

**CITY OF EAST WENATCHEE, WASHINGTON
REGULAR SESSION OF THE CITY COUNCIL CONVENEED
MAYOR STEVEN C. LACY, PRESIDING
JUNE 23, 2009
6:30 P.M.**

ROLL CALL

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

Council Action: A motion was made by Councilmember Barnhart, second by Councilmember Raab, to excuse Councilmember Johnson from this meeting. The motion carried, 6-0.

Staff Present: Dana Barnard, Lori Barnett, Brandon Mauseth, Devin Poulson, Randy Harrison, Joan Sims, Nick Gerde, and Catalina Garibay.

PLEDGE OF ALLEGIANCE

CITIZEN COMMENTS

Thomas Ebling, 1130 Grant Road, East Wenatchee, submitted a letter to Mayor Lacy and City Councilmembers regarding an agreement he had with Douglas County prior to being annexed into the City, which would have provided him with a second driveway entrance near the northwest corner of his property.

Mayor Lacy informed Mr. Ebling that there is a process which needs to be followed that would involve consideration by the City Planning Department subject to city ordinances.

Terry Pomarleau, 130 Ironwood Place, East Wenatchee, spoke in regards to the proposed ordinance setting Overload Permit Fees. He stated that his business located in Baker Flats is already regulated and adding additional fees would place a hardship on his business. He asked how the City plans to enforce the law to ensure all trucks driving in East Wenatchee are following the law. Mayor Lacy said enforcement would be an issue that would need to be dealt with in some depth prior to Council taking any action.

Dave Bonwell, 2319 Spring Wheat Road, Oak Harbor Freight Lines, East Wenatchee, asked how the City will determine the weight of a truck. He said if the overweight vehicles are damaging the roads why should specific vehicles be exempt from paying the overload permit fees. Mayor Lacy the weight would be determined by the weight listed on the vehicle registration. He added there are many questions that will need to be addressed regarding the proposed ordinance.

Orval Oakes, Chamberlain Distributing, Wenatchee, asked if the funds generated from the overweight permit fees would be used for all city streets. Mr. Oakes gave an example stating that a truck hauling 202,000 pounds would cost a company approximately \$2,200 a year. Mayor Lacy said the City adopts a Six-Year Transportation Improvement Program which prioritizes street projects. He added the fees currently paid by the trucking industry are paid to the State of Washington and used by the state for state highways.

Jimmy Sherrell, Midland Trucking, 2403 NW Columbia Street, East Wenatchee, said that the registration weight is not what is damaging the road it is the trucks that have to apply for additional tonnage over their

registered gross weight. He added he is aware of funds that are available to Cities and Counties that are paid by the trucking industry as they are required to list all streets and roads in which they are traveling with the additional tonnage. He added that he is aware that roads need to be fixed. However, he believes that it is a community problem and that the City should not target one industry.

Mayor Lacy thanked citizens for their comments and stated that this type of communication allows the City Council to be fully informed and able to investigate these matters before a decision is made.

Mayor Lacy said with the current economy there are not many grant opportunities available for funding street and road projects. He said the City is now facing a significant need of an overlay project on Grant Road between Eastmont Avenue and Kentucky Avenue at an estimated cost of \$1.2 million. Therefore, as Mayor, he has been looking for a way in which they could fund the continued maintenance on these roads and this proposal was simply a way to bring awareness both to council and to the community about the City's needs.

BUDGET ISSUES

City Treasurer / Finance Director, Nick Gerde, discussed late payments and penalties regarding gambling taxes. He stated that from time to time, the City receives late payments of gambling taxes. When this occurs, the gambling establishment incurs a penalty according to the City's Gambling Ordinance. This penalty is 1% per month on the unpaid balance. He submitted comparative penalty structures used by other Cities in Eastern Washington. He asked Council if they would consider amending the City's Gambling Ordinance to include a graduated penalty schedule similar to those used by the comparative cities.

Mayor Lacy said this is not before the Council for action this evening, but rather to find out if they wished to move forward with an amended ordinance.

Councilmember Buckner asked for this item to be placed on the next Budget Committee agenda for a recommendation.

DEPARTMENT REPORT

Street Superintendent, Brandon Mauseh, said City Staff and RH2 Engineering performed an on-site inspection of Grant Road to evaluate the roadway surface and determine options for the repair and preservation of the roadway structural section. He said RH2 Engineering recommended preservation of Grant Road between Eastmont Avenue and Kentucky Avenue by grinding the top 2-3 inches off the driving surface and replace it with hot mix asphalt as soon as possible. However, if this option is not financially feasible, RH2 Engineering recommended breaking the project into three sections.

Section 1 – Eastmont Avenue to Georgia Avenue

This section of Grant Road has the most traffic of the three sections between Eastmont and Kentucky Avenues and, consequently, exhibits significant cracks and rutting especially on the inside eastbound lane. Their recommendation would be to crack seal as necessary for the next two summers and then include this section into the overlay project planned with Washington State Department of Transportation (WSDOT) for 2011 that currently ends at Eastmont Avenue. Because of the high traffic volume within this section and the large number of turning vehicles into adjoining commercial businesses, they do not recommend using a chip seal to preserve this section.

Section 2 – Georgia Avenue to James Avenue

This section of Grant Road also has significant cracks and rutting, particularly in the inside eastbound lane. RH2 recommends having maintenance crews crack seal as necessary in all four lanes and patch the ruts in the inside eastbound lane this summer. Additional ruts and cracks are likely to develop in future years that will require attention until this section can receive the hot mix asphalt inlay. Because of the extensive ruts, a chip seal would not improve this section of road without the installation of a significant leveling course.

Section 3 – James Avenue to Kentucky Avenue

This section of Grant Road is in the best shape of the three areas evaluated. Crack sealing would still be necessary to help extend the life of the road. The ruts are not bad enough to require repair at this time. Although not typically recommended in an urban setting, a chip seal could be used in this section to prolong the life of the pavement. The downsides to chip sealing in this section are that it will not improve the curb height and frequent brooming with a pick up broom would be necessary. Because of the low curb height, rock may end up on the sidewalk, which would require some hand brooming. There is also a risk of damage to cars (typically broken windshields) associated with chip sealing.

RH2 recommended crack sealing the entire section of Grant Road and repairing ruts in the inside eastbound lane up to James this summer to help slow down deterioration. They also suggest the City commit to extend the limits of the paving project in 2011 from Eastmont to Georgia to take advantage of potentially good bid prices on the joint project with WSDOT. They also recommend the City plan for a pavement preservation project to grind and inlay between Georgia and James with hot mix asphalt within three years, and to do the same between James and Kentucky within four years.

Mr. Mauseth said they contacted Douglas County with regards to renting their crack sealing machine to do some of the crack sealing work. Douglas County has agreed to rent the crack sealing machine to the City and the Street Department will conduct this work from July 20 through August 3. He added the Street Crew will also be doing some patch work and sidewalk work during the month of July.

CONSENT CALENDAR

1. Consideration of Minutes – Regular Session, June 9, 2009
2. Consideration of Bills

Council Action: A motion was made by Councilmember Barnhart, second by Councilmember Buckner, to approve the consent calendar as presented. The motion carried, 6-0.

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, June 23, 2009, Council does approve warrant numbers 21781 through 21825 in the total amount of \$113,275.81. No payables warrants were voided.

May 2009 Payroll

As of this date, June 23, 2009, Council approves warrant numbers 375 through 392 for advances and direct deposits, and warrant numbers 27471 through 27554 in the total amount of \$322,831.48 paid June 1, 2009, for the month of May 2009.

PUBLIC HEARING

09-06-05 A public hearing to consider whether to support or oppose RiverCom’s plan to place a measure on the August 18, 2009, ballot implementing a One-Tenth of One Percent Sales and Use Tax for the purpose of providing funds for costs associated with financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, reequipping and improvement of emergency communications systems and facilities.

At 7:30 p.m. Mayor Lacy opened the public hearing.

Councilmember Barnhart asked Council to support RiverCom’s plan to place the measure on the August 18th Special Election Ballot. He said the funds received from the tax will benefit the community as there is a definite need to improve the communication systems.

At 7:32 p.m. Mayor Lacy closed the public hearing

RESOLUTION

09-06-06 A resolution in support of RiverCom’s proposed ballot measure to increase the Sales and Use Tax by One-Tenth of One Percent, which will be on the August 18, 2009, Special Election Ballot.

Council Action: A motion was made by Councilmember Barnhart, second by Councilmember McCourt, adopt the resolution supporting RiverCom’s proposed ballot measure to increase Sales and Use Tax by one-tenth of one percent, which will be on the August 18, 2009, Special Election Ballot. Mayor Lacy took a roll call vote; Councilmember Buckner yea, Councilmember Raab yea, Councilmember Bremmer nay, Councilmember Barnhart yea, Councilmember McCourt yea, Councilmember Hendricks yea. The motion carried, 5-1. (Bremmer)

Mayor Lacy read the resolution title.

RESOLUTION NO. 2009-09

A RESOLUTION OF THE CITY OF EAST WENATCHEE, WASHINGTON, IN SUPPORT OF RIVERCOM’S PROPOSED BALLOT MEASURE TO INCREASE SALES AND USE TAX BY ONE TENTH OF ONE PERCENT, WHICH WILL BE ON THE AUGUST 18, 2009, SPECIAL ELECTION BALLOT.

09-06-07 A resolution adopting the Six-Year Transportation Improvement Program for the ensuing years 2010-2015.

Council Action: A motion was made by Councilmember Buckner, second by Councilmember McCourt, to adopt the Six-Year Transportation Improvement Program for the ensuing years 2010-2015. The motion carried, 6-0.

Mayor Lacy read the resolution title.

RESOLUTION NO. 2009-08

A RESOLUTION OF THE CITY OF EAST WENATCHEE, WASHINGTON, ADOPTING A SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM AND DIRECTING THE CITY CLERK TO FILE THIS RESOLUTION WITH THE SECRETARY OF TRANSPORTATION AND THE TRANSPORTATION IMPROVEMENT BOARD FOR THE STATE OF WASHINGTON.

09-06-08 A resolution adopting standards for Public Defense Services.

Court Administrator, Joan Sims, said the Bar Association has already adopted the standards and the Office of Public Defense recommended cities also adopt these standards.

Council Action: A motion was made by Councilmember Barnhart, second by Councilmember Bremmer, to adopt standards for Public Defense Services. The motion carried, 6-0.

Mayor Lacy read the ordinance title.

RESOLUTION NO. 2009-07

A RESOLUTION OF THE CITY OF EAST WENATCHEE, WASHINGTON, ADOPTING STANDARDS FOR PUBLIC DEFENSE SERVICES AND ESTABLISHING AN EFFECTIVE DATE.

ACTION ITEMS

09-06-10 Authorization for the Mayor to sign an Interlocal Agreement with Douglas County Sewer District No. 1 for the relocation of existing sewer facilities as part of the “Canyon A” Greater East Wenatchee Stormwater Utility Project.

Council Action: A motion was made by Councilmember Hendricks, second by Councilmember Bremmer, authorizing the Mayor to sign an Interlocal Agreement with Douglas County Sewer District No. 1 for the relocation of existing sewer facilities as part of the “Canyon A” Greater East Wenatchee Stormwater Utility Project. The motion carried, 6-0

ORDINANCE

09-06-09 First reading of an ordinance amending Ordinance 2006-24 for the project commonly known as Tanglewood Townhomes Planned Unit Development, to permit the subdivision of the property for zero-lot line attached single-family homes. The motion carried, 6-0.

Mayor Lacy read the ordinance title.

ORDINANCE 2009-06

AN ORDINANCE OF THE CITY OF EAST WENATCHEE, WASHINGTON, AMENDING ORDINANCE 06-24 FOR THE PROJECT COMMONLY KNOWN AS TANGLEWOOD TOWNHOMES PLANNED UNIT DEVELOPMENT, TO PERMIT THE SUBDIVISION OF THE PROPERTY FOR ZERO-LOT LINE ATTACHED SINGLE-FAMILY HOMES, AND SETTING AN EFFECTIVE DATE.

Councilmember Buckner recused himself from Agenda Bill No. 09-06-09.

Community Development Director, Lori Barnett, said the Sand Canyon Legends, LLC, had originally applied for a binding site plan to construct 5 buildings with 2 condominiums in each building. During the sale of one unit they discovered that the market and financing options for condos limited their sales potential. They determined that zero-lot line, townhomes or patio homes would provide a better product. Since they had already constructed one, 2 unit building, all of the foundations for the other units, and installed utilities, they were unable to meet the private street width and sidewalk requirements for a standard sub division. The residential planned unit development process provides the flexibility needed for the zero-lot line concept and deviation from: setbacks; lot coverage; elimination of sidewalks and reduction in street surfacing and easement for a new private street. As a condominium they only needed to build a fire apparatus access road and parking facility. She added the City Council approved a deferral of improvements to 19th Street in September 2007.

Council Action: A motion was made by Councilmember Bremmer, second by Councilmember Raab, to elevate the ordinance to second reading. The motion carried, 5-0.

Council Action: A motion was made by Councilmember Bremmer, second by Councilmember Raab, to adopt the ordinance amending Ordinance No. 2006-24 for the project commonly known as Tanglewood Townhomes Planned Unit Development, to permit the subdivision of the property for zero-lot line attached single-family homes. The motion carried, 5-0.

09-06-11 First reading of an ordinance eliminating the left turn lane from Grant Road onto Valley Mall Parkway.

Mayor Lacy read the ordinance title.

ORDINANCE NO. 2009-07

AN ORDINANCE OF THE CITY OF EAST WENATCHEE, WASHINGTON, ELIMINATING THE EASTBOUND LEFT TURN LANE ON GRANT ROAD AT VALLEY MALL PARKWAY, CONTAINING A SEVERABILITY CLAUSE, AND ESTABLISHING AN EFFECTIVE DATE.

Council Action: A motion was made by Councilmember Hendricks, second by Councilmember Barnhart, to elevate the ordinance to second reading. The motion carried, 6-0.

Council Action: A motion was made by Councilmember Hendricks, second by Councilmember Barnhart, to adopt the ordinance eliminating the eastbound left turn lane on Grant Road at Valley Mall Parkway. The motion carried, 6-0.

09-06-12 First reading of an ordinance setting Overload Permit Fees.

Mayor Lacy asked Council to consider some of the questions and comments brought up during citizen comments regarding this ordinance. He said if Council finds that adopting this ordinance is desirable he would like to decide how to enforce the ordinance so that it is not a burden on the Police Department.

Mayor Lacy said the City could not charge impact fees to specific companies or other individuals on particular streets when the damage is not caused by those same tax payers. There are major users making

trips on Grant Road and when Waste Management started hauling their loads up Grant Road they volunteered to pay the County for damage done to their roads. He said the City has serious problems with the roads needing preservation and an inability to receive State funding to pay for road projects. He felt the best way to access a fee would be to have the heaviest users pay those fees to assist in paying for the rapid deterioration on the roads.

Councilmembers expressed concerns and asked questions regarding enforcement of the ordinance; whether the language in the ordinance should be changed to read a load permit rather than an overload permit, what the anticipated amount these fees would generate and whether it would be enough to fix one road, and that they should look at other solutions to ensure we do not capture fees from a specific industry but rather the entire community.

Councilmember Barnhart indicated this is a community wide problem and he is opposed to imposing this fee only on the trucking industry. He said he would rather look to the community and consider imposing a car tab fee.

Councilmember Hendricks believes there are too many unanswered questions at this time to move forward with adopting the ordinance.

Mayor Lacy said the issue is whether it makes sense to try to impose the cost of the deterioration of particular streets such as Grant Road on the people who are causing the most damage. He said he does not want staff to spend a lot of time trying to refine the logistics regarding the application process or enforcement if Council does not philosophically support the ordinance.

Councilmember Hendricks asked for clarification purposes if this ordinance would be brought back for second reading at the next scheduled Council meeting.

Mayor Lacy said the issue will not come back for second reading at the next meeting. He added Council or himself may bring this issue back at another time.

COUNCIL REPORTS

Councilmember Hendricks asked if the Budget Committee will make a recommendation as to the unfunded position of a School Resource Officer prior to the start of the next school year.

Mayor Lacy indicated the City had anticipated that the School District would pay the City \$33,000 on a renewal contract for the SRO. However, the School District decided not to renew the contract. The City ended up leaving the SRO in place and funding the entire cost of \$78,000 during the 2008-2009 school year. He said the City will need to decide if they wish to continue funding this position. He asked Mr. Gerde to place this item on the next budget committee agenda for discussion.

Councilmember Raab submitted minutes from the Storm Water Utility (SWU) meeting held on May 21, 2009.

Councilmember McCourt submitted minutes from the Chelan-Douglas Health District meeting held on May 18, 2009.

Councilmember Johnson submitted minutes from the Link Transit Board of Directors meeting held on April 21, 2009.

ADJOURNMENT – 8:20 p.m.

Dana Barnard
City Clerk