

City of Connell, Washington
CITY COUNCIL AGENDA

Connell City Hall - 104 E. Adams Street
Regular Meeting
June 19, 2024, 6:00 PM

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. CORRESPONDENCE/APPOINTMENTS

5. CONSENT CALENDAR

All matters listed within the Consent Calendar have been distributed to each member of the Connell City Council for reading and study, are considered to be routine, and will be enacted by one motion of the Council with no separate discussion. If separate discussion is desired, that item may be removed from the Consent Calendar and placed on the Regular Agenda by request.

- a) Minutes of the Regular Council Meeting June 5, 2024
- b) Accounts payable 6/19/2024 for \$186,237.60
- c) Check Register 6/03/24 for \$314.65
- d) Payroll Register 6/05/24 – 6/05/24 for \$118,813.59

6. APPROVAL OF AGENDA

ORDER OF BUSINESS

7. ORDINANCE NO. 1042-2024 Amending Chapter 16.16.385 Dust Control
8. ORDINANCE NO. 1043-2024 Establishing Chapter 9.25 Offenses Against Public Order
9. ORDINANCE NO. 1044-2024 Repealing Chapter 9.24 Curfew Hours for Juveniles

10. COMMITTEE, CITY ADMINISTRATOR, AND DEPARTMENT REPORTS
11. CITIZEN COMMENT/NON-AGENDA ITEMS
12. CITY COUNCIL CLOSING REMARKS
13. ADJOURNMENT

The public is welcome and encouraged to attend this meeting. The City of Connell wishes to provide reasonable access to all public meetings for individuals with disabilities. Please contact the City Clerk at least three business days prior to the meeting for accommodations to be arranged.



THE MISSION OF THE CITY OF CONNELL IS:

To partner with the community, enriching the quality of life and delivering a range of services in a fiscally sustainable manner.

Engaging the public and embracing diversity, we maintain a focus on the future, remaining flexible and responsive, to foster a small-town character that supports growth.

REGULAR MEETING OF THE CITY OF CONNELL, WASHINGTON
CONNELL, FRANKLIN COUNTY, WASHINGTON
June 5, 2024

The Regular meeting of the Connell City Council was called to order by Mayor Lee Barrow at 6:00 pm in the City Hall and was opened with the Pledge of Allegiance.

ROLL CALL

Mayor Lee Barrow and Councilmember's: Joe Escalera, Pat Barrera, Shelly Harper, Preston Hart, and John White.

STAFF PRESENT:

Fire Chief Ken Woffenden, City Administrator Cathleen Koch, City Clerk Marissa Ortiz, Police Chief Chris Lee, City Treasurer Teresa Steele, Public Works Director Hallie Tuck and City Attorney Heidi Ellerd.

CONSENT CALENDAR

Motion: Councilmember Barrera moved to approve the consent calendar as presented:

- a) Minutes of the Regular Council Meeting June 5, 2024
- b) Accounts Payable 6/5/24 for \$98,415.15
- c) Check Register 5/30/24 for \$5,850.00
- d) Payroll Register 5/20/24 - 5/20/24 for \$72,592.64

Councilmember Escalera seconded the motion. Motion carried unanimously.

APPROVAL OF AGENDA

Motion: Councilmember White moved to approve the agenda as amended: *(Addition- Agenda item #8a – Resolution No. 2024-07 Amend Schedule D Parks & Rec / Swim Team member fee)*. Councilmember Hart seconded the motion. Motion carried unanimously.

MEETING RECESSED

Mayor Barrow recessed the Regular meeting at 6:02 pm to go into Executive Closed Session for (15 minutes).

Per RCW 42.30.110 (1)(i) - To discuss with legal counsel representing the agency matter relating to agency enforcement actions and or potential litigation.

At 6:17 pm Mayor Barrow extended the executive session by 10 minutes.

At 6:27 pm Mayor Barrow extended the executive session by 10 minutes.

MEETING RECONVENED

Mayor Barrow called the regular meeting back to order at 6:37 pm.

MEETING OF THE CITY OF CONNELL
Regular Council Meeting – June 5, 2024

DISCUSSION ON THE SOUTHSIDE WATER MAIN PROJECT AND SR260 ROADWORK
City Councilmembers acted and agreed to initiate an agreement with the Washington State Department of Transportation, agreeing to pay half of the repair costs from the Southside Water main project that left a dip in the road after the project was completed. The total estimated cost was \$19,134.00.

Motion: Mayor Pro Tem Harper moved to enter into an agreement with WSDOT stating that the City of Connell would pay 50% of the estimated repair cost due to a road dip repair on SR 260 and authorize the Mayor to sign and execute the necessary documents. Councilmember Hart seconded the motion. Motion carried (4-1 vote).

REQUEST TO CHANGE SWIM TEAM MEMBER FEE - RESOLUTION NO. 2024-07 -
AMEND SCHEDULE D – PARKS & RECREATION

Mayor, Lee Barrow informed the City Council that at the previous Council meeting Resolution No. 2024-05 was approved, increasing the swimming team member fees from \$20 to \$75 for the pool season. Following further discussions with the swim team coach, they determined that the amended fee was more than anticipated. The swim team coach has requested the membership fee be reduced to \$65 rather than \$75.

Motion: Mayor Pro Tem Harper moved to adopt Resolution No. 2024-07 amending Schedule D of the Master Fee Schedule. Councilmember Escalera seconded the motion. Motion carried unanimously.

DEPARTMENT REPORTS

Mayor, Lee Barrow:

- Reported that the Swimming Pool was set to open on June 14 with swim team tryouts scheduled on June 12.

City Administrator, Cathleen Koch:

- Disclosed concerns about the Motel currently owned by the Last Chapter Private Family Management Company previously known as Connell Inn & Suites.

MEETING ADJOURNED

There being no further business before the City Council of Connell Mayor Barrow adjourned the meeting at 7:01 pm.

Lee Barrow, Mayor

ATTEST: _____
Marissa Ortiz, City Clerk

ACCOUNTS PAYABLE

City Of Connell

As Of: 06/19/2024

Time: 09:51:36 Date: 06/12/2024
Page: 1

Accts Pay #	Received	Date Due	Vendor	Amount	Memo
27451	06/05/2024	06/19/2024 1763	AFLAC	336.36	Refunded And Issuing Repayment For Kelly Hogan And Victor Garza
27460	06/19/2024	06/19/2024 92	Benton Franklin District Health	1,284.00	Water/W/W Labs
27461	06/19/2024	06/19/2024 92	Benton Franklin District Health	300.00	Pool Permit
27398	05/28/2024	06/19/2024 99	Big Bend Electric Cooperative, INC.	3,359.29	Electric Bills For Waste Treatment Plant, Electric-Valve/SR 260, And PD Communication Tower. 4/23/24-5/23/24
27462	06/19/2024	06/19/2024 6246	Christensen Fleet Card	6,556.34	City/Police Fuel
27409	06/03/2024	06/19/2024 155	City Of Connell	18,225.71	City Of Connell June 2024 Utility Billing, May 2024 Utility Tax Payments, & June 2024 Fire Suppression Dispatch Services June 2024
27490	06/11/2024	06/19/2024 5016	City of Richland, WA	386.50	Dispatch Services June 2024
27386	05/28/2024	06/19/2024 5309	Community First Bank-Mastercard	53.64	K. Hogan, CC Purchases, 2431
27388	05/28/2024	06/19/2024 5309	Community First Bank-Mastercard	18.40	C. Koch, CC Purchases, 3630
27394	06/05/2024	06/19/2024 5309	Community First Bank-Mastercard	60.47	K. Woffenden, CC Purchases, 2897
27400	05/29/2024	06/19/2024 5309	Community First Bank-Mastercard	1,576.68	M. Ortiz, CC Purchases, 2947
27401	05/29/2024	06/19/2024 5309	Community First Bank-Mastercard	297.82	C. Lee, CC Purchases, 7582
27402	05/29/2024	06/19/2024 5309	Community First Bank-Mastercard	308.53	L. Barrow, CC Purchases, 3267
27487	06/11/2024	06/19/2024 5309	Community First Bank-Mastercard	1,526.91	J. Schmid, CC Purchases, 6724
27492	06/12/2024	06/19/2024 5309	Community First Bank-Mastercard	437.31	H. Tuck, CC Purchases, 3010
27408	06/19/2024	06/19/2024 170	Connell Auto Parts	13.49	Oil Absorbent
27484	06/19/2024	06/19/2024 170	Connell Auto Parts	842.06	Misc Parts
27485	06/19/2024	06/19/2024 180	Connell Grange Supply Co.	2,282.68	Hitch Pin, Propane, Garden Hose, Torx Set. Fence Pliers, Pressure Cap, Pliers, Broom, Cleaner, Batteries, Pesticide, Bolts, Epoxy Putty, Tire Repair, Farm Diesel, Scrub Brushes, Bleach, Hose Nozzles, PD VPN Software/cert SVC Software Token Authentication May 2024
27455	06/06/2024	06/19/2024 2459	Consolidated Technology Services/ WaTech, Attn: Ac	18.00	Authentication May 2024
27464	06/19/2024	06/19/2024 4356	Core & Main	40,941.60	Storz Adapters, Meter Setters, Flanges For The Pool
27410	06/04/2024	06/19/2024 6475	Cortes, Andromeda	500.00	Community Center Deposit Refund For Event On 6/1/2024
27463	06/19/2024	06/19/2024 217	Coyote Ridge Corrections	1,022.93	Inmate Labor
27414	06/04/2024	06/19/2024 3640	Devfuzion, Rockwalla IT LLC	3,486.33	City Of Connell Cybersecurity, Backup, & Troubleshooting For June 2024
27477	06/10/2024	06/19/2024 6356	Eллерd, Hultgrenn & Delhauser LLP	1,474.25	Attorney Fees 4/25-5/16 2024. Photocopies, Review WSP Service Agreement, Review Council Packet, E-mails To/from Barrow & Koch, Attend City Council Meeting, Review Parking Ordinances, E-mail To Tuck
27481	06/11/2024	06/19/2024 6356	Eллерd, Hultgrenn & Delhauser LLP	46.82	Attorney Fees. Telecon With Koch From 5/31/24. Interest On Overdue Invoice

ACCOUNTS PAYABLE

City Of Connell

As Of: 06/19/2024

Time: 09:51:36 Date: 06/12/2024
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Accts Pay #	Received	Date Due	Vendor	Amount	Memo
27467	06/19/2024	06/19/2024	Fairbank Equipment Inc	218.24	Spray Nozzle, Gaskets And Spray Boom
27465	06/19/2024	06/19/2024	Fastenal	188.73	Stainless Steel Cable Foe WWTP Aerators
27404	05/30/2024	06/19/2024	Franklin Co Corrections	336.71	Inmate Medical April 2024
27491	06/11/2024	06/19/2024	Franklin Co Corrections	2,671.84	Inmate Housing For May 2024
27453	06/06/2024	06/19/2024	Franklin Co Pud	23,334.50	CoC PUD Bills For May 2024
27476	06/19/2024	06/19/2024	Franklin County Graphic LLC	204.61	Legal Publications For: PH DNS Trash Container / STIP Hearing Notice / ORD 1041-2024
27449	06/05/2024	06/19/2024	Franklin County Treasurer	17.53	May 2024 Remit Criminal Victim Assessment
27405	05/31/2024	06/19/2024	Franklin County Treasurer	2,587.65	Franklin County District Court & Prosecutor's Office Services For June 2024
27466	06/19/2024	06/19/2024	Grainger, Inc.	7,101.75	WWTP Pump Removal Tool
27468	06/19/2024	06/19/2024	H. D. Fowler	2,213.89	Meter Setters
27452	06/05/2024	06/19/2024	Hogan, Kelly	108.93	AFLAC Refund Due To Over Payment April Invoice
27469	06/19/2024	06/19/2024	Irrigation Specialists, Inc	63.67	Irrigation Solenoid
27456	06/06/2024	06/19/2024	JDT Sales and Repair	980.13	PD - Oil Changes, Tire Pressure Sensor, AC High Side Hose Replacement, AC System Recharge, Refrigerant, Fan Relay
27489	06/11/2024	06/19/2024	Jiffy Car Wash, Inc.	27.00	PD - Car Washes 5/3/24, 5/13/24, 5/17/24
27407	06/03/2024	06/19/2024	Kelley Create..EFT..	528.23	Agreement 112-1583154-000: Xerox AltaLink C8055 Copier 4/25/24-5/24/24
27479	06/19/2024	06/19/2024	Lease Servicing Center, Inc., Db a NCL Government C	41,133.44	Sweeper Lease Payment
27454	06/06/2024	06/19/2024	Lee, Chris	68.00	Meal Reimbursement During Training 5/21/24 & 5/22/24
27486	06/11/2024	06/19/2024	Lep-Re-Kon Mart #4	92.28	Cleaning Supplies. Dawn, Clorox Bleach, Scrub Sponge, NS Scr Pads
27482	06/19/2024	06/19/2024	Liberty Lawn & Saw Shop	247.07	Oil/air/fuel Filter, Spark Plugs A Nd Oil For Mower Tune-up
27483	06/19/2024	06/19/2024	Matrix Sciences International Inc	2,285.25	Water Labs
27488	06/11/2024	06/19/2024	Mesa Crossroads Service Station LLC, Steven Howard	248.09	PD - Evidence Tow 6/8/2024
27470	06/19/2024	06/19/2024	Northstar Chemical, Inc.	4,995.34	Chlorine For Wells
27413	06/04/2024	06/19/2024	Office Depot OfficeMax	41.78	Airwick Refill Frsh Water, Spray Air Fbrz Hvydty, Divider Index 8tab/4pk
27478	06/10/2024	06/19/2024	Office Depot OfficeMax	53.80	2025 Calendars For T. Steele, K. Hogan, H. Keel
27420	06/05/2024	06/19/2024	Path Point Merchant Services LLC	1.25	CC Merchant Fees For May 2024
27475	06/10/2024	06/19/2024	Path Point Merchant Services LLC	679.02	CC Merchant Fees For May 2024 #2
27480	06/19/2024	06/19/2024	Premier Landscaping and Design	380.76	Calcium Chloride And Acid For The Pool
27473	06/19/2024	06/19/2024	RDO Equipment Co.	69.00	Locks For Parks
27458	06/19/2024	06/19/2024	Shawn Melgren, Super M Repair LLC	270.75	E2011 & L2021 DOT Inspections

ACCOUNTS PAYABLE

City Of Connell

Time: 09:51:36 Date: 06/12/2024
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As Of: 06/19/2024

Accts Pay #	Received	Date Due	Vendor	Amount	Memo
27457	06/07/2024	06/19/2024	6476	64.98	Connell Community Float Miss Connell Program Parade Season 2024. Printing Invoice, 3" Buttons 70qty
27472	06/10/2024	06/19/2024	233	7,642.62	May 2024 Combined Excise Tax
27412	06/04/2024	06/19/2024	659	188.00	City Of Connell 2024 PO Box Fee
27474	06/19/2024	06/19/2024	665	19.80	Utility Locates
27450	06/05/2024	06/19/2024	695	1,336.36	A8 Form From May 2024 Remittance
27411	06/04/2024	06/19/2024	2626	480.48	CC Fees For May 2024
Report Total:				186,237.60	

CERTIFICATION: I, the undersigned do hereby certify under penalty of perjury, that the materials have been furnished, the services rendered or the labor performed as described and that the claim is a due and unpaid obligation against the City of Connell and that I am authorized to authenticate and certify to said claim.

() Finance Director () Auditing Officer _____ Date: _____
 () Deputy Finance Director

CHECK REGISTER

City Of Connell

Time: 11:01:29 Date: 06/03/2024

06/03/2024 To: 06/03/2024


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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2032	06/03/2024	Claims	7	44316	U.S. Post Office	314.65	June 2024 Utility Billing
		401 Water Fund				157.33	
		402 Sewer Fund				157.32	
						<u>314.65</u>	Claims: 314.65

WE, the members of the City Council of the City of Connell, Washington, DO HEREBY certify that the merchandise or services listed above have been received and that the above listed vouchers and the related checks have been reviewed and approved for payment by the City of Connell Council. DATED this _____ day of _____ 20__.

ATTEST:

 Councilmember Councilmember Mayor


 Finance Director

CHECK REGISTER

City Of Connell

Time: 15:57:28 Date: 06/05/2024

06/05/2024 To: 06/05/2024

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2043	06/05/2024	Payroll	7	EFT		2,881.39	
2044	06/05/2024	Payroll	7	EFT		2,399.22	
2045	06/05/2024	Payroll	7	EFT		35.76	
2046	06/05/2024	Payroll	7	EFT		2,115.79	
2047	06/05/2024	Payroll	7	EFT		71.53	
2048	06/05/2024	Payroll	7	EFT		35.76	
2049	06/05/2024	Payroll	7	EFT		1,611.51	
2050	06/05/2024	Payroll	7	EFT		53.99	
2051	06/05/2024	Payroll	7	EFT		71.53	
2052	06/05/2024	Payroll	7	EFT		2,602.62	
2053	06/05/2024	Payroll	7	EFT		35.76	
2054	06/05/2024	Payroll	7	EFT		1,612.16	
2055	06/05/2024	Payroll	7	EFT		89.40	
2056	06/05/2024	Payroll	7	EFT		3,855.39	
2057	06/05/2024	Payroll	7	EFT		35.76	
2058	06/05/2024	Payroll	7	EFT		2,552.86	
2059	06/05/2024	Payroll	7	EFT		1,502.85	
2060	06/05/2024	Payroll	7	EFT		1,686.33	
2061	06/05/2024	Payroll	7	EFT		2,254.49	
2062	06/05/2024	Payroll	7	EFT		1,437.24	
2063	06/05/2024	Payroll	7	EFT		3,636.60	
2064	06/05/2024	Payroll	7	EFT		35.76	
2065	06/05/2024	Payroll	7	EFT		3,814.96	
2066	06/05/2024	Payroll	7	EFT		71.53	
2067	06/05/2024	Payroll	7	EFT		89.40	
2068	06/05/2024	Payroll	7	EFT		2,438.60	
2069	06/05/2024	Payroll	7	EFT		2,418.72	
2070	06/05/2024	Payroll	7	EFT		2,324.90	
2071	06/05/2024	Payroll	7	EFT		2,522.10	
2072	06/05/2024	Payroll	7	EFT		35.76	
2074	06/05/2024	Payroll	7	EFT		2,433.89	
2075	06/05/2024	Payroll	7	EFT		71.53	
2076	06/05/2024	Payroll	7	EFT		71.53	
2077	06/05/2024	Payroll	7	EFT		53.64	
2078	06/05/2024	Payroll	7	EFT		71.53	
2079	06/05/2024	Payroll	7	EFT		2,235.82	
2080	06/05/2024	Payroll	7	EFT		35.76	
2081	06/05/2024	Payroll	7	EFT		2,902.80	
2129	06/05/2024	Payroll	7	EFT	MT457-306685	350.00	Pay Cycle(s) 06/05/2024 To 06/05/2024 - ICMA-457
2138	06/05/2024	Payroll	7	EFT	Community First Bank	18,594.34	941 Deposit for Pay Cycle(s) 06/05/2024 - 06/05/2024
2139	06/05/2024	Payroll	7	EFT	Department Of Retirement	10,846.97	Pay Cycle(s) 06/05/2024 To 06/05/2024 - PERS 2; Pay Cycle(s) 06/05/2024 To 06/05/2024 - LEOFF 2; Pay Cycle(s) 06/05/2024 To 06/05/2024 - PERS 3
2073	06/05/2024	Payroll	7	44317		35.76	
2140	06/05/2024	Payroll	7	44353	AFLAC	238.21	Pay Cycle(s) 05/20/2024 To 06/05/2024 - AFLAC Addtl (AT); Pay Cycle(s) 05/20/2024 To 06/05/2024 - AFLAC Pre-Tax

CHECK REGISTER

City Of Connell

Time: 15:57:28 Date: 06/05/2024

06/05/2024 To: 06/05/2024

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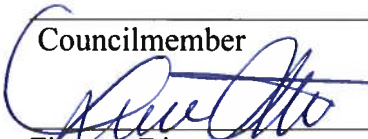
Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2141	06/05/2024	Payroll	7	44354	AWC Employee Benefits Trst	26,295.52	PFML; PFML; PFML; PFML; Pay Cycle(s) 05/20/2024 To 06/05/2024 - AWC; Pay Cycle(s) 05/20/2024 To 06/05/2024 - AWC Dental; Pay Cycle(s) 05/20/2024 To 06/05/2024 - AWC-Life/Dep; Pay Cycle(s) 05/20/2024 T
2142	06/05/2024	Payroll	7	44355	Wesley Graham American Legal Services	21.72	Pay Cycle(s) 05/20/2024 To 06/05/2024 - ALS
2143	06/05/2024	Payroll	7	44356	NW Admin. Transfer Acct.	9,764.40	Pay Cycle(s) 05/20/2024 To 06/05/2024 - NW Administrator
2144	06/05/2024	Payroll	7	44357	Teamsters Local Union # 839	460.50	Pay Cycle(s) 05/20/2024 To 06/05/2024 - Union # 839

001 General Fund	81,240.61
101 Street	2,740.63
401 Water Fund	17,089.87
402 Sewer Fund	17,742.48

118,813.59 Payroll: 118,813.59

WE, the members of the City Council of the City of Connell, Washington, DO HEREBY certify that the merchandise or services listed above have been received and that the above listed vouchers and the related checks have been reviewed and approved for payment by the City of Connell Council. DATED this _____ day of _____ 20__.

ATTEST:

<p>_____ Councilmember</p>	<p>_____ Councilmember</p>	<p>_____ Mayor</p>
<p> Finance Director</p>		



City of Connell

EASTERN
WASHINGTON'S
HARVESTLAND

MEMORANDUM

DATE: JUNE 19, 2024
TO: CITY COUNCIL
FROM: CATHLEEN KOCH, CITY ADMINISTRATOR
RE: **ORDINANCE NO. 1042-2024 AMENDING CHAPTER 16.16.385
DUST CONTROL**

The Mayor and City staff have determined that it is necessary to amend Connell Municipal Code (CMC) 16.16.385 to provide better remedies and requirements to ensure compliance of the dust control ordinance. The remedies today include suspending work and/or abatement procedures using City resources and then making a claim against the bond, which is not practical in many cases. In addition, if a developer is uncooperative and does not suspend work as directed, the City does not have another remedy. The amended ordinance would add the ability for the City to assess penalties of up to five hundred dollars per day and/or charge an owner or developer with a misdemeanor.

RECOMMENDATION: Adopt Ordinance No. 1042-2024 Amending Chapter 16.16.385 Dust Control.

CITY OF CONNELL, WASHINGTON
ORDINANCE NO. 1042-2024

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CONNELL,
WASHINGTON AMENDING CHAPTER 16.16.385 OF THE CONNELL MUNICIPAL
CODE**

WHEREAS, the City of Connell has enacted an ordinance relating to Dust Control, which is set forth in Connell Municipal Code chapter 16.16.385; and

WHEREAS the City of Connell desires to amend its existing ordinance relating to Dust Control to add new subsections;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONNELL,
WASHINGTON, DOES ORDAIN AS FOLLOWS:**

The following will be amended as follows:

CMC 16.16.385 Dust Control

- (1) The city council finds that when topsoil is disturbed for construction purposes and thereafter immediate steps are not taken to control the blowing and scattering of dust from the location of the disturbed topsoil, a condition is created where even slight winds can cause dust control problems. The city council also finds that in this area, strong winds are common. The city council finds that if the wind blows and the disturbed soil is not controlled, dust becomes a hazard, and that the conditions caused by blowing and scattering dust detracts from the value of adjacent properties and causes health problems and safety problems for those exposed to the dust. This section is to be liberally construed to prevent the problems caused by blowing dust.
- (2) The owner and developer of property within the city are responsible to insure that the development activities on the property do not contribute to the blowing or scattering of dust in the air.
- (3) No approval shall be given for any construction that would contribute to the blowing or scattering of dust in the air, nor shall a permit be issued and no plat or short plat approved for the division of land within the city, until the owner or developer of the land:
 - (a) Submits a written dust control plan to the city providing for an acceptable program to control airborne dust from the project;
 - (b) Demonstrates a present ability to implement the plan; and
 - (c) Submits to the city a bond or other security in an amount and with surety and conditions satisfactory to the city in accordance with subsection (4) of this section.
- (4) The bond to be posted by the owner or developer shall be in an amount equal to two percent of the projected costs of the improvements in the development and shall be held and administered as follows:

(a) In the event there exists blowing dust from the site where soil has been disturbed or construction has taken place, the city, under the direction of the city administrator, and after notice as provided for herein, may:

- (i) Immediately suspend work on the project; and/or
- (ii) Immediately take abatement procedures, including work by city employees or by contract labor and charge the cost of such procedures, together with material used and the reasonable rental value of any equipment used and all other reasonable expenses of abatement, against the bond; and/or
- (iii) Assess up to five hundred (\$500) dollars per day; and/or
- (iv) Charge owner or developer with a misdemeanor pursuant to CMC 1.04.010;
- (v) The requirement herein to provide notice shall be met by verbal notice to the on-site construction supervisor or telephonic notice to the telephone number provided by the owner or developer in the dust control plan submitted to the city. Such notice shall be memorialized by a writing in the appropriate city file.

(b) In the event that the expenses of abatement are charged against the bond, the developer shall undertake no further work on the project until such time as the bond is reinstated in its original amount.

(c) Upon satisfactory completion of the project, including adequate provisions for dust control following completion, the bond shall be exonerated.

(5) In all cases, approval of the dust control plan by the city and implementation of the plan by the owner or developer does not relieve the owner or developer from the obligation to control dust, and the city may take abatement measures, as set forth herein, even though the developer or owner is in full compliance with the approved dust control plan.

(6) The provisions of this section are in addition to and not in derogation of any other provisions of any other law relating to the control of dust.

PASSED BY THE CITY COUNCIL OF THE CITY OF CONNELL, WASHINGTON, and approved by the Mayor on this _____ day of _____, 2024.

Lee Barrow, Mayor

ATTEST / AUTHENTICATED:

Marissa Ortiz, City Clerk

ADOPTED: _____
APPROVED: _____
PUBLISHED: _____, 2024
in the Franklin County Graphic

APPROVED AS TO FORM:

Heidi Ellerd, City Attorney



City of Connell

EASTERN
WASHINGTON'S
HARVESTLAND

MEMORANDUM

DATE: JUNE 19, 2024
TO: MAYOR AND COUNCILMEMBERS
FROM: CHRIS LEE, CHIEF OF POLICE
**RE: RECOMMENDATION FOR ADOPTION OF CONNELL
MUNICIPAL CODE 9.25 - OFFENSES AGAINST PUBLIC
ORDER**

The proposed ordinance addresses two critical aspects of public safety and well-being concerning minors in the City of Connell: the supervision of minors and the prevention of contributing to the delinquency of minors. This ordinance is intended to enhance the safety of minors by ensuring that parents, guardians, and custodians are held accountable for their supervisory responsibilities and by deterring adults from engaging in behaviors that may lead to minors committing offenses.

The adoption of Chapter 9.25 serves multiple purposes:

- **Enhanced Safety:** By ensuring proper supervision, the ordinance aims to reduce incidents where minors are left in harmful situations or engage in unlawful activities due to a lack of oversight.
- **Deterrence:** Establishing clear penalties for both failure to supervise and contributing to delinquency acts as a deterrent, promoting responsible behavior among parents and adults in the community.
- **Accountability:** The ordinance holds adults accountable for their influence on minors, promoting a safer and more secure environment for children.

Violations of both ordinances would be classified as misdemeanors with penalties including fines up to \$1,000, imprisonment up to 90 days, or both. The ordinance takes effect five days after passage and publication.

The proposed Chapter 9.25 is a necessary step toward improving public safety and the well-being of minors in Connell. By adopting this ordinance, the City Council will provide law enforcement with the tools needed to address issues related to the supervision and influence of minors effectively.

RECOMMENDATION:

Staff recommends the City Council adopt Ordinance No. 1043-2024 establishing Chapter 9.25 of the Connell Municipal Code.

**CITY OF CONNELL, WASHINGTON
ORDINANCE NO. 1043-2024**

**AN ORDINANCE OF THE CITY OF CONNELL, WASHINGTON
CHAPTER 9.25 OFFENSES AGAINST PUBLIC ORDER OF THE
CONNELL MUNICIPAL CODE.**

WHEREAS, the City Council of the City of Connell recognizes the importance of the safety and well-being of minors within the community; and

WHEREAS, there have been numerous incidents reported within the City of Connell where lack of supervision of minors has led to harm or danger to the minors involved; and

WHEREAS, it is the responsibility of parents, guardians, and custodians to ensure the proper supervision of minors to prevent them from engaging in potentially harmful activities; and

WHEREAS, the City Council believes that establishing a clear and enforceable ordinance regarding the failure to supervise a child will enhance the safety and security of the community's minors; and

WHEREAS, the City Council has determined that making the failure to supervise a child a misdemeanor offense will serve as an effective deterrent and promote greater accountability among parents, guardians, and custodians; and

WHEREAS, the City Council recognizes that the actions of adults can significantly influence the behavior and development of minors; and

WHEREAS, there have been instances within the City of Connell where adults have contributed to the delinquency of minors, leading to negative outcomes for the minors and the community; and

WHEREAS, the City Council believes that establishing clear and enforceable regulations regarding contributing to the delinquency of a minor will help prevent such incidents and promote a healthier environment for minors; and

WHEREAS, the City Council has determined that making the act of contributing to the delinquency of a minor a misdemeanor offense will serve as a deterrent and encourage responsible behavior among adults; and

WHEREAS, the City Council of the City of Connell, Washington finds that it is necessary to enact guidelines establishing parental responsibility for juveniles within the city limits for the City of Connell.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONNELL, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. The following section will be added to Chapter 9 of the Connell Municipal Code as follows:

9.25.010 Definition. For purposes of this ordinance, the following terms mean:

- "child" or "minor" refers to any individual under the age of 18.
- "Supervision" refers to the responsibility of parents, guardians, or custodians to oversee the activities of a child to ensure their safety and well-being.
- "Contributing to the delinquency of a minor" refers to any act by an adult that encourages, causes, or contributes to a minor engaging in illegal or harmful behavior.

Section 2. The following section will be added to Chapter 9 of the Connell Municipal Code as follows:

9.25.020: Failure to Supervise Child Unlawful.

(1) It is unlawful for any parent, parents, legal guardian, or any other person having the care or custody of a child, whether temporary or permanent, to:

(a) Fail to properly supervise and care for such child, in that such failure of supervision or care contributes to the child violating any law of the United States, the State of Washington, or any ordinance of the City of Connell or County of Franklin; or

(b) Fail to exercise proper parental control of a child 12 years of age or younger by leaving the child without adult supervision for unreasonable periods of time, or leaving the child unattended under circumstances which create a risk of bodily harm to the child; or

(c) Neglect, inflict cruelty or depravity upon or fail to provide a fit place for such child to live; or

(d) Allow such child to be truant in violation of compulsory school attendance laws.

(2) Failure to supervise a child is a misdemeanor.

Section 3. The following subsection will be added to Chapter 9 of the Connell Municipal Code as follows:

9.25.030: Contributing to the Delinquency of a Minor.

It is unlawful for an adult, by act or omission, knowingly to encourage or cause a child under the age of 18 years to violate any law of the United States, State of Washington, or any ordinance of the City of Connell or County of Franklin.

Section 4. The following subsection will be added to Chapter 9 of the Connell Municipal Code as follows:

9.25.070: Penalties.

Any person convicted of a violation of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000 dollars, or by imprisonment in jail for a period not to exceed 90 days, or by both such fine and imprisonment. Each day's violation constitutes a separate offense.

Section 5. SEVERABILITY: If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. EFFECTIVE DATE: This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Section 7. CORRECTIONS: The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's / clerical errors, references, ordinance numbering, section / subsection numbers and any references thereto.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CONNELL, WASHINGTON, this _____ day of June 2024 and **APPROVED** by the Mayor on the _____ day of June 2024.

Lee Barrow, Mayor

ATTEST:

Marissa Ortiz, City Clerk

ADOPTED: _____
APPROVED: _____
PUBLISHED: _____, 2024
in the Franklin County Graphic

APPROVED AS TO FORM:

Heidi Ellerd, City Attorney



City of Connell

EASTERN
WASHINGTON'S
HARVESTLAND

MEMORANDUM

DATE: JUNE 19, 2024
TO: MAYOR AND COUNCILMEMBERS
FROM: CHRIS LEE, CHIEF OF POLICE
RE: **RECOMMENDATION TO REPEAL CHAPTER 9.24 OF THE
CONNELL MUNICIPAL CODE**

Chapter 9.24 of the Connell Municipal Code imposes a curfew on juveniles, prohibiting them from being in public places during specified hours. The intent of this ordinance is to ensure the safety of minors and reduce juvenile delinquency. However, there are significant concerns about the enforceability and constitutionality of this ordinance.

Court rulings in other jurisdictions have found similar curfew ordinances to be unconstitutional. These rulings often cite violations of minors' First Amendment rights (freedom of speech and assembly) and Fourteenth Amendment rights (equal protection and due process). For instance, courts have struck down curfews that do not adequately consider less restrictive means of achieving the same objectives.

The constitutional concerns stem from the fact that curfew laws may unduly restrict the rights of law-abiding juveniles who are not engaged in any unlawful activities. Given these legal precedents, there is a substantial risk that Connell's curfew ordinance could also be subject to successful legal challenges.

Although Chapter 9.24 does have some exceptions, it primarily focuses solely on the presence of juveniles in public places during curfew hours, without considering their behavior or conduct. This approach is overly broad and does not differentiate between juveniles who may be out for legitimate reasons (e.g., returning from work or school activities) and those who may be engaging in illegal behavior.

RECOMMENDATION: Staff recommends the City Council repeal Chapter 9.24 of the Connell Municipal Code, relating to curfew hours for juveniles, as proposed in Ordinance No. 1044-2024.

CITY OF CONNELL, WASHINGTON
ORDINANCE NO. 1044-2024

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CONNELL,
WASHINGTON, REPEALING CHAPTER 9.24 OF THE CONNELL
MUNICIPAL CODE, RELATING TO CURFEW HOURS FOR
JUVENILES.**

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONNELL,
WASHINGTON DO ORDAIN AS FOLLOWS:**

Section 1. Chapter 9.24 of the Connell Municipal Code relating to curfew hours for juveniles is hereby repealed in its entirety.

Section 2. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
CONNELL, WASHINGTON, this _____ day of June 2024 and APPROVED by the Mayor
on this _____ day of June 2024.**

Lee Barrow, Mayor

ATTEST:

Marissa Ortiz, City Clerk

ADOPTED: _____
APPROVED: _____
PUBLISHED: _____, 2024
in the Franklin County Graphic

APPROVED AS TO FORM:

Heidi Ellerd, City Attorney