

MINUTES OF THE 8/25/2011 CITY COUNCIL MEETING  
City Hall, 135 East Johnson Avenue, Chelan, Washington

1. CALL TO ORDER

The meeting was called to order at 6:00 p.m.

2. ROLL CALL

Elected Officials Present: Mayor Goedde; Councilmembers Cooney, Harper, Isenhart, Lingard, McCardle, Morehouse, Morse.

Staff present: Administrator Reinbold, Attorney Galbraith, Clerk/Administrative Assistant Liles, Finance Director Grant, Planning & Community Development Director Gildroy, Public Works Director Van Epps, Parks & Recreation Director Sablan, Chief Law Enforcement Officer Huddleston.

3. AGENDA CHANGES

Mayor Goedde announced that agenda item 8H would be addressed immediately following agenda item 8F.

4. CITIZEN COMMENTS

A. BICYCLES ON SIDEWALKS: Fred Hayter, 43 Edwin - People ride bicycles on downtown sidewalks endangering pedestrians. Chelan Municipal Code 10.68, which prohibits this activity, is not enforced. He suggests the City supply all bicycle rental businesses with a copy of CMC 10.68 to share with their customers.

B. WEED ABATEMENT: Marge Hayter, 43 Edwin – The wild mustard on the Naumes property adjacent to her yard is not being mowed and is a nuisance and a fire hazard. She would like to see Chelan Municipal Code 8.09 enforced. The property should be mowed at least once in the spring and again in the fall.

Gildroy advised Mrs. Hayter that staff has contacted the County Weed Board and the Fire Department concerning the problem. Also, the City Administrator wrote Naumes earlier in the day requesting abatement.

C. SR150 SPEED LIMIT: Doug Allen, 350 State Route 150 – Read his 8/25/2011 letter to Council describing unsafe conditions for motorists and pedestrians on SR150. Allen asked the City to make the following recommendations to WSDOT:

1. Lower the speed limit to at least 35 miles per hour from Darnell's to the city limit;
2. Install blind driveway signs;
3. Install crosswalks at the bus stop located at his access road, move the bus stop, or put up warning signs;
4. Put removable cones on the fog line during summer to keep drivers in their lane to protect bikers and joggers;
5. Conduct a traffic study during the tourist season instead of in the spring.

Van Epps reported that WSDOT is currently soliciting citizen comment concerning the speed limit on SR150. During the September 8, 2011 City Council meeting, WSDOT Traffic Engineer Jennene Ring will report results and explain the process for getting the speed limit changed.

- D. UTILITY BILLING: Kimberley Estes, owner of Simply Chic Full Service Salon - Reported receiving a letter from the City advising that her utility bill would double effective August 1 because Acupuncture Garden is now conducting business in the same building as her salon at 307 East Wapato. The letter explained that the City assesses sewer and water fees based on the number of businesses operating in a building. Estes argued that acupuncture was one of the services offered by her salon and therefore Acupuncture Garden was not a separate business subject to additional sewer and water fees.

Grant explained that the City's rate resolution is clear in its intent that multiple businesses operating in one building and serviced by one meter and sewer connection are to be charged as if each business had a separate sewer and water connection. However, a second letter was sent to Estes advising that the increase in her utility bill was suspended while the City reviews this policy.

#### 5. CONSENT AGENDA

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

- A. Approve: Minutes of the August 11, 2011 regular City Council meeting;  
B. Approve: Claim Warrants No. 77464 – 77537 totaling \$170,161.95; and  
Approve: Payroll Warrants No. 36630 – 36750 totaling \$ 191,726.07.

#### 6. SPECIAL PRESENTATIONS

None

#### 7. PUBLIC HEARINGS

- A. 2011 COMPREHENSIVE PLAN AMENDMENT PACKAGE: Mayor Goedde introduced a public hearing on the 2011 Comprehensive Plan amendment package, explaining the hearing's purpose and procedure. Gildroy presented the staff report, reviewing the proposed amendments and answering Council questions.

At 6:46 p.m., Mayor Goedde opened the public comment portion of the hearing and called for comment from the audience.

Tammy Hague, 2129 West Prospect – It is her understanding that the City must be able to supply water to land within its urban growth boundary (UGB), yet it doesn't have enough water to supply even its existing platted developments. Is that true?

Gildroy explained that the City is required to demonstrate how it will meet water demands for the next twenty years and that is addressed in the City's Water Comprehensive Plan. Van Epps added that the City plans ahead to assure a sufficient water supply as development occurs, is currently at 48% of its maximum water capacity and has a pending water rights application.

Tammy Hague - Asks Council to consider reducing the size of the UGB until it can secure water rights sufficient to serve the larger area.

Mayor Goedde said a reduction in the UGB is unlikely in the foreseeable future, and he would recommend leaving the matter to the planners.

Morehouse stated that the public should be aware that two million acre feet of water goes through the Lake Chelan basin each year and the City uses only fifteen thousand acre feet, so there is no shortage of water.

There being no further public testimony or Council discussion, the Mayor closed the hearing at 6:54 p.m.

- B. ELECTRICAL VEHICLE CHARGING STATIONS ZONING: Mayor Goedde introduced a public hearing to consider zoning for electric vehicle charging stations, explaining the hearing's purpose and procedure. Gildroy presented the staff report and answered Council questions.

At 7:08 p.m. Mayor Goedde opened the public comment portion of the hearing and called for comment from the audience. There being none, the Mayor closed the public hearing at 7:08 p.m.

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

- A. 2011 COMPREHENSIVE PLAN AMENDMENT PACKAGE APPROVAL: Cooney moved to accept the **2011 Comprehensive Plan Amendment Package as recommended by the Planning Commission. Seconded by Isenhart, motion passed unanimously.**
- B. ELECTRICAL VEHICLE CHARGING STATIONS ZONING ORDINANCE: Isenhart moved to adopt **Ordinance 2011-1425 amending the Chelan Municipal Code to establish regulations to allow electric vehicle charging stations within all zoning districts of the city. Seconded by McCardle, motion passed unanimously.**
- C. RESOLUTION DECLARING SEPTEMBER 9 & 10, 2011, "FALL IN LAKE CHELAN WEEKEND" AND TEMPORARY SUSPENSION OF ORDINANCE PROHIBITING CRUISING: At the request of event organizer Bob Goedde, **McCardle moved to adopt Resolution No. 2011-1233 declaring September 9 and 10, 2011 to be Fall in Lake Chelan Weekend and to temporarily suspend Chelan Municipal Code 10.70 to permit cruising during the event. Seconded by Morse, motion passed unanimously.**
- D. RESOLUTION AMENDING CERTAIN CITY FEES: Grant introduced a proposed rate resolution amendment to: (1) add language allowing reduced golf rates for fundraising tournaments benefitting Chelan Valley youth groups; (2) add a \$50 annual sidewalk café business license; and (3) increase the Hearing Examiner special hearing fee from \$115 to \$130.

It was noted that the exhibit attached to the proposed resolution wasn't the version of the rate schedule intended for Council approval. Council consensus was to delay adoption of the resolution until provided the correct exhibit. Grant said she would try to supply the correct version before the meeting adjourned.

- E. LAKESIDE TRAIL SECTION "J" CONSTRUCTION BID AWARD AND CONTRACT: Citing a conflict of interest concerning the matter at hand, Morse exited council chambers.

Van Epps reported receiving four bids for construction of Lakeside Trail Section "J" and recommended award to Pipkin Construction, Inc., the lowest responsive bidder at \$148,867.15. There followed brief discussion with Morehouse and Cooney objecting to the project's cost.

**McCardle moved to authorize Mayor Goedde to proceed with the Notice of Award and execution of a contract with Pipkin Construction, Inc., the lowest responsive bidder for construction of Lakeside Trail Section "J" at \$148,867.15. Seconded by Isenhart, motion passed 4-2 with McCardle, Isenhart, Harper and Lingard voting aye and Cooney and Morehouse voting nay.**

Morse was summoned and returned to council chambers.

- F. CITY HALL/SHERIFF'S OFFICE ROOF RECOATING BID AWARD & CONTRACT: Sablan recommended the City hire Crown Coating Company to recoat the roof on the City Hall/Sheriff's Office building. Sablan reported that another firm underbid Crown Coating by \$1,600, but that firm's warranty was for just five years while Crown Coating offered a ten year warranty.

Lars Strandberg, representing Crown Coating Company, explained the need for the work, the product and process his company will use for the project. Strandberg also noted that the manufacturer backed ten-year warranty does not cover damage caused by birds pecking at the membrane surface or damage due to leaks caused by birds.

**Harper moved to accept the bid from Crown Coating Company of Chelan in the amount of \$14,593.50, including tax, to recoat the roof of the City Hall/Sheriff's Office building and to authorize the Mayor to sign the agreement with Crown Coating Company. Seconded by Morse, motion passed unanimously.**

- H. SAFEWAY CORNER BEAUTIFICATION PROJECT REPORT: Jim Brennan of J.A. Brennan Associates displayed two conceptual drawings as options for design of the Safeway Corner Beautification Project. Brennan stated that the cost would range from \$150,000 to \$225,000 depending on the design options Council selects.

Morse objected to the project due to the expense when the Community has so many other needs and to the location, which he described as "the exact spot where people don't want to be."

Cooney explained that the project was never about a park where people would congregate. Rather, the intent was to improve the appearance of the second most visible corner in town with the help of a service organization. He expected a cost of around \$15,000. Cooney proposed that the City move forward with the design and cost estimate and then see which service organization is willing to help out. He wants to see the project completed by next spring.

Gildroy noted that the subject corner is part of the pedestrian corridor, and the proposed project fits right in with the Downtown Master Plan. Gildroy pointed out that there is a need to provide pedestrian refuge if we want people to get out of their cars.

Mayor Goedde said he'd envisioned nothing more than a "Welcome" sign and a little greenery.

Sablan said he'd like to see a sculpture on that corner eventually and would support paying for it from the Parks & Recreation Department budget.

Morehouse said he is very supportive of the project.

Mayor Goedde said he intends to get a volunteer group together – not necessarily people affiliated with a service group - and get something done. The Mayor asked Sablan to provide Council with cost estimates at the September 8, 2011 Council meeting. He'll mention the project on KOZI Radio and see if there are volunteers.

- G. PHASE I, DON MORSE PARK SHORELINE RESTORATION, BEACH ENHANCEMENT, MARINA EXPANSION PROJECT: Sablan recommended amendment of the City's agreement with J. A. Brennan Associates for additional services relating to Phase 1 of the Don Morse Park Shoreline Restoration, Beach Enhancement, Marina Expansion Project, i.e. boat launch renovation, enlarging the marina, improving water access and designing the central beach area. Council was provided a contract summary listing the scope and cost of the initial contract and amendments to date. Sablan explained that the maximum fee for design of Phase 1 improvements is \$521,273.20. With approval of the additional services, the total budget for J. A. Brennan on the project would increase from \$413,729.00 to \$935,002.20.

Jim Brennan and Shannon Kinsella reported for J. A. Brennan Associates, providing a status report on the overall project and reviewing the scope of work for Phase I, including description of how it was changed in response to Council's request to minimize costs. Brennan then heard Council comments and answered Council questions.

**Cooney moved to accept staff's recommendation to approve the scope of work for Phase I of the Don Morse Park Shoreline Restoration, Beach Enhancement, Marina Expansion Project as presented and to authorize the Mayor to sign an amended contract with J.A. Brennan Associates. Seconded by Isenhart, motion passed unanimously.**

- I. REPEALING CODE RELATED TO PROVISION OF UNTREATED WATER TO LARGE SCALE RECREATIONAL DEVELOPMENTS: Van Epps reminded Council that staff was asked to report concerning (1) potential legal implications of repealing CMC 13.20.090 and (2) whether retaining

CMC 13.20.090 would adversely impact Department of Ecology's consideration of the City's pending water rights application.

In response to the first concern, Van Epps referred to findings set forth in a memorandum from Galbraith to Council dated 8/24/2011, which concluded that there was no apparent legal liability for the City, either in repealing or retaining CMC 13.02.090. In response to the second concern, Van Epps distributed his memo to Council and Administration dated 8/25/11, which stated that the Water Resource Manager for the Central Region of Washington State Department of Ecology had assured him that the provision of water under the criteria of CMC 13.02.090 would not impede the processing of water rights applications.

There followed discussion leading to Council consensus to take no action to repeal CMC 13.20.090. Morse asked that CMC 13.20.090 be amended and that the amending ordinance be recorded so that it is clear to people considering the purchase of property in a large scale recreational development that the City's provision of untreated water to the development is temporary. The other Councilmembers indicated their support for the proposed amendment.

#### 9. RECESS (Airport Board Meeting)

At 9:14 p.m., meeting was recessed to allow the Mayor and City Councilmembers to participate in the regular meeting of the Lake Chelan Airport Board. Council meeting reconvened at 9:15 p.m. following adjournment of the Airport Board meeting.

#### 10. MAYOR, COUNCIL COMMENTS

- A. PROVISION OF UNTREATED WATER TO LARGE SCALE RECREATIONAL DEVELOPMENTS:  
McCardle said she wanted Morse to know that she'd thoroughly studied the issue and that her concerns - the legal implications of repealing CMC 13.20.090 and any impact retaining it might have on the processing of the City's pending water rights application - had been addressed by staff. She added that she appreciates Morse's passion on the issue and the fact that the questions he raised forced her to research every aspect of issue.
- B. CITY BUDGET:  
McCardle said she would like to see a policy whereby Council would be provided the budget information it needs to make an informed decision anytime it is asked to consider an appropriation. She would also like there to be an official statement or resolution concerning the City's reserve and rainy day policy so those funds are protected.
- C. SAFEWAY CORNER BEAUTIFICATION: Cooney said he is sure the Safeway Corner will be beautified at low cost and be an asset to the community.
- D. BEACH RESTORATION: Cooney said he is happy to see the beach enhancement project moving forward, but hopes it can be done for far less than the projected cost.
- E. DOWNTOWN MASTER PLAN: Cooney encouraged Councilmembers to take the Downtown Master Plan walk next Wednesday to see what amenities are planned.

- F. HABITAT FOR HUMANITY: Morehouse reported an ongoing problem with people going through the dumpster behind the Habitat for Humanity Store and people stealing items that have been dropped off there for resale. He suggested the area be monitored by camera. Grant provided information about security cameras the City uses, and Morehouse said he would pass the information along to Habitat.
- G. SPEED ON SR150: Morehouse said he agrees that there are safety issues on SR150 and has no problem with reducing the speed to 35 mph.
- H. BOAT NOISE: Morse complained of being awakened at 7:00 a.m. by the loudest boat he's ever heard on the lake.
- I. OVERSIZED VEHICLES ON WOODIN AVENUE: Mayor Goedde reported learning that there is a city ordinance prohibiting oversized vehicles from traveling the 100 block of Woodin Avenue with a \$100 fine for violation. He wants the ordinance enforced.
- J. VETERANS STANDBY: The Mayor reported briefly on the recent veterans standby in Wenatchee.
- K. VOLUNTEERS: The Mayor pointed out that there are people willing to volunteer who aren't affiliated with a service organization. He intends to establish a program that will allow them to help out on city projects.

11. CITY ADMINISTRATOR'S REPORT

- A. JOINT CITY/PORT MEETING ON THE AIRPORT: Reinbold said he needs to schedule a meeting in September as required by the joint airport operating agreement and would like to know which date would be good for Council – 9/8 or 9/22. Council indicated that either would be fine.

12. EXECUTIVE SESSION

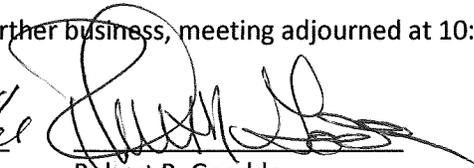
Reinbold estimated the executive session to consider potential litigation, real estate acquisition, and contract negotiations would last about ten minutes. At 9:30 p.m., Council adjourned to executive session. At 9:50 p.m. Reinbold announced a ten minute extension. The regular meeting reconvened at 10:00 p.m. following adjournment of the executive session.

11. ADJOURNMENT

There being no further business, meeting adjourned at 10:00 p.m.



Linda Allison-Liles  
City-Clerk



Robert R. Goedde  
Mayor

Approved by City Council 9/22/2011