



## STUDY SESSION MINUTES

Tuesday April 27, 2021

1. Call to Order Time: 6:00pm
2. New Business

### A. Discussion of the Curfew/Homeless

Council Member Diana wanted to discuss this issue and stated that she would like to see Mabton with a curfew. She also stated that we used to have one in the past; she said that the whistle used to blow at 10pm but it no longer does. The mayor explained that she thought that the people who blow the whistle would charge us for it. Diana said that this was the first that she had heard that.

Police Chief David Marks spoke on the subject and explained that the idea of a curfew is a thing of the past and is widely frowned upon, especially for adults. He explained that if a juvenile is out and in causing trouble or in a dangerous situation,

they can still take them into protective custody and release them back to their parents, but the rules are different for adults. He stated that there have been four cases, three of which were in Washington State, that were found to be unconstitutional. They are just too broad; the other activities that someone would be in trouble for are already illegal. Diana asked the Chief if he could look into and see what Prosser was doing because she said that Prosser still has a curfew, and they take people to Yakima and drop them off at the Mission. Diana stated further that she saw younger people on the street at 11 o'clock when she was driving through, and she did not understand why they were out there. Chief explained that his officers had taken several juveniles in recently and that they were working hard on that but that a curfew is referring to adults. He explained further that a curfew is "making it illegal for someone to be out at a certain time" and it is not holding up in court anymore. Chief stated further that he could not speak for the city attorney directly, but he was pretty sure that he would not recommend this as advisable.

Vera commented on Chief's point stating that this is why they had stopped doing this in the past; it was proving non-enforceable. Chief also explained that just being on the street is not

illegal but people are not allowed in the parks after hours etc. just picking someone up for walking down the street is no longer ok though.

#### B. Discussion of Condition of Street and Sewer Fund in Relation to General Fund

Jamison explained that there is still a big problem with the Street and Sewer Fund. She explained that with us looking at potentially taking on debt we need to take a closer look at our total money and what the ability of our General Fund is to take on debt. Jamison asked MRSC and the State Auditor's Office for guidance to see how these funds are supposed to interact. She explained that a street fund is typically covered by a general fund, so paying that money back with that is not an issue; however, a sewer fund is an Enterprise Fund so the only way to pay money into this is with an interfund loan. In order for the Sewer Fund to take an Interfund Loan we would have to raise Sewer Rates. Jamison explained that if we look at our breakdown for Utility Rates more than half of the money that we bring in it is actually going to pay off debts.

In looking at the way we increase rates we see that we have consistently changed the base rates and not as much on the overage. This pushes the bulk of payment on the users who use the least water. One option could be to change the overage or consumption rate making the bigger charge fall on the people who use bulk water. This would cause the impact on a low water rate user to be minimal, and they could potentially see a decrease in their bill. The other thing it does though is raise the rates substantially for those customers who have a high-water usage. This option would require some further investigation into feasibility.

Jamison explained that she would like some feedback on the way that council would like to do in the way of payoff. She would suggest that the General Fund should pay the Street Fund off or at least pay off a portion of the Street Fund so that it is into a reasonable amount of money to be paid back in 5 years. The specifics of numbers of consequence for increasing water/sewer rates and playing with the options.

Jamison explained that these options were up for discussion but the only change up for discussion at this point was whether or not to raise the sewer rate in order to pay back a loan taken from the EMS Fund. The other option for council is to leave things as they are; this current method leaves us with findings from the State Auditor's Office every year at audit. With time running out they decided to continue this conversation at the next meeting.

#### C. Discussion of **Ordinance No. 2021-1171** An Ordinance of The City of Mabton Amending Mabton Municipal Code Chapter 2.04 to Adjusting Provisions for City Councilmember Compensation and Adding Additional Provisions for Mayor and Mayor Pro Tem.

Diana and Sophia said they would like it to see it go to \$60 per meeting. Everyone else was going to think about it and make a formal decision at the meeting.

D. Discussion of **Resolution 2021-07** Authorizing Mayor to Award the Washington Street Overlay Project to Wheeler Excavation

Jamin spoke briefly on this project. He explained that there were 5 bids. He stated that Wheeler Excavation came in \$37 below the engineer's estimate and was the lowest bid. He stated that this is the 4<sup>th</sup> G&O project that Wheeler Excavation has won this year. He stated that have been a good company to work with and he recommended award of the project to Wheeler Excavation.

E. Discussion of Contract for Wastewater Testing and Services Between the City of Mabton and Randall Peters

The mayor explained that this is just a legal contract for services that Randy has already been providing. We have had a contract with him in the past and it is for the same rate. His rate of pay has not changed from one contract to the next. It is simply renewal.

3. Adjournment:

Time: 7:00pm

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Laura Vazquez, Mayor



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Joshua Roberson, Deputy City Clerk