

MINUTES OF THE DECEMBER 9, 2010 CITY COUNCIL MEETING  
City Hall, 135 East Johnson Avenue, Chelan, Washington

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

2. ROLL CALL

Elected Officials Present: Mayor Pro Tem/Councilmember Harper, Councilmembers Cooney, Isenhardt, Lingard, McCardle, Morehouse, Morse. Absent/Excused: Mayor Goedde.

Staff present: Administrator Reinbold, Attorney Galbraith, Clerk Liles, Finance Director Grant, Parks & Recreation Director Sablan, Planning & Community Development Director Gildroy, Public Works Director VanEpps, Sgt. Huddleston.

3. AGENDA CHANGES

- A. At Reinbold's request, an executive session to discuss collective bargaining was added to the agenda.
- B. At the Mayor's request, agenda item 8E, Amended & Restated Airport Joint Operating Agreement, was removed from the agenda.

4. CITIZEN COMMENTS

- A. ROUNDBABOUTS: Michael Harris, 420 North Navarre Street, asked for the status of the roundabouts project. Harper informed Harris that the proposed project is scheduled for further consideration in February 2011.
- B. BOYD ROAD SIDEWALK: Michael Harris, 420 North Navarre Street, asked for an explanation of the logic behind constructing a sidewalk along Boyd Road. Harris complained that the proposed project wouldn't benefit the majority of the community. Harper informed Harris that the Boyd Road sidewalk project would be reconsidered later in this meeting.
- C. UTILITY CHARGES: John Fragnito, 223 San Remo Lane, reiterated the request made in his December 2, 2010, letter to City Council, i.e., reconsideration of the utility charges for the building he owns at 110 North Navarre Street. Van Epps responded, saying the Public Works Committee had reviewed Fragnito's concerns and was sympathetic. The committee agrees that the City's regulations and their application in this case may not be fair and has asked staff to investigate a more equitable way to calculate charges. Morse invited Fragnito to attend the next Public Works Committee meeting to discuss the matter further.
- D. GARDEN OF GRACE FUNDING REQUEST: Linda Sydloski, 411 East Gibson, explained that she owns and operates Garden of Grace, a "home where women and their children can live while they are in transition from whatever circumstances brought them into their current homeless situation." Sydloski reported that there is no transitional housing for men in Chelan and no emergency housing except that occasionally offered by a church. There isn't even any language in the municipal code that allows for such alternative housing. Sydloski said she currently serves on a committee that is drafting language for a code amendment, and she hopes to enlarge her

facility and expand services. She hopes to buy the house next door to Garden of Grace, which is for sale through Fannie May. She believes the City's support would help her in qualifying for the first look offered to prospective buyers who plan to use the property for public benefit. She intends to come back to Council in January with more information and a request for funding.

- E. COMMUNITY ROUNDTABLE: Linda Sydloski, 411 East Gibson, encouraged city officials to attend the Community Round Table that meets at the Chelan fire station at 10:00 a.m. on the third Friday of each month.

#### 5. CONSENT AGENDA

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

- A. Approve Minutes: October 28, 2010 regular City Council meeting and November 18, 2010 special Council/Planning Commission joint meeting.
- B. Approve Claim Warrants: #75904-75985 totaling \$402,821.24.  
Approve Payroll Warrants: #34949-34956, #34958-35006, #35008-35024, #35026-35019 #35021-35026 totaling \$157,097.79.  
Void Payroll Warrants: #34957, 35007, 35025, 35020, 35027.
- C. Excuse Absences: Mayor Goedde, December 9, 2010 regular City Council meeting.

#### 6. SPECIAL PRESENTATIONS

- A. STATE VOLLEYBALL CHAMPIONS: City Council recognized the Chelan High School Girls Volleyball Team as 2010 State Volleyball Champions. Coach Donene Hendricks introduced the team members and Junior Varsity Coach Connie Poirier.
- B. PUBLIC RESTROOMS: Chuck Kauffman, President of Public Restrooms Company, presented his company's proposal to supply site specific restrooms for Don Morse Park, Lakeside Park and the athletic fields.

#### 7. PUBLIC HEARINGS

- A. SIGN CODE REVISIONS: Harper introduced a public hearing to consider sign code revisions, explaining the purpose and procedure of the hearing. Harper opened the public hearing at 6:43 p.m. and called for the staff report. Gildroy provided the staff report, explaining that the revisions are needed as part of the regulations to implement the Downtown Master Plan and briefly describing each change. Following the staff report, Harper called for public comment. There being none, he closed the public hearing at 6:48 p.m. There followed Council questions and comments.

**McCardle moved to accept the Planning Commission's recommendation to approve the sign code revisions as presented and to instruct staff to prepare the appropriate ordinance to effect the revisions. Seconded by Cooney, motion passed unanimously.**

#### 8. ORDINANCES, RESOLUTIONS AND OTHER ACTION ITEMS

- A. LAKE CHELAN ARTS COUNCIL FUNDING REQUEST: Mary Ann Warren, President of the Lake Chelan Arts Council, requested \$4,000 to purchase the Richard Beyer sculpture "Jackalope" for

the Lake Chelan Outdoor Gallery. Warren stated that the current retail price of the sculpture is \$7,000 and she believes it will increase in value. The owner is willing to sell it to the gallery for \$3,500, the price he paid, plus tax. Warren requested \$4,000 to buy the piece. Morse spoke in favor of granting the request, but noted that \$3,500 plus tax comes to \$3,783.50, not \$4,000.

**Morse moved to grant the Lake Chelan Arts Council \$3,783.50 to purchase the Richard Beyer sculpture entitled "Jackalope" for the Lake Chelan Outdoor Gallery. Seconded by McCardle, motion passed unanimously.**

- B. LAKEVIEW DRIVE-IN GROUND LEASE: Michael and Jamie Mack distributed an architect's drawing of improvements they plan to make if the City will grant them a ten year lease of the Lakeview-Drive In site. There followed Council questions and comments.

**Morehouse moved to authorize staff to work with Jamie and Michael Mack to prepare a ten year Lakeview Drive-In ground lease for Council consideration. Seconded by Morse, motion passed unanimously.**

- C. LARGE WOODY DEBRIS: Citizen Russ Jones stated that large woody debris anchored in shallow, near-shore waters of Lake Chelan pose a threat to human life and a hazard to navigation. Jones urged Council to adopt an ordinance as follows: "Large woody debris, when used as mitigation for hydraulic projects on Lake Chelan, shall not be placed above 1,055 feet elevation so as to prevent any possible danger to human activities. Further, any large woody debris employed must not include woods which are not native to the Chelan area."

Harper moved to adopt the ordinance banning large woody debris on Lake Chelan as recommended by Russ Jones. Isenhardt seconded. There followed lengthy discussion culminating in a **motion by Morehouse to table the woody debris issue until the first meeting in January, 2011. Morse seconded.** Discussion pertaining to process followed. Harper called for a vote on the motion to table. **Motion passed unanimously.**

- D. CITY/SCHOOL DISTRICT AGREEMENT FOR JOINT USE OF RECREATIONAL FACILITIES: Reinbold explained that the City and School District amended their existing Interlocal Agreement for Joint Use of Recreational Facilities in 2007 to include construction and use of ball fields on what is known as the "Naumes property." Problems beyond the District's control delayed the project, so the District is unable to complete construction by the December 31, 2010 deadline. The District has asked the City for a time extension. Reinbold recommended granting that request.

**Morehouse moved to extend the Lake Chelan School District's deadline for constructing community ball fields until June 1, 2011. Seconded by Lingard, motion passed unanimously.**

- E. AIRPORT JOINT OPERATING AGREEMENT: This item was removed from the agenda at the Mayor's request.

- F. ORDINANCE AMENDING 2010 BUDGET: Grant noted that Council was provided her memo dated December 2, 2010, which listed recommended 2010 budget amendments, and stated that

these amendments are needed to address expenditures that weren't foreseen when the original budget was adopted.

There being no questions or comments, **Cooney moved to adopt Ordinance 2010-1413 amending the 2010 budget and Ordinance No. 2009-1492 passed by Council on December 10, 2009, in order to appropriate monies from specified funds to other specified funds. Seconded by McCardle, motion passed unanimously.**

- G. **AUTHORIZATION TO PAY YEAR END BILLS:** Grant pointed out that Council would not be meeting again until January 13, 2011, and she asked for authorization to pay end of year invoices.

There being no discussion, **McCardle moved to authorize staff to pay invoices for end of year expenses subject to review and approval by the council person delegated to review December vouchers. Seconded by Morehouse, motion passed unanimously.**

- H. **DECRIMINALIZING UNLAWFUL ACTS IN CITY PARKS:** Galbraith reported as follows. In conjunction with the City's process of negotiating contracts for prosecuting attorney and indigent defense services, it was pointed out that decriminalizing certain acts would cut down on the need for prosecution and defense services. At the suggestion of the Chelan County Prosecuting Attorney, Galbraith revised CMC 9.22.020 to identify certain unlawful acts committed in city parks as misdemeanors or infractions, which may be punishable by a fine. Galbraith added that in preparing the proposed ordinance, he also made some improvements to existing text.

There being no discussion, **Cooney moved to adopt Ordinance No. 2010-1414 amending Section 9.22.020 of the Chelan Municipal Code to designate stated unlawful acts within the parks of the city as either being misdemeanors or infractions. Seconded by Isenhart, motion passed unanimously.**

- I. **URINATING IN PUBLIC:** Galbraith stated that in conjunction with the process of decriminalizing certain prohibited acts in city parks, a new CMC section is proposed to make urinating in public unlawful.

There being no discussion, **Lingard moved to adopt Ordinance No. 2010-1415 adding a new Section 9.28.035 to the Chelan Municipal Code making it unlawful to urinate in public. Seconded by Isenhart, motion passed unanimously.**

- J. **INDIGENT DEFENSE SERVICES:** Reinbold reminded Council that on November 23, 2010, Council selected Carlson, McMahan & Sealby as the law firm to provide indigent defense services in 2011 and 2012 and directed staff to prepare an agreement for Council consideration. Reinbold recommended approval of the resulting agreement.

There being no discussion, **Isenhart moved to authorize the Mayor to sign the *Contract for Indigent Defense and Conflict Indigent Services* with Carlson, McMahan, & Sealby for the term January 1, 2011 through December 31, 2012, as presented. Seconded by Cooney, motion passed unanimously.**

- K. GRANITE RIDGE DEVELOPMENT: Van Epps explained as follows. Lake Chelan Development and City of Chelan entered into an agreement in 2005 regarding the completion of certain improvements as a condition of approving the Plat of Granite Ridge and posting of an irrevocable letter of credit in the amount of \$1,697,965.70. When the improvements were completed, the parties entered into an amended agreement whereby the first letter of credit was released and a second letter of credit in the amount of \$60,000 was posted to secure the developer's contribution toward a planned regional sewer lift station. However, as a result of the economic slow-down, the lift station won't be built until sometime after the second letter of credit is due to expire in June 2011. At that time, the City would lose its claim to the \$60,000. VanEpps proposed that the City release the second letter of credit at this time, making the money available to the developer, who wants to invest it in the development. In exchange, the developer has agreed to pay for future sewer improvements.

Following discussion, **Morse moved to authorize the Mayor to sign the *Second Amended Improvement Agreement with Lake Chelan Development*, releasing Lake Chelan Development's letter of credit in exchange for Lake Chelan Development's agreement to pay for future sewer improvements, this authorization contingent upon Lake Chelan Development's provision of a first position mortgage or deed of trust to secure its' contribution of \$60,000 toward constructing a regional sewer lift station. Seconded by Morehouse, motion passed unanimously.**

- L. 2011 CITY BUDGET/PEDESTRIAN SAFETY PLAN: Grant presented a proposed final budget for 2011, reporting as follows. The preliminary budget was adjusted to reflect Council's November 23, 2010 motion to include an expenditure of \$180,000 to construct a walkway along Boyd Road. This adjustment necessitated a reduction in the line item for street resurfacing from \$200,000 to \$60,000. In addition, both revenues and expenditures were modified on the Columbia Street Signalization Project and the SR150 Pedestrian Safety Project to reflect altered staff expectations. Those modifications did not result in additional expenses for either project.

Cooney moved to reconsider Council's November 23, 2010 motion to budget \$180,000 for a walkway along Boyd Road and to return the \$180,000 to the street fund as unrestricted monies. Following brief discussion, Cooney moved to withdraw his previous motion and moved to amend the proposed final budget for 2011 to return the \$180,000 budgeted for the proposed Boyd Road sidewalk project to the street fund as unrestricted monies. Morse suggested Cooney restate his motion to specify that the \$180,000 be returned to the citywide resurfacing line item, bringing its total back to \$200,000. Lingard advised that he wants the \$180,000 earmarked for pedestrian safety. Discussion continued. After withdrawing his previous motion, **Cooney moved to adopt Ordinance No. 2010-1416 adopting the budget for the fiscal year beginning January 1, 2011, as amended to return to the street fund the \$180,000 budgeted to construct a sidewalk along Boyd Road. Seconded by Morehouse, motion passed unanimously. Cooney then moved to direct staff to prepare a pedestrian safety plan for Council consideration. Seconded by Morehouse, motion passed unanimously.**

## 9. MAYOR, COUNCIL COMMENTS

BOYD ROAD SIDEWALK: Lingard explained that he knows that a sidewalk along Boyd Road isn't the only pedestrian safety improvement needed, but it is one he is aware of and thought he should pursue, leaving action on the others to other Councilmembers. Also, he believed authorizing the funding as part of the budgeting process was the proper way to proceed.

Cooney - observed that it often feels as though the City spends all its time on process versus attaining goals, so it's natural to want to act to get something done - this council wants to do the right thing, and to portray it as otherwise is wrong.

NCRTPO: Lingard reported that Doug England has been named Chair of the North Central Regional Transportation Planning Organization for 2011 and Jim Bailey was named Vice Chair.

RECYCLING: McCardle commented favorably on the appearance of the recently painted recycling containers.

Morehouse said he will be sending out a note concerning the Dryden recycle center.

LARGE WOODY DEBRIS: McCardle reported meeting earlier in the week with Chelan County Natural Resources Director Mike Kaputa concerning large woody debris. It's important that the City keep the door open on this issue.

CONSULTANTS: Cooney suggested a 2011 new year's resolution, i.e. that the City wean itself from employing consultants and look to local talent whenever possible.

Morse concurred with Cooney's comment regarding consultants.

WOODEN AVENUE BRIDGE: Morehouse suggested that safety concerns related to pedestrian traffic on the Wooden Avenue Bridge be addressed by installing a separate pedestrian bridge.

DESIGN COMMITTEE: Morehouse spoke in favor of forming a downtown design committee.

#### 10. STAFF REPORTS

MEDICAL BENEFITS FOR COUNCIL: Reinbold briefly summarized requirements for council participation in the City's medical benefits plan and said he would provide a written report.

BRADLEY STREET SIDEWALK PROJECT: Van Epps reported that the City was awarded a Transportation Improvement Board Sidewalk Program grant in the amount of \$306,241 to construct a sidewalk on Bradley Street from Wooden Avenue to one block west of Sayles Street.

#### 11. RECESS (AIRPORT BOARD MEETING)

At 9:35 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 9:45 p.m. following adjournment of the Airport Board meeting.

#### 12. EXECUTIVE SESSION

At 7:13 p.m., 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 7:14 p.m. following adjournment of the Airport Board meeting.

12. EXECUTIVE SESSION

At 7:14 p.m. Council adjourned to executive session to evaluate the qualifications of applicants for the vacant council position. Reinbold estimated the session would last thirty minutes, and he stated that Council was expected to make an appointment immediately following the executive session. Regular meeting reconvened at 7:40 p.m. following adjournment of the executive session.

COUNCIL APPOINTMENT

McCardle moved to appoint Wendy Isenhardt to vacant council position #4. Seconded by Cooney, motion passed unanimously.

11. ADJOURNMENT

There being no further business, meeting adjourned at 7:41 p.m.

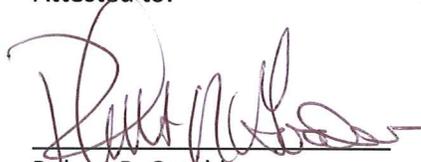
Prepared by:

Attested to:

Date approved by Council: 1/13/11



Linda Allison-Liles  
City-Clerk



Robert R. Goedde  
Mayor