

**CITY OF EAST WENATCHEE, WASHINGTON
REGULAR SESSION OF THE CITY COUNCIL CONVENED
MAYOR STEVEN C. LACY, PRESIDING
MARCH 10, 2009
6:30 P.M.**

ROLL CALL

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

Staff Present: Dana Barnard, Brandon Mauseth, Devin Poulson, Lori Barnett, Nick Gerde, and Dawn Collings.

PLEDGE OF ALLEGIANCE

PRESENTATION

Douglas Bramlette, representative from the Douglas County Transportation and Land Services, gave a presentation regarding the North Baker Avenue Project. He said this project, which began in 2001, was successful in obtaining Transportation Improvement Board (TIB) funding as a joint project between Douglas County and the City of East Wenatchee. This project also received Surface Transportation Program (STP) from the Wenatchee Valley Transportation Council (WVTC) and a considerable amount of design, survey and public out-reach has been invested in this project.

Mr. Bramlette said that during the design stage in 2005, an Interlocal Agreement was drafted for the City's approval and again in August 2007. The Interlocal Agreement was revised in October 2008 to reflect design/survey, and right-of-way acquisition only due to the problem of funding and right-of-way issues. The construction element was removed from the Interlocal Agreement for the purpose of completing the design until construction funding was available. He said to date the County has not received comments of the revised Interlocal Agreement from the City. However, the County, in good faith has continued with the design of the project. He added that a letter of support from the Mayor and also staff have committed to funding and support of the project.

Mr. Bramlette asked the City Council to look favorably at helping Douglas County fund with the match portion of this very important, much needed project. He said the total City match for this project as of August 2008 is \$45,374.37; this represents 7.6% of design/right-of-way for the project. Unfortunately the Interlocal Agreement is still not done, the revised Interlocal Agreement does not include construction because Mr. Bramlette does not think they will be able to get to the construction phase of 15th Street NE to 20th Street NE in the near future without a change in the way the programs are setup.

Mayor Lacy said his perspective of what has taken place with this project differs from that of Douglas County. He explained that in the fall of 2000 he had had discussions with former Street Superintendent, Bob Goodman, and at the time there was a request from the County asking the City of East Wenatchee to provide a letter that supported Douglas County in seeking grant funding for a project of this nature. He said he believes that this project has changed considerably since that time, and to his knowledge, the letter of support signed, via his signature stamp, was simply an indication of support for grant funding. He said he is somewhat surprised to hear that the County's position now is that they anticipated they would not have enough money from the beginning to do this project. However, they started working on it in anticipation that they would find other funding sources.

Mayor Lacy said that Mr. Bramlette indicated that an Interlocal Agreement was presented to the City for approval and he disputes that as he does not believe an Interlocal Agreement was ever presented to the Council for consideration. He added he does not know if an Interlocal Agreement was presented to former Street Superintendent, Bob Goodman, or what Mr. Goodman may have communicated to the County. However, Mr. Goodman did not have authority to make any commitments for the City and the County is well aware of that.

Mayor Lacy said he had met with the Douglas County Commissioner, Ken Stanton, County Engineer, Doug Bramlette, and Transportation and Land Services Administrator, Jim Barker, regarding the issue. He said that he would not recommend a budget amendment, which is what would be required in order to pay \$45,000 and he does not believe this would not benefit the City of East Wenatchee. He said the issue has to do with the nature of the project today, versus the nature of the project at its outset. At its outset, this was a project that would have provided the citizens of the City of East Wenatchee with an improved street from 15th Street NE to 19th Street NE, which included curb, gutter, and sidewalks on both sides of the street as well as other improvements, and when this project began that was the expectation of what supported the signature stamp that was placed on the letter of support for the project.

Mayor Lacy said the project as it currently stands does not resemble the original project in any significant degree. As he understands it, the portion of the project in the city limits had become extremely problematic in terms of right-of-way acquisitions around the golf course, problems associated with improvements at Sand Canyon, and other costs that were being phased during the course of the progress and design of the project. Mayor Lacy acknowledged the fact that the County has done design work on the original project in which a portion of the project is located in the City. However, if the City were to move forward with this project they would be left with the same problems that the County encountered at Sand Canyon, and with the Golf Course.

Therefore, we have a situation in which the County expended funds without an Interlocal Agreement with the City, and the City does not stand to benefit from the work that the County has done. He added that he does not feel there is fault with the City, or himself, as he was not aware, that during the majority of this process these monies were being expended with the expectation that they would be paid for by the City. He said the City is certainly aware of that now, and now we have to make a decision that is in the best interest of the taxpayers. He recommend that the City not pay those fees, as there is no legal obligation to pay these funds, and he does not believe the County has any basis for making a claim against the City, particularly since this project has significantly changed.

Councilmembers asked questions and discussed what communication had taken place between the two jurisdictions regarding a signed Interlocal Agreement; how much the project would cost today; and whether they could review the information packet prior to making a recommendation.

Mayor Lacy said, again, he thought it was important since the County wanted to make this presentation that Council had an opportunity to hear from both sides tonight and since this is not a Mayoral decision and it would probably be premature for them to make a decision without further thought or review of the information provided. He reiterated the expenditure would require a motion to amend the budget.

Council Action: A motion was made by Councilmember Buckner, second by Councilmember Johnson, to table the issue until the next Council Meeting. The motion carried, 7-0.

BUDGET ISSUES

Mayor Lacy reminded those who are serving on the Budget Committee that a Budget Committee meeting will be held on Thursday, March 12, 2009, at 6:30 p.m. at City Hall.

Mayor Lacy said an issue came up regarding a discrepancy in payroll as it relates to the Clerical Assistant in the City Clerk's Office. He said the budget amount for 2009 is \$77,200.00 and that amount was based upon a presentation in writing and orally that the City Clerk made with respect to the City Clerk's salary and the Clerical Assistant's pay based on the number of hours the Clerical Assistant was expected to work. The Clerical Assistant was expected to work 24 hours a week, or 104 hours a month for 12 months and that is the amount that has been budgeted for 2009.

Mayor Lacy said on the other hand, we have a salary schedule which is part of our budget ordinance that sets forth the amount of hours an employee is authorized to work. When the Salary ordinance was adopted it authorized her to work under the salary schedule at 86.7 hours. However, the intent was to authorize her to work for 104 hours. The amount budgeted is for 104 hours per month but we did not change the salary schedule to reflect that, his recommendation is to change the salary schedule to reflect the actual hours that was budgeted for as it does not change her salary per hour.

Council Action: A motion was made by Councilmember Johnson, second by Councilmember McCourt, to revise the salary schedule and ordinance to increase the hours from 86.7 hours per month to 104 hours per month. The motion carried, 7-0.

DEPARTMENT REPORTS

EWEB

East Wenatchee Events Board Coordinator, Dawn Collings, gave an update with regards to the City's participation in the Inland Northwest Motorcycle Show that took place February 20-22, 2009, at the Spokane Convention Center. She said they promoted not only East Wenatchee festivals, but the Wenatchee Valley as a whole by handing brochures and fliers of information on E3 NCW (Escape, Explore, Enjoy North Central Washington), the Wenatchee Visitor's Guide, registration forms for Classy Chassis and Wings and Wheels, lapel pins, and toffee popcorn. She added this booth is a joint venture with the Wenatchee Valley Convention and Visitors Bureau.

Ms. Collings said the next event coming up is the Fred Meyer Easter Egg Hunt, which will be held on Sunday, April 5, 2009, from 2:00 pm to 4:00 p.m. she added this event is for kid's pre-school age through 5th grade. She said Classy Chassis is just a couple months away and they have been steadily receiving registrations.

Finance

City Treasure, Nick Gerde said he distributed the finance report on Friday, March 6, 2009. He said he was open to answer any questions.

Councilmember Raab asked if it would be beneficial to create a line item to place money in the event that a retiring employee would be cashing out their vacation pay.

Mr. Gerde said the City uses a cash basis budgeting system. In this type of budgeting system the City can provide those funds in the annual budget process. However, if by paying out vacation totals were to create a fund to go over budget, a budget amendment could be done.

Councilmember Raab said there is concern that a retired employee could draw their pay check for a period of time so that there are no funds available to pay a new employee to fill the vacated position. By doing this it would leave a department shorthanded until that employee has been completely paid.

MAYOR'S REPORT

Mayor Lacy said he received a petition March 6, 2009, entitled a Petition for Investigation of Question Concerning Representation which is the first step under the Public Employment Relations Commission's Process to establish a new bargaining unit at the City. He said this would be on behalf of the City employees who are not currently represented. He added, at this time it is just a form that they are required to submit to us while they are making an application to the Public Employee Relations Committee for certification, that way they can begin a bargaining process or contract on behalf of the City employees.

Mayor Lacy said he had received a letter from the Washington Municipal Clerks Association congratulating our City Clerk, Dana Barnard, for achieving her Certified Municipal Clerk designation from the International Institute of Municipal Clerks. He said he wanted to take the opportunity to acknowledge Dana for this fine accomplishment. Mayor Lacy and City Council applauded Ms. Barnard for this accomplishment.

CONSENT CALENDAR

1. Consideration of Minutes – Regular Session, February 24, 2008
2. Consideration of Bills

Councilmember Johnson said he is listed as present in the roll call portion of the minutes. However, he was excused from this meeting. He asked for this to be amended in the Council minutes.

Council Action: A motion was made by Councilmember Barnhart, second by Councilmember Buckner, to approve the consent calendar as presented with the amendment to the roll call removing Councilmember Johnson from being present. 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 10, 2009, Council does approve warrant numbers 21278 through 21319 in the total amount of \$94,944.49.

ACTION ITEMS

- 09-03-01 Authorization for the Mayor to sign an Interlocal Agreement with the Metropolitan Park District regarding allocation of fees collected for the Apple Bin Race during the 2009 Les Schwab Classy Chassis Car Show.

Events Director, Dawn Collings, said the City will sponsor the 2009 Les Schwab Classy Chassis Car show on May 2, 2009. She said as part of the event, one of the activities handled by the Eastmont Metropolitan Park District (EMPD) is the Apple Bin Races. She said since the Park District handles the event any revenue generated from registration fees exceeding the cost of the activity would be retained by the EMPD. She added the same agreement was approved for the event in 2008.

Council Action: A motion was made by Councilmember Hendricks, second by Councilmember Johnson, to authorize for the Mayor to sign an Interlocal Agreement with the Metropolitan Park District regarding allocation of fees collected for the Apple Bin Race during the 2009 Les Schwab Classy Chassis Car Show. The motion carried, 7-0.

09-03-02 Award the City Hall roofing repair contract to Blodgett Construction Associates, Inc.

Street Superintendent, Brandon Mauseth, said that in early January an ice dam had formed on the roof of City Hall. He said the sudden shift in weather produced warm air and high winds causing the ice dam to break, pulling down soffit material underneath the roof overhang which also caused water damage inside the building. He consulted with the City's Insurance carrier and then referred to the City's Small Works Roster to select a contractor to proceed with repairs to eliminate further damage. The soffit repairs were completed by Blodgett Construction Associates, Inc., and they continued to evaluate the damage to the roof. He said Blodgett submitted an estimate identifying several other areas that were damaged from the same occurrence, which includes two options for repairing the damage. Mr. Mauseth explained the difference in the two estimates and asked Council to award the roofing repair contract and select which option they would prefer. He said his recommendation would be option A. He added that all costs associated with the roof repairs would be covered by the City's insurance policy.

Council Action: A motion was made by Councilmember Johnson, second by Councilmember Raab, to award the City Hall roofing repair contract to Blodgett Construction Associates, Inc., using option A for repairs. The motion carried, 5-1. (Bremmer opposed, Barnhart abstained)

09-03-03 Final acceptance of Contract for the Rock Island Road Improvement Project.

Street Superintendent, Brandon Mauseth, Hurst Construction, LLC, has completed all work on the Rock Island Road Improvement Project in accordance with the plans and specifications. He said the total contract cost totaled \$1,079,885.04, for all pay estimates. He added the contract was \$58,446.56 more than the original contract amount of \$1,021,434.48, due to change orders to The East Wenatchee Water District, the Public Utility District of Douglas County, and to the City of East Wenatchee. Mr. Mauseth is requesting final approval of the contract so that the retainage can be released.

Council Action: A motion was made by Councilmember Bremmer, second by Councilmember Johnson, for final acceptance of Contract for the Rock Island Road Improvement Project. The motion carried, 7-0.

09-03-04 Authorization for the Mayor to sign individual Interlocal Agreements with Douglas County Sewer District, East Wenatchee Water District, and P.U.D. No. 1 of Douglas County for cooperation of utility upgrade and replacement during the Canyon A project.

Mr. Mauseth said when the Interlocal Agreements were included in Council packets he had not received the total preliminary estimate for the entire project which was needed to determine the percentage of the cost participation. He said he has received that information and submitted it to Council for approval of the Interlocal Agreements. He added if the City would be the lead agency on the project with all utilities included, the cost to relocate those facilities would be paid for by the Utility Districts.

Mr. Mauseth said the cost to the Douglas County P.U.D. totals \$20,640.00; the Douglas County Sewer District totals \$62,450.00, and the East Wenatchee Water District totals \$34,760.00. He added upon approval of these Interlocal Agreements he will present them to the responsible District representative for approval by their board.

Council Action: A motion was made by Councilmember Bremmer, second by Councilmember Johnson, to authorize the Mayor to sign individual Interlocal Agreements with Douglas County Sewer District, East Wenatchee Water District, and P.U.D. No. 1 of Douglas County for cooperation of utility upgrade and replacement during the Canyon A project. The motion carried, 7-0.

09-03-05 Approve a method for selling property located at 3rd Street NE.

City Attorney, Devin Poulson, said at a previous meeting Council instructed the Legal Department to order an appraisal of City owned property. He said he has received an appraisal for City owned property located on 3rd Street NE, which is bounded by 3rd Street NE, Colorado Street, and Colorado Court. He is asking for direction from Council on how they wish to proceed with the sale of the property.

Council decided to discuss the matter in executive session and add that item to the agenda after the remaining agenda items have been discussed.

Council Action: A motion was made by Councilmember Bremmer, second by Councilmember Hendricks, to approve a method for selling property located at 3rd Street NE. The motion carried, 7-0.

ORDINANCES

09-03-06 An ordinance amending the Greater Wenatchee Area Comprehensive Plan Land Use Designation map and official zoning map to change the designation of certain property located on Grant Road from Low Density Residential to Neighborhood Commercial; amending Ordinance No. 06-05 (GEWA Plan Map) and Ordinance No. 2007-05 (Official Zoning Map).

Community Development Director, Lori Barnett, said this is an application that was submitted by the property owner of Casa Tapatia, Arnuflo Arceo, requesting an amendment to the Greater East Wenatchee Area Comprehensive Plan land use designation map and the official zoning map to change the designation of a .28 acre parcel of land from Residential Low Density to Neighborhood Commercial. She said the subject property is adjacent to property already zoned Neighborhood Commercial. She added this would be an extension of that existing Neighborhood Commercial area at the corner of Kentucky Avenue and Grant Road.

Ms. Barnett said the Planning Commission held a public hearing on February 23, 2009. She said no one offered any testimony for or against the change in designation. She said the Planning Commission voted unanimously in support of the request for a zone change and a Comprehensive Plan amendment that would change the subject property from Residential Low Density to Neighborhood Commercial.

Mayor Lacy exercised his option to elevate this ordinance to second reading.

Mayor Lacy read the ordinance title.

ORDINANCE NO. 09-04

AN ORDINANCE OF THE CITY OF EAST WENATCHEE, WASHINGTON AMENDING THE GREATER EAST WENATCHEE AREA COMPREHENSIVE PLAN USE DESIGNATION MAP AND OFFICIAL ZONING MAP TO CHANGE THE DESIGNATION ON CERTAIN PROPERTY LOCATED ON GRANT ROAD FROM LOW DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL; AMENDING ORDINANCE 06-05 (GEWA PLAN MAP) AND ORDINANCE 2007-05 (OFFICIAL ZONING MAP); AND SETTING AN EFFECTIVE DATE.

Council Action: A motion was made by Councilmember Bremmer, second by Councilmember Hendricks, to adopt the ordinance amending the GEWA Comprehensive Plan Use Map and the official Zoning Map to change the designation of property located on Grant Road. The motion carried, 7-0.

At 8:15 p.m. Mayor Lacy called a five minute recess. Council reconvened at 8:20 p.m.

09-03-07 An ordinance amending the Greater 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 item is actually a modification to a project that staff has been working on since 2007, which was an expansion to the Urban Growth Boundary. She said this request was made when they adopted the Comprehensive Plan in 2006. She added the Planning Commission held a Public Hearing on February 24, 2009, in which it was concluded that it did not appear that we would be able to support the determination of non-significance and decided to step back from that proposal and propose something smaller. Therefore, they came up with the 2008-1A. She added this is a change that deals with two specific areas from property owners.

Ms. Barnett said according to state law and procedures when you are doing comprehensive plan amendments they have the option of accepting the Planning Commissions recommendation, altering it, or remanding it back to them. However if it is remanded back to the Planning Commission you are required to give them a time frame to make revisions.

Mayor Lacy read 1st reading of the ordinance.

Ms. Barnett said that included in your packet there is a letter submitted by Douglas County Commissioners requesting the City Council modify the recommendation of the Planning Commission if they intend to adopt that recommendation. The modification would include a few other parcels that were previously requested to be included in the UGA. The Douglas County Commissioners expressed concern over the equity of removing lands from the urban growth boundary, when those lands had previously been designated for urban use.

Council Action: *A motion was made by Councilmember Johnson, to elevate the ordinance to second reading. The motion failed for lack of a second.*

The City Council decided to review the request by the Douglas County Commissioners prior to adopting the ordinance.

09-03-08 An ordinance vacating a portion of 19th Street NE in the City of East Wenatchee, Washington.

City Attorney, Devin Poulson, said the City Council adopted Ordinance 2008-01 which approved the petition to vacate a portion of 19th Street NE. He said after that Ordinance was adopted, the petitioner agreed to pay the City \$10,000 for the property to cover the cost of a survey, legal description, and engineering study. Therefore, it is necessary to repeal Ordinance 2008-01 to reflect the agreed upon purchase price and to reflect the fact that the City is retaining a utility easement in the vacated right-of-way.

Mayor Lacy read the ordinance title.

ORDINANCE NO. 2009-03

**AN ORDINANCE OF THE CITY OF EAST WENATCHEE,
WASHINGTON, VACATING A PORTION OF 19TH STREET NE IN THE
CITY OF EAST WENATCHEE, WASHINGTON.**

Council Action: A motion was made by Councilmember Hendricks, second by Councilmember Johnson, to adopt the Ordinance vacating a portion of 19th Street NE. The motion carried, 7-0.

Mayor Lacy said Council will now revisit Council Agenda Bill Number 09-03-05

EXECUTIVE SESSION

At 9:25 p.m. Mayor Lacy called a ten minute executive session regarding the sale of City owned property. Council reconvened at 9:30 p.m.

Council Action: A motion was made by Councilmember Bremmer, second by Councilmember Johnson, to sell the City owned property at a public auction with a minimum bid of \$112,500 plus auction fees. The motion carried, 7-0.

COUNCIL REPORTS

Councilmember Johnson said he was accepted to the AWC nominating committee.

Councilmember Johnson said he had spoken with Sheriff Gjesdal after the last Council meeting and he said the Douglas County Sheriff's Office had given a digital camera to the East Wenatchee Police Department.

Councilmember Johnson submitted minutes from the North Central Washington Resource Conservation and Development meeting held on January 14, 2009.

Mayor Lacy submitted minutes from the Wenatchee Valley Transportation Council meeting held on, February 12, 2009.

ADJOURNMENT – 9:35 p.m.

Dana Barnard
City Clerk