

---

**OMAK CITY COUNCIL  
REGULAR MEETING MINUTES  
July 6, 2021**

---

**CALL TO ORDER:**

Mayor Gagné called the regular meeting of the Omak City Council to order at 7:00 PM, established a quorum and, everyone joined in the flag salute.

**COUNCIL AND ADMINISTRATIVE PERSONNEL:**

Michael Foth	Todd McDaniel, City Administrator
Nattalie Cariker	Kevin Bowling, Fire Chief
Barry Freel	Dan Christensen, Chief of Police
Steve Clark	Ken Mears, Public Works Director
Walt Womack	Connie Thomas, City Clerk
Michelle Gaines	Tyler Wells, Building Official - absent
Dave Womack	Mick Howe, City Attorney

**CORRESPONDENCE AND MAYOR'S REPORT:**

On July 2, 2021, Mayor Gagné issued an Executive Order declaring an emergency due to the extreme threat of wildland and other fire danger resulting from high temperatures and prolonged heat; prohibited the sales and/or discharge of fireworks withing the City of Omak through October 31, 2021, and, made fireworks illegal under the emergency proclamation. Mayor Gagné read the entire Executive Order for the record. She also told Council that the Colville Confederated Tribes also banned the use of fireworks. She did not hear or see any fireworks over the weekend and, she thought the citizens complied.

**CONSENT AGENDA:**

Member Gaines moved, seconded by Member Dave Womack, to approve the consent agenda consisting of minutes from the June 21, 2021, meeting; 2021 claims checks numbered 105125-105184, in the amount of \$217,968.64; June 2021 payroll checks numbered 105015-105018, 105097-105116, 105118-105124, voided check 105117 and, ACH payments in the amount of \$332,178.22; As there was no discussion and no comments from the audience, Council voted and unanimously approved the motion.

**NEW BUSINESS:**

**Resolution 31-2021 – Approving Purchase of a Lawn Sweeper through WA State Purch Co-Op**

Member Clark moved, seconded by Member Cariker, to approve Resolution 31-2021. Public Works Director Mears Told to Council that this was a routine replacement for the Park Department. The current 2006 sweeper was scheduled for replacement. The purchase will be made through the Washington State Purchasing Co-Op from Turf Star. The total estimated purchase price is \$29,029 and is under budget. As there were no questions or comments from the audience, Council voted and unanimously approved the motion.

**Resolution 32-2021 – Approve Intergovernmental Cooperative Purchasing Agreement-League of Oregon Cities**

Member Clark moved, seconded by Member Gaines, to approve Resolution 32-2021. City Administrator McDaniel explained to Council that this was an intergovernmental agreement to allow the City of Omak to participate in the purchasing Cooperative with the League of Oregon Cities. The City of Omak anticipates a purchase for the Police Department. In the future, the city can take advantage of other purchases through this agreement. This Intergovernmental Agreement will be posted on the City Website in accordance with the RCW. As there were no questions or comments from the audience, Council voted and unanimously approved the motion.

**Resolution 33-2021 – Approve Purchase Agreement with Axon Enterprise, Inc.-Tasers, Body Cameras & Support**

Member Foth moved, seconded by Member Clark, to approve Resolution 33-2021. Police Chief Christensen explained to Council that this resolution is for the acquisition of twelve Taser7 and Axon Body cameras with support. This purchase is to comply with the recently passed House Bills and Senate Bills. Chief Christensen said that he has briefed two Council Committees on the Core Plus package. Member Clark asked about the financing. Chief Christensen explained that the cost would be averaged over a five-year term. Mayor Gagné asked if either Council Committee has a recommendation. Member Gaines told Council that the Personnel/Finance Committee met with Chief Christensen after he met with the Community Support and Public



---

**OMAK CITY COUNCIL  
REGULAR MEETING MINUTES  
July 6, 2021**

---

Safety Committee. The Personnel/Finance Committee recommend approval of the purchase. Member Freel asked how the Committee came up with funding for the purchase. City Administrator McDaniel explained that this purchase may be eligible for the American Rescue Act Funds. As there were no further questions or comments, Council voted and unanimously approved the motion.

**Resolution 34-2021 – Approve Classification Change for Part-Time Police Clerk Position to Full-Time Police Clerk Status**

Member Foth moved, seconded by Member Clark, to approve Resolution 34-2021. Police Chief Christensen explained to Council that after analysis of work needed for the department, he feels this is the right move. The full-time position will allow for efficiency and, he can invest time into training the employee. Mayor Gagné asked if there was a committee report. Member Foth said the Community Support & Public Safety Committee met and reviewed the request and is in favor of the change. Member Gaines said the Personnel/Finance Committee also met and reviewed the request and the future expenses and the Committee recommends approval. Administrator McDaniel clarified that the part-time position title is Records Clerk. Member Freel asked why staff is looking at a position change mid-year versus during the budget sessions. Member Dave Womack explained that there is an offset of budget savings in the fund and, the need for the full-time position is now. As there were no further questions or comments, Council voted and unanimously approved the motion.

**OTHER BUSINESS:**

**Committee/Staff Reports:**

Member Gaines told Council that the Personnel/Finance Committee met and, she will provide a report but may defer to City Administrator McDaniel for input. She explained that the committee had a three-page agenda which included a Cost Allocation Plan, COVID Leave Policy, implementation of a bi-monthly pay period, American Recover Program Act Funds (ARPA), Tasers/Body Cameras, Records Clerk, Police Department Truck, Stampede Chutes, property abatement. Member Gaines highlighted each topic. The draft Cost Allocation Plan was recommended by the Washington State Auditor's Office. This plan needs to be in place prior to the next audit and it will be coming to Council by Resolution at the next regular meeting.

The Committee discussed time loss related to COVID exposure. Last year the Families First Coronavirus Response Act allowed an additional eighty hours of leave per employee for COVID related leave through December 31, 2020. The City used COVID Funds to reimburse the lost time. From January 1, 2021, through April 1, 2021, there is no, known funding to offset the time loss. The city had employees off work due to exposure during the ineligible period. Committee recommends that employees are compensated a one-time 80 hours through December 31, 2021. Those employees that already used the eighty hours in 2020 are not eligible. There is also consideration for extending the eighty hours through to 2024 if needed. Administrator McDaniel explained that ARPA funds can be used or there is a possible tax credit available. There was further discussion amongst Council about the pros and cons. A resolution will come to Council on July 19<sup>th</sup>.

The City of Omak currently pays all employees through the last day of each month for all hours worked. Staff would like to change to a bi-monthly payroll process with payday on the 1<sup>st</sup> and 15<sup>th</sup>. This would be implemented on January 1, 2022. This would require a change in policy that will be drafted and presented to Council.

The City of Omak received the first payment of the American Recovery Act funds. Administrator McDaniel received a premium pay request from both bargaining representatives. Employees could be given a one-time payment for hazard pay using the ARPA funds. There was no action taken by the Personnel/Finance Committee on this request.

The Police Department would like to purchase a truck which may be included into the equipment rental fleet. They would surplus the Crown Victoria. The Personnel/Finance Committee determined there will be a savings and recommends the approval of this purchase. Member Foth asked why the purchase was not on the agenda this evening. Administrator McDaniel explained that Chief Christensen was still working on obtaining a quote.

The Stampede Arena needs new chutes or significant repair. Quotes have been received for replacement and they are exceeding \$50,000 and are limited in supply. If ordered, they will not be here in time for the August event. Member Gaines told Council that committee did not make a recommendation on this purchase. There was discussion about the current shoots and what steps are being taken to repair them for the upcoming Stampede. Mr. Mears told Council that the chutes are original, and not the required size.



---

**OMAK CITY COUNCIL  
REGULAR MEETING MINUTES  
July 6, 2021**

---

Contestants have had issues with the chutes due to the size. Stampede President, Leon Hoover and Public Works Director Mears are working together on this project to make them safe for the 2021 rodeo.

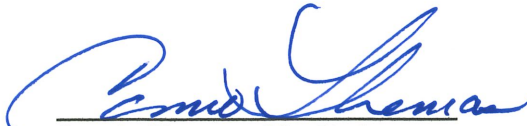
Member Gaines told Council that the home at 510 S Main burned, and the city abated the home. This topic was taken to both committees and, both recommended tearing down the home. Administrator McDaniel told Council that a company is working with the property owner and may potentially acquire the home. Member Clark asked if Chief Bowling could use the home as a training burn. Chief Bowling explained that it was a two-story home with a house to the south and, he does not want to chance the wall falling the wrong direction.

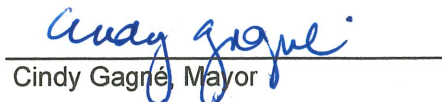
Administrator McDaniel told Council that all items were discussed by the Community Support and Public Safety Committee and the Personnel/Finance Committee.

City Administrator McDaniel told Council that he sent out an application to FAA for a \$22,000 grant for the Omak Airport. This grant will offset the actual cost of airport operations which is a burden of Current Expense. The city will see a savings in Current Expense. He also told Council that with the purchases approved for the Police Department, the 2021 budget will be offset by a savings in the labor lines and booking fees of an estimated \$147,000. The expenses will be processed out of the appropriate lines so, staff and Council can clearly see the overages during the budget process. Administrator McDaniel told Council that the City of Omak was awarded a matching grant for the construction of a skate park. He is waiting for the award letter and guidance. He will bring the request to Council for discussion/approval.

Administrator McDaniel explained to Council that this past Thursday, staff was scrambling to get the information out about the fireworks ban. He invited City Attorney Howe to answer questions about the process and the Mayor's Executive Order. Member Dave Womack recollected that the city must adopt a ban on fireworks a year in advance, so he was inquiring on what changed. City Attorney Howe said that was the key question. He and staff relied on the experts at Municipal Research and Service Center (MRSC) for guidance. MRSC anticipated that cities were going to adopt emergency ordinances that may conflict with RCW 70.77.250(4). MRSC provided guidance on jurisdictions that adopted an ordinance after the statutory period. This authorized the mayor and or Fire Marshalls to prohibit fireworks during high fire danger. Attorney Howe said that there is no clear law either way and the City of Omak decided to proceed. He felt that no reasonable judge would say the City of Omak made a mistake in implementing this executive order. Attorney Howe said that he did look further into cases of other cities that took the same action. He believes the city was on solid ground and erred on the side of protection for the community and that was his recommendation to Mayor Gagné and Administrator McDaniel. Fire Chief Bowling thanked the Mayor for the Executive Order. He has been on the Fire Department for 43 years and this was the lightest Fourth of July as far as not responding to fires. He spent several hours the evening of the 4<sup>th</sup> touring the City of Omak. He did not see or hear one firework. He was also in contact with citizens and there were no complaints, only thanks you's and, he was also thankful. Administrator McDaniel said that he and Chief Bowling talked and felt that doing outreach would be important. Member Clark agreed that it was a smart move. Member Gaines did some research and could not find where the City could issue citations to citizens for the use of fireworks as noted in the last section of the Mayor's Executive Order. City Attorney Howe explained that it was a general penalty and, no dollar amount was set. The reason it was cited is that the Mayor was signing a proclamation under state statute to establish a ban on fireworks and it was adopted under a provision by RCW which provides for civil violations. This provides the authority to make a person civilly liable for damage and costs. This was not saying the city would issue a \$0 infraction. He used the term "Prima Facie Liable".

As there was no further business before Council, Mayor Gagné adjourned the meeting at 7:53 PM.

  
\_\_\_\_\_  
Connie Thomas, City Clerk

  
\_\_\_\_\_  
Cindy Gagné, Mayor





*heart of the okanogan*

2 North Ash • P.O. Box 72  
Omak, WA 98841  
(509) 826-1170  
Fax: (509) 826-6531  
www.omakcity.com

Hearing Impaired - call WA Relay Services 7-1-1

CITY OF OMAK

MAYOR'S EXECUTIVE ORDER

Whereas, the Pacific Northwest is experiencing record high temperatures and prolonged heat and these conditions are anticipated to continue; and

Whereas, the threat of fire is at a level of extreme danger from the prolonged heat wave; and

Whereas, the State of Washington and other states in the western United States have experienced increasing intensity, frequency and area destruction, including devastating urban wildfires from wildland fires over the past four years; and

Whereas Okanogan County has enacted a burn ban for the entirety of unincorporated Okanogan County due to the danger of wildfires; and

Whereas, the Mayor of the City of Omak finds that the use of fireworks during and immediately following a record heat wave and record dry conditions, ripe for fire, constitutes a dangerous threat to the health and safety of the public; and

Whereas, RCW 70.77.250(4) does not impact the authority of local government to adopt emergency bans on fireworks in response to extreme heat, drought, or other circumstances that make the discharge of fireworks unreasonably dangerous,

Now, therefore,

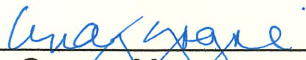
THE MAYOR OF THE CITY OF OMAK, WASHINGTON, BY THE POWER VESTED IN HER BY THE CONSTITUTION AND STATUTES OF THE STATE OF WASHINGTON, INCLUDING EMERGENCY MANAGEMENT POWERS CONFERRED BY CHAPTER 38.52 RCW, DOES HEREBY, EFFECTIVE IMMEDIATELY, ORDER AND DIRECT:

Section 1. Declaration of Emergency. The extreme threat of wildland and other fire danger resulting from the prolonged heat wave constitutes an "emergency or disaster" as defined in RCW 38.52.010(9)(a) and an "emergency" as defined in RCW 38.52.010(9)(b).

Section 2. Sale and discharge of Fireworks in the City of Omak Prohibited. In order to best prevent and address potential emergencies and disasters resulting from the current extreme threat of wildland fire, all sales and/or discharge of fireworks within the City of Omak shall be prohibited from the date of this proclamation through October 31, 2021.

Section 3. Illegal Fireworks and Fines. All fireworks, even if legally purchased at approved fireworks stands or on tribal reservations are illegal under this Emergency Proclamation. Discharge of the fireworks shall result in penalties as set forth in Chapter 1.16 of the Omak Municipal Code.

DATED this 24 day of July, 2021.

  
\_\_\_\_\_  
Cindy Gagne, Mayor  
City of Omak, Washington