

**CITY OF EAST WENATCHEE, WASHINGTON  
REGULAR SESSION OF THE CITY COUNCIL CONVENED  
MAYOR PRO TEMPORE CHUCK JOHNSON, PRESIDING  
MARCH 24, 2009  
6:30 P.M.**

**ROLL CALL**

**Councilmember's Present:** Councilmember Raab, Councilmember Bremmer, Councilmember Barnhart, Councilmember Hendricks, Councilmember McCourt, Councilmember Buckner, and Mayor Pro Tempore Johnson.

**Staff Present:** Dana Barnard, Lori Barnett, Brandon Mauseth, Nick Gerde, and Catalina Garibay.

**PLEDGE OF ALLEGIANCE**

**CITIZEN COMMENTS**

Scott Wehmeyer, P.O. Box 382, Cashmere, WA, expressed concerns regarding: (1) engineer bills he has received from RH2 Engineers regarding property he owns at the corner of 11<sup>th</sup> Street NE and Devon; (2) an issue with water filling up in a catch basin and flows to his basement; (3) a buckled sidewalk in front of his property; and (4) an undesirable encounter with a City employee with regards to him dropping leaves and debris on the street while he was transferring shrubs from one side of the street to the other.

Street Superintendent, Brandon Mauseth, said he had been out to the property and has identified the need to install a new catch basin. He added the project has been scheduled for repairs which should occur in July or August 2009. He added the Street Department would repair the buckled sidewalk on that property.

Community Development Department Director, Lori Barnett, said she has not been involved in the review work on that property. Mr. Wehmeyer stated that he had not submitted an application even though the pre application process had been done. Ms. Barnett said she would review the issue regarding engineering and contact Mr. Wehmeyer.

**BUDGET ISSUES**

City Treasurer/Finance Director, Nick Gerde, gave a brief report regarding the Streamline Sales Tax Program (SSTP). He said he has reviewed two previous reports from the Washington State Department of Revenue regarding sales tax data. This data shows the impacts from Streamlined Sales Tax since destination-based sourcing rules went into effect July 1, 2008. He said at this time the City is collecting more tax under the destination-based sales tax than what was received under source-based sales tax.

**DEPARTMENT REPORT**

Community Development Department Director, Lori Barnett, said the Department of Ecology has completed their review of the revised Douglas County Regional Shoreline Master Program. Ms. Barnett said the Cities and Douglas County have 30 days from receipt of the review to respond back to the Department of Ecology. She said in order to respond within the 30 day deadline of April 13<sup>th</sup>, 2009, the City needs to hold a Special Council Meeting to review the recommended changes to the Regional Shoreline Master Program made by the Department of Ecology. She added the City Council may approve, reject, or counter some of the Department of Ecology's required changes.

Council agreed to hold a Special Council meeting on Tuesday, March 31, 2009.

## CONSENT CALENDAR

1. Consideration of Minutes – Regular Session, March 10, 2009
2. Consideration of Bills

Mayor Pro Tempore, Johnson, asked that the motion maker and second to Council Agenda Bill 09-03-05 be inserted into the March 10, 2009, Council minutes.

**Council Action:** A motion was made by Councilmember Bremmer, second by Councilmember Raab, to approve the consent calendar with the suggested change to the minutes. The motion carried, 7-0.

Vouchers audited and certified by the auditing officer as required by RCW 42.24.080 and those expense reimbursement claims certified as required by RCW 42.24.090 have been recorded in a listing, which has been made available to Council.

### 2009 Payables

As of this date, March 24, 2009, Council does approve warrant numbers 21320 through 21423 in the total amount of \$139,162.71. Warrant 21362 was voided.

### February 2009 Payroll

As of this date, March 24, 2009, Council does approve warrant numbers 321 through 337 for advances and direct deposits, and warrant numbers 27216 through 27300 in the total amount of \$326,515.45 paid March 5, 2009, for the month of February 2009.

## DISCUSSION /ACTION ITEMS

09-03-09      A discussion and possible action regarding a request from Douglas County to submit payment in the amount of \$45,000 for work completed on the North Baker Avenue Project - 15<sup>th</sup> Street NE to 27<sup>th</sup> Street NE.

Mayor Pro Tempore, Johnson, said the item was discussed at the March 10, 2009, Council meeting and a motion was approved to table the issue until information provided by Douglas County could be reviewed. He added that after reviewing the information he does not have any reason to change or argue with the Mayor's conclusion regarding non payment to Douglas County in the amount of \$45,000.

Councilmember Raab said after reviewing the information he is in concurrence that there was not an Interlocal Agreement. However, the City agreed with Douglas County, via a letter of support from the Mayor, that the project was a viable project so that the County could apply for grant funding. Although it was not outlined as to how the City would participate, the project was included on the City's Six-Year Transportation Improvement Program. He added if the City holds off on this project for a few years and then decides to have the City's Engineers do the engineering work he believes it will cost more than the \$45,000. He would like the City to pay for the engineering plans that have been completed, as this would give the City a better opportunity to receive grant funding.

Doug Bramlette, County Engineer, Douglas County Transportation and Land Services, indicated the plans are at the 65%-75% level of work completion as there are some right-of-way issues to manage with the golf course before that design can be completed. He submitted a list of costs for each phase of work that has been paid for which included: a Geotechnical Report; Infiltration Report; Storm Water Reports and Design; Value Engineering Study; Sand Canyon Wetland Report;; and Aerial Mapping, which subtotals

\$231,871. He said even though this is the subtotal for consultant work on the entire project, the Storm Water Reports and Design, and the Sand Canyon Wetland Report, which totals approximately \$170,000, were all located in the City boundary. He said the work completed by Douglas County Staff which included: Field Survey work, right-of-way; Project Design Work; Concept and the Sensitive Solutions Study subtotals \$360,527. Therefore, the total work completed as of August 2008, totals \$592,000, for the 1.53 mile corridor from 15<sup>th</sup> Street NE to 27<sup>th</sup> Street NE. The City's match portion totals \$45,374.37.

Mr. Bramlette said Douglas County received approximately \$1.2 million in grant funding from the Transportation Improvement Board, and approximately \$1.2 million in grant funding from the Surface Transportation Program, totaling approximately \$2.5 million to do the entire project. He added Douglas County is the Lead agency on this project and all monies are received through the County.

Councilmember Hendricks said he would like to see the project completed. However, he would like the County to continue with the entire project including the portion within the City limits, and when the project is complete the City would pay their share.

Councilmember Barnhart said after reviewing the information provided by the County, he believes the City's intent was to participate in this project and would be in favor of awarding that \$45,000 to the County.

Councilmember Buckner said his recollection is that the City ran into right-of-way problems in the City's portion of the project and decided to set aside that project as the City did not have the funds nor were they able to get the right-of-way to do anything with that portion of the project. He expressed concern as to whether we have a viable project and whether the engineer work will be valid in three to five years. He said at this time the City can not apply for grant funding as they do not have any matching funds. He stated at this time he is not inclined to move forward with the project.

Mr. Bramlette said there were concerns of right-of-way on a portion of Baker Avenue. Therefore, the County had to pull back on pursuing that in order to comply with the Transportation Improvement Board (TIB) that the project needed to be built by 2009. He felt that if they continued working with the Cities portion, which may have required them to go through a condemnation process, it would jeopardize the funding.

Mr. Bramlette made a proposal stating that if the City would like to continue with the Sand Canyon portion of the project he would continue to design a culvert and retaining walls for a fish passage barrier removal project. He has acquired some of the permits for that portion and he has an okay from the Army Corps of Engineers. He added that he would still need to obtain an agreement between the Department of Fisheries and the Department of Ecology. However, the State Environmental Protection Act (SEPA) piece is complete. Mr. Bramlette said he thinks that by working closely with the Department of Fisheries the project could be designed and ready for a Stimulus Package or Habitat Enhancement Funding. However, in order for him to complete that portion of the design, he would need a signed Interlocal Agreement and the \$45,375.37, match paid by the City. He stated he would then complete that portion of the design for a shelf project, enabling the City to apply for funding to complete that section of the project.

Councilmember Barnhart said he had spoke with the Manager of the golf course and was informed that the board can not sell the property. It has to go to a vote of the membership and this can only be done at the annual meeting.

Ms. Barnett said she believes the work that has been completed by the County does have value to the City and regardless of when the City decides to do the project, the City will still be able to use documents provided by Douglas County. She added if Council is amenable to paying for that work, City and County

Staff can work together to complete the Interlocal Agreement and bring it back for approval. Ms. Barnett stated that the City can not pay the matching fee until an Interlocal Agreement is in place. However, she would like to ensure it is in a format that we can act on quickly if funding does become available.

**Council Action:** A motion was made by Councilmember Barnhart, second by Councilmember Raab to submit payment in the amount of \$45,375.37, for engineering work completed on the North Baker Avenue Project – 15<sup>th</sup> Street NE to 27<sup>th</sup> Street NE and the County shall turn over all documents pertaining to engineering. The motion carried, 6-1. (Hendricks opposed)

09-03-10 Authorization for the Mayor to sign a Purchase and Sale Agreement of Tax Parcel No. 03700004120 for the Canyon A Project.

Street Superintendent, Brandon Mauseth, said this Purchase and Sale Agreement is relevant to the Jo-Ann Fabric portion of the required easement to complete the Canyon A Project.

**Council Action:** A motion was made by Councilmember Bremmer, second by Councilmember Barnhart to authorize the Mayor to sign the Purchase and Sale Agreement of Tax Parcel No. 3700004120 for the Canyon A Project. The motion carried, 7-0.

#### **RESOLUTION**

09-03-11 A resolution of the City of East Wenatchee amending the Small Works Roster Process to award public works projects.

**Council Action:** A motion was made by Councilmember Buckner, second by Councilmember McCourt to approve the resolution of the amending the Small Works Roster to award public works projects. The motion carried, 7-0.

The title of the resolution reads as follows:

#### **RESOLUTION NO. 2009-05**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST WENATCHEE, WASHINGTON, REPEALING RESOLUTION NO. 2008-08 AND ESTABLISHING A SMALL WORKS ROSTER PROCESS TO AWARD PUBLIC WORKS CONTRACTS.**

#### **ORDINANCES**

09-03-07 Second reading of an ordinance amending the Greater East Wenatchee Area Comprehensive Plan Map; to change the land use designation on certain property located on Aviation Drive from Rural Resource 5 to Low Density Residential and including said properties in the Urban Growth Boundary; and to change the designation of certain properties on Rock Island Road from Neighborhood Commercial and Medium Density Residential to General Commercial; amending Ordinance No. 06-05.

Community Development Director, Lori Barnett, said this is an amendment to the Greater East Wenatchee Area Comprehensive Plan map to: (1) correct the map relating to several properties in the North Plateau area to re-designate them from Rural Resource 5 to Low Density Residential and include them in the urban growth boundary; and (2) to change the designation of property along Rock Island Road from Neighborhood Commercial and Medium Density Residential to General Commercial. She said these proposals were originally part of an area-wide comprehensive plan amendment and urban growth

boundary expansion that has been postponed, pending further review. She said that at the March 10, 2009 Council meeting, there was discussion regarding a request from Douglas County Commissioners to modify the Planning Commission recommendation to include several parcels that were removed from the Urban Growth Area (UGA) in 2003.

Ms. Barnett said that at the March 10, 2009 Council meeting, there was discussion regarding a request from the Douglas County Commissioners to modify the Planning Commission recommendation to include several parcels that were removed from the UGA in 2003. The City withheld final action on the Planning Commission's recommendation to allow further discussion and consideration of the County Commissioner's request.

Ms. Barnett said she had received a letter today from John Corning requesting that parcel numbers 23202320010 and 23202320011 not be brought back into the Urban Growth Boundary at this time.

Ms. Barnett indicated that the ordinance contains only those parcels included in the recommendation by the Planning Commission. She said Council's options are to: hold second reading and adopt the ordinance implementing the Planning Commission's recommendation; modify the Planning Commission's recommendation and the ordinance accordingly; or remand to the Planning Commission with specific instructions for the scope of any further proceedings Council would like them to take, specifying a deadline for when the Planning Commission is to provide its findings and recommendations back to the City Council.

Michael Noyd, 3781 School Street, Wenatchee, said he owns a narrow strip of property in the North Plateau area. Mr. Noyd said he has been working with Douglas County to determine the use of Eastmont Avenue extension to access that property. He said this parcel was in the UGA in 2003 and had he known it was not going to be returned to the UGA Boundary he would not have spent the resources he has on this property. He asked Council to consider restoring the property back to the previous designation as it was in 2003.

Eric Beaker, Western Pacific Timber, 110 West 6<sup>th</sup> Avenue, Ellensburg, WA, said Western Pacific Timber was recently acquired from the Department of Natural Resources. He said Western Pacific Timber is in favor of the proposal as it would give them the opportunity to utilize the property.

Bob Garretson, 2312 Canyon Hills Drive, East Wenatchee, expressed concern with the possibility of a house being built in front of his which would block his view.

Mark Kulaas, Douglas County Planning Director, said the County Commissioners request is just for the properties that were included in the 2003 UGA, and only those properties that are agreed upon by those property owners. He said he concurs with putting Mr. Noyd's property back into the UGA.

**Council Action:** A motion was made by Councilmember Bremmer, second by Councilmember Barnhart to modify the Planning Commission's recommendation to adding Mr. Noyd's parcel and Western Pacific Timber's parcels. The motion carried, 7-0.

At 8:05 p.m. Mayor Pro Tem Johnson called a five minute break.

Council reconvened at 8:10 p.m.

Mayor Pro Tem Johnson read the ordinance title.

**ORDINANCE NO. 2009-02**

**ORDINANCE OF THE CITY OF EAST WENATCHEE, WASHINGTON, AMENDING THE GREATER EAST WENATCHEE AREA COMPREHENSIVE PLAN MAP; TO CHANGE THE LAND USE DESIGNATION ON 14 PARCELS OF LAND FROM RURAL RESOURCE 5 TO LOW DENSITY RESIDENTIAL AND INCLUDING SAID PROPERTIES IN THE URBAN GROWTH BOUNDARY; AND TO CHANGE THE DESIGNATION OF CERTAIN PROPERTIES ON ROCK ISLAND ROAD FROM NEIGHBORHOOD COMMERCIAL AND MEDIUM DENSITY RESIDENTIAL TO GENERAL COMMERCIAL; AMENDING ORDINANCE 06-05; AND SETTING AN EFFECTIVE DATE.**

09-03-12 An ordinance amending Ordinance No. 2008-17 fixing and confirming the salaries and compensation to be paid to certain officials and employees of the City of East Wenatchee during the year 2009.

City Treasurer/Finance Director, Nick Gerde, said this ordinance brings the salary schedule step-plan into compliance with the salary ordinance for the Clerical Assistant in the City Clerk Department.

Mayor Pro Tem Johnson read the ordinance title.

**ORDINANCE NO. 2009-05**

**AN ORDINANCE OF THE CITY OF EAST WENATCHEE, WASHINGTON, AMENDING ORDINANCE NUMBER 2008-17 AND FIXING AND CONFIRMING THE SALARIES AND COMPENSATION TO BE PAID TO CERTAIN OFFICIALS AND EMPLOYEES OF THE CITY OF EAST WENATCHEE DURING THE YEAR 2009.**

**Council Action:** A motion was made by Councilmember Buckner, second by Councilmember Barnhart to amend Ordinance No. 2008-17 fixing and confirming the salaries and compensation to be paid to certain officials and employees of the City of East Wenatchee during the year 2009. The motion carried, 7-0.

**COUNCIL REPORTS**

Councilmember McCourt submitted minutes from the Chelan-Douglas Health District meeting held on February 23, 2009.

Councilmember Johnson submitted minutes from the Link Transit Board of Directors meeting held on February 17, 2009.

**ADJOURNMENT – 8:15 p.m.**

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Dana Barnard  
City Clerk