

MINUTES OF THE SEPTEMBER 13, 2012 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. ELECTED OFFICIALS PRESENT: Mayor Goedde, Councilmembers Cooney, Harper, Higgins, Isenhart, McCardle, Morehouse, and Steele.

STAFF PRESENT: City Administrator Reinbold, City Attorney Galbraith, City Clerk/Administrative Assistant Gallucci, Planning & Community Development Director Gildroy, Parks & Recreation Director Sablan and Public Works Director Van Epps.

3. AGENDA CHANGES

A. None

4. CITIZEN COMMENTS

A. VACATION RENTALS: Chris Courtright, 319 Butte Road, discussed the problems with suspected vacation rental code violations in her neighborhood and is asking for support from the City. She wants the City to let people know this behavior will not be tolerated. She stated if the rules are too hard to enforce then the City should change them because having unenforced rules doesn't do any good. Mr. Gildroy told Ms. Courtright it is hard to prove illegal rentals are occurring and the City is looking at new procedures such as nuisance and noise violations which are easier to enforce. At this time, vacation rental violations are a crime which carries a high burden of proof and the City needs evidence before it can be turned over to the Chelan County Prosecutor.

B. RECYCLING: Tyler Batchelor, 320 North Emerson, informed Council he has started Green Zone Recycling and will be offering household and business curbside recycling pickup as well as two community compost piles. He has worked with various businesses and the elementary school free of charge this year but next year, he will begin charging for his services.

C. THREE FINGERS: Jerry Isenhart, 523 Mt. View Dr., asked Council their position for removal of the Three Fingers. He said it appears the City's position is to side with conservancy group and he feels this process has moved way too fast and he believes and it has been handled without any real community dialogue. Mr. Galbraith reviewed the public process the City went through prior to the Court's decision and almost all comments were for removal of the Three Fingers. He advised that the proponents for the development of the Three Fingers have not offered any concessions in the development approval process, and throughout the legal review process they have pushed for shorter review periods. The City has retained a neutral position regarding the removal, but the legal principles governing the existence of the Three Fingers and the City's scope of reviewing a development application, which includes the impact of the Three Fingers on the Public's Right of Navigation on are identical. The City is being sued for damages for considering the impact of the Three Fingers on the Public's Right of Navigation when reviewing the application for their development, so the City must defend itself. This defense is not advocating the removal or retention of the Three Fingers, but that the City undertook the appropriate scope of review.

5. CONSENT AGENDA

**Ms. McCardle moved to approve the consent agenda as follows. Second by Ms. Isenhardt. Motion passed unanimously.**

- A. Approve Minutes of August 23, 2012 Regular City Council Meeting.
- B. Approve Claim Warrants No. 79798 – 79906 totaling \$550,504.83 and Payroll Warrants No. 39318 totaling \$ 226,840.24.
- C. Acceptance of 2013 Budget Calendar

6. SPECIAL PRESENTATIONS

- A. HDCA & THE CITY OF CHELAN PARTNERSHIP EXCELLENCE ON MAIN AWARD 2012: Nicholas Pasco told Council the Historic Downtown Chelan Association had been established only four years ago. Chelan is one of only thirteen cities in the state who have been honored with this award. This has allowed HDCA to donate funds for the Riverwalk Park Entrance. The award has been displayed in several downtown businesses and will now be displayed in City Hall.
- B. HYDROFEST UPDATE: Jon Courtright, 319 Butte Drive, discussed the cost issues relating to putting on Hydrofest. He presented a spreadsheet to Council showing the deficit in the costs vs. proceeds and he asked for the City to help fund and keep this event going. He is asking the Chamber of Commerce and the City to take the event over. He would like the City to consider budgeting for this next year because it brings a lot of money into the City. Councilmembers said area businesses benefit, not the City, and several offered ideas for generating funds. They understand the issue but the management of the event is not the City's responsibility.

Richard Uhlhorn, 424 Fifth Street, Chelan Falls, explained the largest expenses were funding for the crane and insurance. He believes this event is worth keeping in town.

7. PUBLIC HEARINGS

- A. 2012 COMPREHENSIVE PLAN AMENDMENT PACKAGE: Mr. Gildroy stated the purpose of the public hearing was to take public testimony. He said no public agency comments were received and the SEPA had received a determination of nonsignificance on September 10, 2012. He outlined each of the recommendations made by the Planning Commission and reviewed the items which were discussed at the previous Council workshop. Mr. Gildroy stated he had received a letter from Jean Sanderson, an adjacent property owner, and she is opposed to the zoning change. Council had previously received a copy.

Councilmembers questioned if there had been any comments from the Raines, who are in favor of the zone change to tourist mixed use (TMU), as they had heard several comments from the neighborhood. Mr. Gildroy advised that the Raines had not provided comments. It was stated the developer was not more important than the neighborhood. Mr. Gildroy reiterated that the designation of the TMU in the Comprehensive Plan was not a zoning change but a change to the Comprehensive Plan. Zoning code changes are a two step process, with the first step being a change in the Comprehensive Plan, with the entire process taking up to 18 months. If the zone is not in the Comprehensive Plan, it cannot be changed. Council questioned whether there had been ample time for public comment and what would be done to mitigate the concerns of the neighborhood.

The public hearing was opened at 7:08 p.m. to allow public comment.

- Mike Nichols, 413 N Lake Street, expressed his concerns regarding the changes for the residents of the neighborhood. He said the City pushed through the TMU zoning for the Lake House which affected him and two other properties without allowing any notification for himself. He questioned the City's intentions and asked if the plan was to muscle out single family residents in favor of five to six story TMU development. He said changing the zoning would have a negative impact on neighborhood and would increase the parking problems. He suggested instead of changing the zoning, Council should make the current zone work better for the citizens who are already in the neighborhood. He requests Council to not allow the remapping.
- Ronna Currier, 418 North Lake Street, reaffirmed everything Mr. Nichols said. She stated there is a lack of trust in the neighborhood in respect to the City. She likes her charming little neighborhood and would like to keep it the way it is. She asked Council to please rethink the zoning issue.
- Paul Palumbo, 208 West Nixon, said the Carroll Ogden neighborhood does not stand to benefit from more businesses moving into their neighborhood. He said the Downtown Master Plan says to protect the single family character of the neighborhood. He agrees commercial development is great for the City but the value placed on it is tilted. He said the working stiffs have to have the City stand up for them.
- Dan Beardsley, 705 North Emerson, believes Title 19 left out specific timelines for approval of building permits in the City. He asked Council to require the City to develop timelines for project approval He stated he has had an application sitting in Building and Planning for three years and there are no tools in the code requiring them to do something. He requested the City Code include specific timelines pursuant to the State Statutes. Mr. Gildroy stated although not in the Chelan Municipal Code, the City is still mandated to abide by state law, and the Planning Department follows the time requirements in state law. Mr. Beardsley said state law says the City must adopt a timeline. Mr. Gildroy recommended a text amendment adding the deadline imposed by state law, rather than it being part of the Comprehensive Plan Amendment Process.

Councilmembers expressed various concerns and stated they are not comfortable moving to the next step. It was stated that more should be done to protect the neighborhoods and more homework needs to be done on the rezone.

There being no further testimony, the public hearing was closed at 7:27 p.m.

## 8. ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

- A. 2012 COMPREHENSIVE PLAN AMENDMENT PACKAGE ADOPTION APPROVAL: Mr. Gildroy asked Council to approve the 2012 Comprehensive Plan Amendment Package and to instruct staff to prepare the adopting Ordinance. Based on the comments made and received during the public hearing, Council was not ready to move forward with adoption.

**Mr. Cooney moved to table this agenda item. Second by Mr. Steele. Motion passed 6-1 with Ms. McCardle voting nay.**

B. PARKING ORDINANCE ADOPTION: Mr. Reinbold reminded Council of the reasons why this item was tabled at the previous meeting. The Parking Task Force met on August 30, 2012 to discuss the concerns which included residential parking permits, neighborhood businesses employee parking, and the towing portion of the code.

- Deena Jenkins, 502 W Manson Highway, expressed her appreciation for the opportunity to participate on the Parking Task Force. She said she sympathizes with the residents and that her business deals with the same issues but feels it is the reality of living next to the lake and the park. It is a residential area bordering a commercial tourist zone and there needs to be equity for all people in the neighborhood. She expressed concerns regarding the patrons of her establishment getting ticketed because they did not have a parking permit. Ms. Jenkins was asked if she would be satisfied if her employees received parking passes and she responded that she would.
- Brian Merrill, 407 North Lake Street, supports parking ordinance as written and he feels it is a step in right direction as it gives control to people in the neighborhoods.
- Mike Mackey – 244 W Allen, agrees with Mr. Merrill. He stated it is the disrespectful people that ruin the neighborhood and it overflows into the resident's quality of life. He does not want his grandchildren at his residence during the summer weekends because of the activities that occur in the neighborhood. He supports the proposed ordinance because the police may not be able to catch the people but at least the car is there, giving law enforcement something to work with.

Councilmembers discussed how the permits would be issued, the number of permits allowed for residents, the length of time the permits would be in effect, and the enforcement of the permits. The Sheriff's office has agreed to patrol the area and will respond to calls regarding parking permit violations they will not be a high priority. Concern was expressed by Councilmembers this action would set a precedent for various neighborhoods and how Council would make a determination for which neighborhoods should utilize residential parking permits. Councilmembers expressed the need for more parking in the City as they stated the lack of parking in Chelan is due to the City's park.

**Mr. Cooney moved to adopt the proposed ordinance amending Chapters 10.36 and 10.38, revising parking regulations and towing and impoundment procedures, and establishing standards for towing operators; with the number of parking permits being revised to two, for the period May 15 through September 15, and for the parking permit provisions limited to a one year period with all neighborhood commercial businesses being treated equitably. Second by Ms. Isenhart. Motion passed 6-1 with Mr. Higgins voting nay.**

C. PUBLIC TREE INVENTORY AGREEMENT WITH DEPARTMENT OF NATURAL RESOURCES: Mr. Sablan explained the Department of Natural Resources (DNR) tree inventory will give the monetary value and the health of the City's public trees. This will allow the Parks & Recreation Department to implement a tree management plan. Davies is the consulting firm hired by DNR to complete the inventory. They will be in Chelan October 1 through October 4, 2012 and Mr. Sablan will be preparing a press release to media outlets. Councilmembers inquired who would be responsible for the cost of removing and replanting the trees. Mr. Sablan stated there is another 100% fully funded

grant available through DNR to implement the plan once the inventory is complete. Additionally, there are funds allocated in the Maintenance and Operations budget.

**Mr. Morehouse moved to authorize the Mayor to sign the Interlocal Agreement with the Department of Natural Resources for an Urban and Community Forestry Inventory of the City of Chelan's public trees. Second by Ms. Isenhart. Motion passed 6-1 with Mr. Higgins voting nay.**

- D. CLEAN WATER BOATER PUMPOUT STATION GRANT AUTHORIZATION: Mr. Sablan explained to Council he had applied for a grant to replace the Lakeshore Marina's fifteen year old boat pumpout station. The grant will fund 100% of the replacement cost provided the installation is complete by December 31, 2012.

**Ms. Isenhart moved to authorize the City to accept the grant funding for the Pumpout Replacement Project at Lakeshore Marina and to authorize the Mayor to sign the Grant Agreement with the Washington State Parks & Recreation Commission. Second by Mr. Morehouse. Motion passed unanimously.**

- E. CERTAIN TRUCK TRAFFIC ON WOODIN AVENUE BRIDGE ORDINANCE AMENDMENT: Mr. Reinbold informed Council this change was requested by the Sheriff's office. A violation will become an infraction instead of a misdemeanor with a fine of \$250. The City will receive the infraction money.

**Ms. McCardle moved to adopt the proposed ordinance amending Section 10.64.030 of the Chelan Municipal Code changing the penalty for truck and motorhome traffic across Woodin Avenue Bridge from a misdemeanor to an infraction. Second by Mr. Morehouse. Motion passed unanimously.**

- F. RESOLUTION TO REALLOCATE REGIONAL SURFACE TRANSPORTATION PROGRAM FUNDS: Mr. Van Epps explained that the City had been allocated regional money for the design or feasibility study for the No-See-Um intersection. The Intersection has been included in the Six Year Transportation Plan but the amount was not enough to launch a complete design effort, and the allocated monies had been set aside for the City's future use. Senator Parlette lobbied for \$400,000 for a feasibility study and design for the No-See-Um Intersection through the Washington State Department of Transportation and Mr. Van Epps stated the best use of the money was to contribute it to the WSDOT No-See-Um project.

**Ms. Isenhart moved to adopt the Resolution allowing the use of RSTP funding by the WSDOT for the design of the No-See-Um intersection and authorize staff to enter into agreement with WSDOT once legal review is completed. Second by Mr. Cooney. Motion passed unanimously.**

- G. MAYOR'S COMPENSATION PACKAGE: The Mayor said he believed the information in this agenda bill was incorrect and asked for further research to be completed.

**Ms. McCardle moved to table this agenda item. Second by Mr. Morehouse. Motion passed unanimously.**

9. MAYOR AND COUNCIL COMMENTS

- A. TONIGHT'S COUNCIL MEETING: Mr. Steele said he felt this was a very productive Council meeting. He appreciates the methodical way Council works. He likes the way Committees debate things and then present Council with their recommendation. He would like to encourage folks to come and participate in the process.

Mr. Morehouse supports everything Mr. Steele said. He likes working with everyone in harmony.

Mr. Harper agreed it was an interesting meeting.

- B. TOWN TOYOTA CENTER PUBLIC FACILITIES DISTRICT: Mr. Cooney discussed the work done by the current Public Facilities District Board. He voiced a tremendous amount of respect by those working on the board and stated the Board is moving closer to a settlement.
- C. LAKE LEVEL MEETING: Mr. Higgins said he would be attending the Lake Level meeting in Wenatchee. He reported the lake was already down one foot and we need to keep the lake full as long as possible as it could extend the tourist season.
- D. GET FIT LAKE CHELAN: Mr. Higgins stated the Fall Session of Get Fit Lake Chelan is beginning. They have increased community involvement including cooking classes and "Get Fit" menu stickers for local area restaurants.
- E. ASPHALT STRIPING: Mr. Higgins thanked the Mayor for complying with his request for striping by the ball field on Woodin Avenue. There is really no sidewalk and he thinks the striping will enhance pedestrian safety.
- F. LAKE CHELAN AQUATIC & COMMUNITY CENTER: Ms. McCardle stated the Community Recreation Facility Group has made some tremendous strides. She would like to allocate some time in an upcoming Council meeting for a presentation by the group.
- G. WOODIN AVENUE BRIDGE PROJECT: Ms. McCardle stated she wants to ensure a process is incorporated to allow community input and feedback for the design of the bridge.
- H. GOLF COURSE: Ms. McCardle stated she wants would like to see the City's golf course run similar to the public utilities and the fees and revenues should cover the costs of the actual business. It is not an amenity to be subsidized by tax payer dollars. She believes there is a lot of potential in the golf course to be self-sufficient.
- I. JOHNSON AVENUE GRAND OPENING: Ms. McCardle stated they will be meeting in front of the post office on Friday, September 14, and cross the street as a group. She will be displaying drawings of the library so citizens can get a feel for what the City is trying to accomplish in this area.
- J. BRIDGE DANCE: Mr. Goedde thanked the City crews from the Parks Department who went over and swept the bridge and the Public Works Crew that came behind them and used the street sweeper.

10. CITY ADMINISTRATORS REPORT

- A. LIBRARY ADVISORY BOARD VACANCY: George Schultz has resigned effectively immediately as he and his wife moved to Brewster. Mr. Reinbold asked for recommendations from Council.
- B. DRUG TASK FORCE: The drug task force had a very successful day today. More information will follow.
- C. JOINT AIRPORT BOARD MEETING: There will be a Joint Meeting with the Port of Chelan County regarding the status of the Lake Chelan Airport and the extension of the runway.
- D. CANDIDATES FORUM: There will be a Candidates Forum at the Performing Arts Center on Wednesday, September 19, 2012 at 7:00 p.m.
- E. CHELAN PUD: Mr. Reinbold met with Jeff Smith from the PUD, regarding the lake level, power at the Apple Blossom Center, and trails on the Butte which PUD is in support of.

11. RECESS

Council meeting was recessed at 8:55 p.m. to allow the Mayor and Councilmembers to participate in the regular meeting of the Airport Board. Council meeting reconvened at 8:56 p.m. following adjournment of the Airport Board meeting.

12. EXECUTIVE SESSION

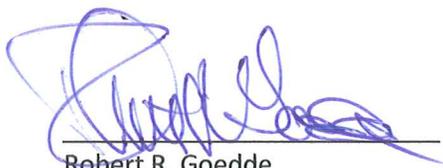
None

13. ADJOURNMENT

There being no further business, the meeting adjourned at 8:56 p.m.



Peri S. Gallucci  
City Clerk



Robert R. Goedde  
Mayor

DATE APPROVED BY COUNCIL:

September 27, 2012