

MINUTES OF OCTOBER 8, 2009 CITY COUNCIL MEETING
City Hall, 134 East Johnson Avenue, Chelan, Washington

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Goedde called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

2. ROLL CALL

Elected Officials Present: Mayor Goedde and Councilmembers Cooney, Greenfield, Harper, Lingard, Morehouse, Morse and Pape-Miller.

Staff present: Administrator Reinbold, Attorney Galbraith, Clerk Liles, Parks & Recreation Director Sablan, Planning & Community Development Director Gildroy, Public Works Director Van Epps.

3. AGENDA CHANGES

There were no agenda changes

4. CITIZEN COMMENTS

ROTARY FLAG AT PINGREY PARK: Rotary Club President Mike Steele asked the City to replace the Rotary flag it removed from Pingrey Park. Sablan explained that the City's Park Naming Policy prohibits the display of service club flags for more than thirty days in a calendar year.

5. CONSENT AGENDA

Morehouse moved to approve the consent agenda as follows. Seconded by Cooney, motion passed unanimously.

- A. Approve Minutes: There were no minutes presented for approval;
- B. Approve Claims Warrants: 73302-73379 totaling \$265,317.22;
- C. Approve Payroll Warrant: 32127-32250 totaling \$181,260.23;
- D. Void Payroll Warrants: 32225 and 32226.

6. SPECIAL PRESENTATIONS

- A. FIRE DISTRICT: Tim Lemon, recently hired Chief of Fire District #7, introduced himself.
- B. SENIOR MEALS FUNDING: Leanne Leifer, Executive Director of Okanogan County Transportation and Nutrition, provided an accounting of OCT&N's use of city funds for the Chelan Senior Meals Program in 2009 and requested funding at the current level for the 2010 Program.
- C. HOUSING AUTHORITY FUNDING: Marty Stierlen, Assistant Director of the Housing Authority of Chelan County & City of Wenatchee, provided an accounting of the Authority's use of city funds for subsidized housing assistance in 2009 and requested a 2010 grant of \$14,000 to purchase exterior doors and an irrigation system for the Chelan Gardens apartments.
- D. LAKE CHELAN TOURISM PROMOTION GROUP: Lake Chelan Tourism Promotion Group Board Members Clint Campbell, Barb Wadkins, Jenna Wadkins, Scott Anderson and Mike Steele reported on LCTPG's use of 3% Local Option Bed Tax Funds in 2009.

- E. FOOD BANK RELOCATION/LIBRARY BUILDING IMPROVEMENT: Reinbold reported as follows. The Chelan Rotary Club has taken on the task of relocating the local food bank and has offered to make the basement of the public library building, which is owned by the City, ADA compliant if the food bank can move there. A floor plan showing proposed improvements, including the installation of an ADA compliant ramp, was distributed to Council.

Reinbold further reported: The food bank would operate just one day a week and during hours when the library is closed. With improved access, the space can be used for meetings and library programs when the food bank isn't operating. The consensus of library staff, the Library Advisory Board and Friends of the Library is that the project would help address the library's need for additional space until the library is relocated or the building enlarged.

Rotary President Mike Steele said that Rotary has committed the funds needed for the project and is ready to get started – all they need is the City's permission.

There followed Council questions and comments.

Morse moved to authorize staff to work with the Rotary Club to make the basement of the City owned building at 417 South Bradley Street (the Public Library building) ADA compliant so the local food bank can be moved there. Seconded by Greenfield, motion passed unanimously.

- F. SENIOR CENTER PROJECT: Reinbold reported that the concrete foundation and underslab plumbing for the new Senior Center building are complete and were inspected by the City Building Official. At Reinbold's request, **Greenfield moved to accept work on the concrete forming and underslab plumbing for the new Senior Center as complete and to authorize release of retainage in the amount of \$14,526.00 to KO Construction, the concrete forming contractor, and \$2,034.72 to Whitebird, Inc., the underslab plumbing contractor. Seconded by Harper, motion passed unanimously.**

7. PUBLIC HEARINGS

There were no public hearings.

8. ORDINANCES, RESOLUTIONS AND OTHER ACTION ITEMS

- A. LAKESIDE TRAIL SECTION J: Citing a possible conflict of interest, Morse recused himself and exited Council Chambers (7:45 p.m.).

Van Epps asked Council to authorize an amendment to the scope of work for Lakeside Trail Section J design services, explaining that it has become apparent that additional improvements on Center Street will be needed to better accommodate traffic and pedestrian travel. Shea, Carr, Jewell, the consultant, has indicated that the cost of designing these additional features will be \$8,047.

Consultant Perry Shea noted that the additional work is actually a street project rather than a trail project – it will be part of the traffic circulation pattern that supports the trail design. Shea described the proposed improvements and answered Council questions.

Pape-Miller moved to approve Amendment #1 to the Scope of Work for design services for the Section J Trail Project. Seconded by Morehouse, motion passed unanimously.

Following the motion, Morse was summoned and returned to Council Chambers (8:00 p.m.).

- B. TRAFFIC IMPACT FEES: Van Epps reported that several public meetings were held regarding the proposed implementation of Traffic Impact Fees to assure that new development pays an equitable share of the costs of street and intersection improvements. Van Epps explained that Traffic Impact Fees are a systematic alternative to the SEPA mitigation method currently employed by the City.

Van Epps and Perry Shea of Shea, Carr and Jewell, the City's traffic engineering and planning consultant, provided further information and answered Council questions.

At Van Epps' recommendation, **Morehouse moved to approve the Scope of Work for a City-wide Traffic Impact Fee Program as presented and to authorize Shea, Carr and Jewell to begin work on the Program and to update of the City's Transportation Plan. Seconded by Harper, motion passed unanimously.**

- C. ENERGY EFFICIENCY & CONSERVATION BLOCK GRANT: Reinbold asked Council to approve an application to the Washington State Department of Commerce for an Energy Efficiency and Conservation Block Grant to be used to pay for installing a solar energy system at City Hall, for recycling program planning and for purchase of an electric car. Reinbold said the maximum amount of the grant is \$135,000 with a required City match of \$28,654 in cash and/or staff time.

There being no discussion, **Morse moved to approve application to the Department of Commerce for an Energy Efficiency and Conservation Block Grant as presented. Seconded by Morehouse, motion passed unanimously.**

- D. BUDGET AMENDMENT: Reinbold presented staff's recommendation that laptop computers be purchased for use by the Mayor and City Councilmembers. Reinbold explained that elected officials could then use the laptops to conduct City business at home and eliminate the possibility that their personal computers would be seized if there was cause for discovery in a lawsuit involving the City. Also, if each Councilmember had a laptop computer, the Council meeting packet could be distributed electronically. Reinbold reported that this proposal had been reviewed and approved by the Finance Committee. However, the estimated cost of \$4,000 - \$5,000 provided to the Committee did not include the necessary software and accessories, which would be an additional \$4,000.

Reinbold also presented the Planning and Community Development Department's request to purchase a laptop computer for power point presentations and for use away from City Hall.

There followed discussion with Morse opposing the computer purchase for Councilmembers as unnecessary and expensive. Morse advised Councilmembers to use only their city email accounts to send and receive emails relating to city business and suggested that staff save paper by distributing meeting packets on memory sticks or posting them on the City website.

Harper moved to authorize a budget amendment for the purchase of nine laptop computers and accessories in an amount not to exceed \$10,500.00. Seconded by Morehouse, motion passed 6-1 with Harper, Morehouse, Cooney, Greenfield, Harper and Pape-Miller voting aye and Morse voting nay.

- E. LAKESIDE MICRO PARK: Reinbold briefly reviewed issues discussed at a September 25, 2009 meeting on the proposed Lakeside micro park, and he announced that the next meeting would be on October 12th at the micro park site.

9. RECESS (AIRPORT BOARD MEETING)

At 8:43 p.m., the Council meeting was recessed to allow the Mayor and Councilmembers to participate in the regular meeting of the Lake Chelan Airport Board. Council meeting reconvened at 8:44 p.m. following adjournment of the Airport Board meeting.

10. MAYOR, COUNCIL COMMENTS

BURNING BAN: Lingard said he deplores the fact that burning is banned within City limits while allowed in the county. Van Epps explained that in an effort to improve air quality, the Department of Ecology began by banning open burning in urban areas and will gradually extend the ban to rural areas as well.

Morehouse reported that Entiat had a problem disposing of yard waste once the burning ban went into effect and solved it by getting a grant to establish a recycling system that turns yard waste into wood chips and compost. Morehouse suggested the City look into applying for such a grant.

LAKEVIEW DRIVE-IN: Lingard noted that the Lakeview Drive-In has closed for the year, and he asked if something could be done to keep it open longer. Reinbold explained that the proprietor decided to close because his employees are back in school.

LOBOS ON THE GREEN: Lingard praised Lobos on the Green, the restaurant at the Lake Chelan Golf Course, saying it has good food, good service and a great view.

ROTARY FOOD BANK PROJECT: Greenfield thanked the Rotary Club for taking on the food bank project and asked that city staff help out to lower the cost of the project.

RECYCLING: Greenfield reported that the City Sustainability Committee has been working with the School District to promote recycling in schools. The Committee is proposing that the City purchase thirty recycling containers at a cost of \$50 each to be placed in the schools. The School District has agreed to buy containers to be placed outside the schools. Pape-Miller noted that the School District would like to implement the recycling in the schools program next quarter.

Greenfield moved to authorize purchase of recycle containers to be placed in local schools at a cost of \$1,500. Seconded by Morse, motion passed unanimously.

ROTARY FLAG AT PINGREY PARK: Cooney asked that staff return the Rotary flag removed from Pingrey Park. Reinbold explained that there is a process whereby Rotary can request an exemption to the Park Naming Policy and Mike Steele has been informed of it.

Morehouse said he would support reconsideration of flying the Rotary flag at Pingrey Park.

OUTDOOR GALLERY PROJECT AT INTERSECTION OF STATE ROUTES 150 & 97A: Harper said he learned from Paul Mahr, Local Programs Manager for the Washington State Department of Transportation (DOT) that DOT is very concerned about the Chelan Outdoor Gallery display installed by the Rotary Club at the intersection of State Route 150 and State Route R97A (the “goat triangle”). Harper said the City was led to believe that DOT authorized the project, but Mahr informed him that it did not. Harper said the project doesn’t meet DOT standards and is a danger to motorists. City staff and DOT are now trying to determine what needs to be done to rectify the situation.

Scott McKellar responded, saying he did contact DOT but was told that the City was responsible for maintaining that area. So Rotary, believing it was a City maintenance issue, focused on working with the City and did not seek a DOT permit. Rotary informed the City of what they intended to do and used City personnel and equipment to do it.

Harper said that according to Mahr, a Rotary representative did contact DOT at one point and was told that DOT would be glad to review a plan for the project. However, DOT didn’t hear from Rotary again and never saw a plan.

Mayor Goedde added that it was his understanding that DOT authorized the project. However, Paul Mahr phoned earlier in the day and advised him that this wasn’t the case and the project does not comply with grade and right of way restrictions. Mahr also mentioned that in September of 2008 he heard the proposed project would use about 100 cubic yards of rock, but it appears that at least 1000 cubic yards was used and that is not acceptable to DOT. The City will meet with DOT to assess the site and decide what needs to be done so the project can be certified and the City’s liability mitigated.

Harper also noted that the flag pole at the subject intersection is not the break-away type that is required. Mayor Goedde added that the pole is also installed too close to the road. McKellar pointed out that the Lions Club installed the flagpole.

RECYCLING: Morehouse reported that City of Cashmere is ending its recycling program and may have a glass crusher the City of Chelan could buy.

EMS LEVY: Morehouse encouraged Councilmembers to work as individuals to see that voters approve the EMS levy.

AMERICAN VITICULTURAL AREA: Morse said he is impressed with the impact the A.V.A. designation has had on the Lake Chelan Valley.

STAFF APPRECIATION: Morse thanked Rob Huddleston, the City’s Chief Law Enforcement Officer, for his dedication as demonstrated by his attendance at every City Council meeting.

SISTER CITY: Mayor Goedde reported on the 2009 Festival of the Grape hosted by the City of Oliver, B. C., Chelan’s Sister City.

BREAST CANCER AWARENESS MONTH: Mayor Goedde spoke briefly about local events marking Breast Cancer Awareness Month.

11. CITY ADMINISTRATOR’S REPORT

CHELAN CHASE: The Chelan Chase will take place on October 17.

JOINT MEETING: A joint meeting of City Council, the Lake Chelan School District Board and the Lake Chelan Community Hospital Commission is scheduled for 5:00 p.m. on October 13 in Council Chambers.

AUDIT: State Auditors will be at City Hall for the next three weeks.

KOZI RADIO PROGRAM: The City Clerk's voucher review schedule will be used to schedule Councilmembers for interview by KOZI Radio. That is, the Councilmember scheduled to review the month's vouchers, will also represent the City on KOZI during that month.

12. EXECUTIVE SESSION

At 9:10 p.m. Council, the City Attorney and City staff adjourned to executive session to discuss potential litigation. The Mayor estimated the session would last about fifteen minutes and said there may be action to follow. At 9:25 p.m. the Mayor announced a time extension of approximately five minutes. At 9:37 p.m., executive session was adjourned and the regular meeting reconvened.

13. ADDITIONAL ACTION ITEM

SHORELINE DEVELOPMENT MORATORIUM: Morse asked Galbraith to propose language for a motion to adopt a moratorium on shoreline development as discussed in executive session. At Galbraith's recommendation, **Greenfield moved as follows**:

- 1. A Moratorium against the acceptance and processing of applications for permits for any shoreline development within 200 feet of the shoreline and for developments for 5 lots or greater is adopted.**
 - a. The scope of the Moratorium shall be to prevent the acceptance and processing of all project permit applications with a permit to be issued by the City pursuant to the City's Shoreline Master Program or the Shoreline Management Act.**
 - b. The Moratorium shall be effective immediately and shall continue to April 9, 2009, unless otherwise terminated.**
 - c. The Moratorium may be extended for a period authorized by EHSB 1875.**
 - d. The Moratorium shall not apply to the processing of complete project permit applications filed prior to October 9, 2009.**
- 2. A public hearing shall be held on Tuesday, November 24, 2009 at 7:00 pm at the City Council Chambers to consider findings of fact regarding the basis for the moratorium including, without limitation, justifications for the Moratorium and explanations of the desired and likely outcomes therefrom.**
- 3. The City's staff shall provide notice of said public hearing in a manner required by applicable law.**
- 4. The City's staff shall prepare a detailed work plan for the remedying of the issues and circumstances necessitating the Moratorium and make such work plan available for public review on or before Friday, November 20, 2009.**

5. All lawfully existing uses, structures, or other development shall continue to be deemed lawful conforming uses and may continue to be maintained, repaired, and redeveloped, so long as the use is not expanded, under the terms of the land use and shoreline rules and regulations in place within the City, as of October 8, 2009.
6. If any term or provision of the action based on this Motion shall be held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of any other term or provision of such action.

Seconded by Pape-Miller, motion passed unanimously.

13. ADJOURNMENT

There being no further business, meeting adjourned at 9:40 p.m.

Prepared by:

Attested to:

Date approved by Council: _____

Linda Allison-Liles
City-Clerk

Robert R. Goedde
Mayor