Determination. Within either fifteen calendar days of the animal control officer's meeting with the animal's owner pursuant to subsection C of this section, or within fifteen calendar days of the expiration of the fifteen-calendar-day period following service of the notice pursuant to subsection C of this section, the animal control officer shall issue its final determination. The final determination, unless appealed to the county court within thirty days of notice, shall be a final determination that the animal is potentially dangerous or dangerous. Notice of a final determination shall also include:
 - a. Recital of the authority for the action
 - b. The signature of the person who made the determination
 - c. A Statement that the declaration of final determination concerning a potentially dangerous or dangerous dog is a final determination, unless appealed and that the appeal must be filed within thirty calendar days

after the date of such final determination with the city clerk.

6.08.081 Public nuisance prohibited – Penalty for violation.

In the event of a dog meeting the definition of a public nuisance as defined in PMC 6.08.011 (G), the owner or keeper shall be fined not less than \$25.00 for the first violation, and the owner or keeper shall be required to take reasonable steps to abate any further public nuisance. In the event of a second violation involving the same dog, the owner or keeper shall be fined at least \$50.00 and shall be required to take reasonable steps to abate any further public nuisance. In the event of a third violation involving the same dog, the owner or keeper shall be fined at least \$100.00, and the court shall enter an order directing the owner or keeper to destroy the dog or permanently remove it from the city. If the dog is not then destroyed or removed as ordered within 24 hours after entry of the order, it shall be the duty of the police chief, his officers, or the animal control officer to remove or destroy the dog, wherever it may be found within the city.

6.08.091 Care.

No owner or keeper of a dog within the city shall:

- A. Malnourish the dog, or fail to provide reasonable shelter and veterinary care for the dog;
- B. Beat, torment, abuse, or otherwise inhumanely treat and care for the dog;
- C. Cause the dog to engage in a fight with another dog, animal, or person;
- D. Abandon the dog; or
- E. Any person convicted of violating this section shall immediately forfeit any dog license issued to such person and no further future dog license shall be issued to such person.

6.08.110 Interference with enforcement of this chapter prohibited.

No person shall knowingly and willfully interfere with, or attempt to prevent The City, in the enforcement of this chapter.

NEW BUSINESS:

None

COMMITTEES:

Policy and Administration - Chair Barrington:

Explored adding WSU Cougar Flags to the flags allowed to be flown from City standards downtown; the Committee determined to not move the proposal forward. Will be working on emergency planning in the near future.

Budget, Finance, & Major Acquisitions - Chair Bofenkamp:

Meeting Thursday

Streets, Properties, & Facilities - Chair Brooks:

Toured city with PW Supt Mike Wolf. He was very informative about many different aspects of our city. Recommends others to do the same.

Personnel - Chair Sena:

Topics currently exploring: Overtime, conditions of employment, and developing questions for/about personnel.

Water and Sewer - Chair Griner:

Meeting with CA La Follett and Mayor Sievers. Had informal conversation with Mr. Boone regarding real-estate availability.

Joint Fire Board - Chair Anderson:

Sending two new firefighters to train in wildfire response, will be available for emergencies when home. For future consideration, if we have new assisted living facilities constructed in town, we may want to require specific responsibilities taken by the facility as it may increase demand on EMS and Pullman EMS substantially.

Youth Advisory Board – Chair Bofenkamp:

No Report.

X.OPEN FORUM:

Cheryl Sanders: Asked that any updated ordinances regarding noise take into consideration the Grain Growers and the light industrial zoning.

Bruce Pemberton: Opposes time limits on open forum. Suggests people walk Shady Lane, important feature in our community, logging will be chaotic. Advocated for more sidewalks on the south hill. Recommends patching the holes where light fixtures reside in the pool.

Patti Ripee: Asked how we communicate updated ordinances to residents. Also, asked if empty houses pay any water and sewer fees.

MAYORS REPORT:

Federal Appropriations: Palouse was awarded \$1.2 million dollars with a 20% match. A special thank you to Congresswoman Cathy McMorris Rodgers.

Met with Congressional Candidate, Mr. Baumgartner. Discussed issues in Palouse, positive meeting.

Sewer Plant Update: Discussed the model project in Prineville Oregon with Varela. Not likely to work in Palouse due to various factors. Varela will provide an update to council in the future. We should begin exploring local property options.

Went to a Community Development Meeting with Becky McCray

- Small town improvements suggested during City tour.
- Exploring a potential grant opportunity to digitize newspaper articles in our museum.

Continuing work on the EPA Building Blocks Technical Assistance award.

PAYMENT OF BILLS

C. Bofenkamp introduced a **MOTION** to allow the payment of bills; the **MOTION** was seconded by C. Sena. All council members approved, and the **MOTION** was passed.

The following checks were approved for payment:

Payroll paid	EFT	\$6,887.91
Claims paid	Ck# 13757-13767	\$ 18,212.75
Total:		\$ 25,100.66

ADJOURN: C. Anderson introduced a **MOTION** to adjourn; the **MOTION** was seconded by C. Griner. All council members approved, and the **MOTION** was passed.

The council meeting Adjourned at 9:03 PM

APPROVED: _____

ATTEST: _____

DATE: _____