

**CITY OF EAST WENATCHEE, WASHINGTON
REGULAR SESSION OF THE CITY COUNCIL CONVENED
MAYOR STEVEN C. LACY, PRESIDING
MAY 12, 2009
6:30 P.M.**

ROLL CALL

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

Staff Present: Lori Barnett, Brandon Mauseth, Devin Poulson, Nick Gerde, and Catalina Garibay.

PLEDGE OF ALLEGIANCE

CITIZEN COMMENTS

MAYOR'S REPORT

Mayor Lacy said an issue has been raised regarding clarity of the education incentive pay to employees in the Manual of Personnel Policies. He said he has asked City Attorney, Devin Poulson, to draft a revised Section 4.5 Education Incentive Plan, of the Manual of Personnel Policies for Council to review.

Mayor Lacy said he has asked the City Attorney to research the process other jurisdictions use and draft an ordinance with respect to potential overload fees as a result of damage to the streets in East Wenatchee from heavy trucking. He said this will be reviewed by staff and then presented to Council for consideration.

Mayor Lacy said he had met with Link Transit General Manager, Richard DeRock, regarding a request by Link for the City to submit a letter of support for a grant application to the Federal Transit Administration (FTA) for funding assistance for the Transit Investments for Greenhouse Gas and Energy Reduction (TRIGGER) Program. He said this grant would allow Link to purchase battery powered electric buses which would help in the overall cost of running the bus system. He asked Council for their approval to sign a letter of support on behalf of the City.

Council Action: A motion was made by Councilmember Barnhart, second by Councilmember Buckner, to authorize the Mayor to sign a letter of support for Link Transit to submit with an application for grant funding for the TRIGGER Program. The motion carried, 7-0.

Mayor Lacy said he has had discussions with staff regarding the process used in terms of coming to contractual arrangements with other entities. He said Department Heads will present a proposal to the Mayor for discussion and recommendations. The proposal will then be submitted to Council for input and recommendations. The final proposal shall then be brought forward for Council approval, as the City Council has the ultimate approval authority on all contracts.

Mayor Lacy updated Council on the status of improving the evaluation process. He said all Department Heads have completed a job description for each position in their department. He said he hopes to have evaluation forms drafted that will correlate with the job descriptions and submitted to department heads by June 1, 2009. Department Heads, including him, will then have until August to complete evaluations for their employees. This will help in terms of employees having some consistency and understanding of

where they stand in terms of their performance and also in terms of planning for the budget for the following year with regards to salaries and other impacts regarding performance related issues.

Mayor Lacy said during the Apple Blossom Festival he became aware of an organization that has come together in which they selected someone as Queen from the Hispanic Community to participate in the Apple Blossom Festival. He said he had invited her to attend this Council meeting. However, she was not able to attend the meeting this evening. Mayor Lacy said he would invite her to another Council meeting to give Council information regarding the organization.

DEPARTMENT REPORTS

Finance Department

Lodging Tax

City Treasurer/Finance Director, Nick Gerde reviewed the Lodging Tax Reporting form which is required by the Community Trade and Economic Development (CTED).

Festival, Event, Tourism Facility owned by a non-profit organization or by the local jurisdiction:

- Les Schwab Classy Chassis Parade & Car Show - \$8,632.47
- Wings & Wheels - \$42,146.81
- City of Wenatchee-Convention Center Support - \$25,704.31
- Wenatchee Visitors Bureau - \$50,284.76

Estimated Number of Tourists for 2008:

- Les Schwab Classy Chassis Parade & Car Show – 600
- Wings & Wheels – 250

Estimated Lodging Stays:

- Les Schwab Classy Chassis Parade & Car Show – 200
- Wings & Wheels – 100

April 2009 Financials

Mr. Gerde reported that in the first quarter 2009, the Sales and Use Tax have come in higher than anticipated. However, he does not anticipate this trend to continue and would not want the City to make any decisions regarding expenditures based on these numbers.

Mr. Gerde reported that property taxes came in lower in May 2009, than what was received in May 2008. He said based on the economy at this time he will continue to review the tax payments made to the City prior to contacting Douglas County as to why this payment was so much lower than the previous year.

Street Department

Grant Opportunity

Street Superintendent, Brandon Mauseth, made Council aware of an Energy Efficiency and Conservation Block Grant opportunity for funding through the U.S. Department of Energy, which could fund anything from Light Emitting Diodes (LED) lighting and traffic signals to energy efficiency in the City Hall facility.

Mr. Mauseth said the City of East Wenatchee did make an application for transportation dollars for stimulus funding which included the Grant Road Overlay Project. He said this project scored fifth from a list of forty-two projects. He added he has not seen any other stimulus funding opportunities that the City

would be eligible for. He added the City submits a request each year through the Wenatchee Valley Transportation Council to the Transportation Improvement Board (TIB). However, due to the lack of funding TIB may not be making a call for requests for projects this year.

Grant Road/Valley Mall Parkway elimination of left turn lane - Street Name Change of Rock Island Road to Valley Mall Parkway.

Mr. Mauseth said an open house has been set for June 2, 2009, for the public to obtain information regarding the street name change of Rock Island Road to Valley Mall Parkway, in addition to the elimination of the left turn lane from Grant Road to Valley Mall Parkway. He added the elimination of the unprotected left turn lane onto Valley Mall Parkway will be initiated in August 2009, this will allow Washington State Department of Transportation (WSDOT) time to have sign changes made. He added the City would then plan to initiate the name change of Rock Island Road to Valley Mall Parkway around January 1, 2010, allowing businesses sufficient time to make required changes.

Canyon-A Project.

Mr. Mauseth updated Council on the Canyon-A Flood Control Project. He said he met with the Stormwater Utility in which he asked for direction with regards to cost participation from the Douglas County Sewer District during the project. He said he will meet with the Douglas County Sewer District tomorrow, and based on their decision he will have a revised Interlocal Agreement drafted for Council's approval. He said the Purchase and Sale Agreement with Jo Ann Fabrics has been completed and the Purchase and Sale Agreement for a portion of the El Porton property is on the Council agenda tonight for approval. He said the Stormwater Utility is waiting for a temporary construction permit from WSDOT to put the structure in the State right-of way. The State will then pick the project and extend the pipeline to the river during their Interchange Project in 2010.

CONSENT CALENDAR

1. Consideration of Minutes – Regular Session, April 28, 2009
2. Consideration of Bills

Council Action: A motion was made by Councilmember Johnson, second by Councilmember Bremmer, to approve the consent calendar as presented. 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, May 12, 2009, Council does approve warrant numbers 21598-21654 in the total amount of \$109,667.62. Warrant number 21623 was voided.

ACTION ITEMS

09-04-01 Authorization for the Mayor to sign an Easement Purchase and Sale Agreement for a portion of El Porton Property for the Canyon A Project.

Mayor Lacy said this is a final version of the proposed contract agreement which will allow the purchase under the terms that are stated in the agreement.

Council Action: A motion was made by Councilmember Johnson, second by Councilmember Raab, to authorize the Mayor to sign an Easement Purchase and Sale Agreement for a portion of El Porton Property for the Canyon A Project. The motion carried, 7-0.

09-05-01 Authorization to surplus items through Northwest Auction Services at an Auction to be held on June 13, 2009, at the Chelan County Fairgrounds.

Councilmember Barnhart asked if a value of each item or a minimum bid is required. Mayor Lacy said he would have the City Attorney review the bid laws for the proper requirement.

Council Action: A motion was made by Councilmember Barnhart, second by Councilmember Buckner, to authorize items to be surplus through Northwest Auction Services at an Auction to be held on June 13, 2009, at the Chelan County Fairgrounds. The motion carried, 7-0.

ORDINANCE

09-05-02 An ordinance adopting an Interlocal Agreement with Douglas County regarding the North Baker Street Project.

Mayor Lacy said this matter has come before Council at three previous Council meetings and is now back for approval of an Ordinance adopting the Interlocal Agreement. He said he would await the outcome of this vote and then make a determination as to whether if there is something that should be done about this issue.

Councilmember Johnson said this issue has been brought forward at three previous Council meetings. He said the City started out assuming that the County was going to do some engineering services for \$45,374.37. The City then found out that was not the case and now the County has changed the price to \$35,374.37. He said he would be voting against this ordinance. He added, he would prefer this item go through the Budget Committee along with the request for funding of the Pipeline Bridge for discussion and a recommendation prior to making an amendment to the budget.

City Attorney, Devin Poulson, explained that the Council has not yet approved the Interlocal Agreement. He said in order to approve an Interlocal Agreement it needs to be adopted by an ordinance or resolution or some other way as authorized by the City Council. He said this Council has never selected another process. Therefore, Council needs to approve or adopt the Interlocal Agreement as it is being presented by ordinance.

Community Development Director, Lori Barnett, said the direction to staff was to take the information that was presented by Mr. Bramlette during Council meetings held on March 24, 2009, and April 14, 2009, and revise the Interlocal Agreement to deal with just those deliverables that were presented in the Council packet which changed the Interlocal Agreement as far as the County doing the design and construction work, to just the items that the City may benefit from, if they were to find funding to continue with the project. She said prior to putting this Interlocal Agreement together she was contacted by the County stating they would reduce the amount from \$45,374.37 to \$35,374.37, and offered to act in a consultant basis at some later point which would necessitate a separate Interlocal Agreement to be negotiated if they were to do this work. She added, Council did not take action to improve an Interlocal Agreement. However, Council did agree to pay the \$45,374.37, and have staff go back and re-write the Interlocal Agreement.

Douglas County Transportation and Land Services Administrator, Jim Barker, said it becomes an issue of integrity. He said the County reduced the amount because they felt that the Council believed they had been duped, as the Council understood something different than what the County intended after discussion at the third meeting. The County reduced the amount simply for that fact. They made the offer to the City to come back and do similar work that they had done in the past, by being the lead agency for certain projects. He added he wants to make it easy for the City Council and he is going to make a recommendation to the Board of Commissioners to withdrawal the proposal entirely. The County will then shelf the project and documents so that there are no hard feelings about it.

Council Action: A motion was made by Councilmember Raab, second by Councilmember Barnhart, adopting the ordinance authorizing the Mayor to sign an Interlocal Agreement with Douglas County regarding the North Baker Street Project. The motion carried, 4-3. (Johnson, Bremmer, Hendricks)

Mayor Lacy as far as he can remember in his eleven years as Mayor, this is the first time he has considered a veto of a Council ordinance and he is considering vetoing this one. He has had City Attorney, Devin Poulson, research the process in which to veto an ordinance and asked him to explain to Council what the law says about the Mayor's ability to veto an ordinance of this nature.

City Attorney, Devin Poulson, said statutorily the Mayor has the ability to veto an ordinance. The Mayor has fourteen days to provide a written objection to the Council, the reasons why he is vetoing it. To override the veto, the ordinance comes back for re-consideration and if Council wishes to override the veto it must be approved by a majority plus one which would total five votes.

Mayor Lacy said as required by law, he will be providing his objections and reasons for a veto and he will be vetoing this ordinance. Council will have to reconsider it at a future time.

COUNCIL REPORTS

Councilmember Buckner said on the Peace Officers appreciation Luncheon invitation it has a date of April 14, 2009, when it should read May 14, 2009.

Mayor Lacy reminded the Budget Committee that a Budget meeting will occur on Thursday, May 15, 2009, at 6:30 p.m. Councilmember McCourt said she would not be able to attend the Budget Committee Meeting. Mayor Lacy appointed Councilmember Raab to attend the Budget Committee Meeting in the absence of Council McCourt.

Councilmember Raab, submitted minutes from the Storm Water Utility meeting (SWU), held on April 30, 2009, and from the Countywide Solid Waste Program held on April 4, 2009.

ADJOURNMENT – 7:30 p.m.

Dana Barnard
City Clerk