

**CITY OF EAST WENATCHEE, WASHINGTON
REGULAR SESSION OF THE CITY COUNCIL CONVENED
MAYOR STEVEN C. LACY, PRESIDING
AUGUST 25, 2009
6:30 P.M.**

5:30 PM – JOINT WORKSHOP

Joint discussion between the Douglas County Commissioners and the East Wenatchee City Council regarding “More Than A Trail” – report of survey results from Project Groundwork.

Heather Ostenson, co-owner of the research company “Project Groundwork”, presented a draft review of the survey taken by over twelve hundred people regarding the Apple Capital Loop Trail. She said 65% of the East Wenatchee survey respondents indicated they believe the trail is the most important parks and recreation opportunity in the community. She said more than half of the results opposed any development along the trail, while 15% favored some development, such as shops and restaurants.

6:30 PM – ROLL CALL

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

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

PLEDGE OF ALLEGIANCE

DEPARTMENT REPORTS

City Treasurer/Finance Director, Nick Gerde, reported on the financial planning for the City. He said the City of East Wenatchee has developed a financial planning process that culminates in the development of the City’s Annual Financial Plan. The process includes the following key elements:

- a. The annual budget,
- b. A six year budget and cash flow forecast plan,
- c. A six year Transportation Improvement Plan (TIP),
- d. Any other planned or expected future capital requirements,
- e. Grant/request/acquisition strategy for project funding,
- f. Reserve funding requirements to support working capital, capital project funding, debt service support, debt acquisition costs,
- g. Any plans or possibility for financing with bonded debt, and
- h. Cash flow forecasts beyond the six year planning horizon.

Mr. Gerde said nine scheduled Budget Committee Meetings have been held between March and August, 2009, in which all Councilmember’s have rotated attendance in order to attend at least one or more of these budget meetings. He said the City Department Heads are now working on their budgets with guidance from the budget committee and will report their progress by mid-September. He said the Budget Committee has looked at and considered a “draft” for a seven year look at the City’s forward cash flow. Mr. Gerde added that each of the seven years they forecast to build a modest amount of cash, a key element will be to manage and control labor costs which comprise about 65% of their total costs.

MAYOR'S REPORT

Mayor Lacy said that during the budget meetings the committee has discussed an area of concern regarding an educational incentive provision in the current bargaining agreements which indicates that employees obtaining a degree in Law Enforcement related courses will be eligible to be paid an educational incentive stipend. It also states that the City will reimburse the cost of tuition and books for all classes taken by an employee toward a Law Enforcement related degree from a recognized University, College or accredited school. The employee will receive such reimbursement upon the completion of such classes with a passing grade. He said reimbursement has not been an issue in the past. However, there have been some significant reimbursement requests this year that were not budgeted for and will require a budget amendment. He said perhaps as we continue through the labor negotiation process we might want to look at that issue. He added that since some of these expenditures have been presented for payment he wanted to clarify the current policy.

Councilmember Buckner said to date the city has expended \$15,191 on tuition reimbursements and on the consent calendar for approval this evening there is an additional \$3,524. He expressed concerns regarding whether these classes are related to obtaining a Law Enforcement degree and whether an employee, after receiving the education, should be required to pay some sort of reimbursement. He added this should be clarified in the employee handbook.

Mayor Lacy said tuition payments have been reimbursed based on the criteria with respect to the Law Enforcement issues. He questioned the justification of reimbursement to the court employee and informed that employee that in the future there needs to be a better justification or a more complete presentation of how it relates to her job. He said the City is currently involved in an ongoing labor negotiation. Therefore, we are not allowed to make revisions to the current policy that would affect the employees while in the bargaining process. He added there has not been any concern about loss of employees after further education.

Mayor Lacy said the Department Heads are in the process of completing employee evaluations in order to have them available during the budgeting process.

Mayor Lacy asked Council if they wished to comment on the "More Than A Trail" survey results. He said during the workshop presentation they discussed sending a delegation to Olympia to lobby lawmakers to keep the land off of a list of properties that Washington State Department of Transportation (WSDOT) no longer needs. He said he was impressed with the process, the amount of public participation in the project, and the amount of input they received. He added Councilmember Johnson indicated a willingness to participate as a delegate and asked if any other Councilmember's would like to be included.

Councilmember Barnhart said he would be in favor sending a delegation to Olympia to ask them to give us more time to come up with options on how to preserve the land for future public use.

Councilmember Johnson said it is a tremendous opportunity for Douglas County, Douglas County Port District, Public Utility District, and citizens. He said he believes this is an opportunity in which we need to do everything possible for this project, as it is a once in a lifetime opportunity.

Mayor Lacy reported that there was an oversight made by both the City and the County with respect to the reimbursement obligations of the City related to the annexation agreement. The City annexed the area which now follows the southeast limits of the City and this area had been improved by the County with a project based upon a Public Works Trust Fund Loan (PWTFLL). As part of the pre-annexation agreement

that was executed with the County in 2005, the City was to assume the payments on the PWTFL. The City made a payment directly to the PWTFL in 2006. However, in 2007, 2008, and 2009, the County did not forward that invoice to the City for payment and we did not ask for it as a practical matter, not realizing the County made those payments for those three years. The County has submitted a letter to the City indicating that they would like to see those funds reimbursed in the amount of \$171,000. He said this is an obligation of the City. However, there are some other aspects of the annexation agreement, specifically the City's need to get some deeds transferred on some of the properties that were incurred during the annexation. He said he would like to enter into discussions with the County so they could resolve this issue. He added if there are no objections he will respond to the letter submitted by the County.

CONSENT CALENDAR

1. Consideration of Minutes – Regular Session, August 11, 2009
2. Consideration of Bills

Council Action: A motion was made by Councilmember Johnson, second by Councilmember McCourt, to approve the consent calendar as presented. The motion carried 6-1. (Buckner)

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, August 25, 2009, Council does approve warrant numbers 22006 through 22056 in the total amount of \$281,783.70. Warrants 22020 and 22029 were voided.

July 2009 Payroll

As of this date, August 25, 2009, Council approves warrant numbers 411 through 427 for advances and direct deposits, and warrant numbers 27641 through 27723 in the total amount of \$320,924.93, paid August 1, 2009, for the month of July 2009.

PUBLIC HEARING

- 09-08-05 A public hearing to consider an amendment to the Wenatchee Valley Stormwater Program adopting an Illicit Discharge Detection and Elimination Program chapter and adoption of ordinance amending the East Wenatchee Municipal Code adding a new chapter 13.10 regulating non-stormwater discharges to the storm drainage system, prohibiting illicit connections and discharges to the storm sewer system, providing for inspection, surveillance, monitoring and enforcement procedures in accordance with the City of East Wenatchee's National Pollutant Discharge Elimination System Phase II Permit. (Lori Barnett, Community Development Director)

Community Development Director, Lori Barnett, presented a PowerPoint presentation regarding the Illicit Discharge Detection and Elimination (IDDE) Program. She said we are now a metropolitan area and, therefore, the entire Wenatchee Valley is subject to the requirements of the Federal Water Pollution Control Act and the Washington State Water Pollution Control Law. The Department of Ecology administers the Federal program for the State of Washington. They issued the permit for the City of East Wenatchee which is called the Eastern Washington Phase II Permit, or the National Pollutant Discharge Elimination System (NPDES) permit for discharge of Small Municipal Separate Storm Sewer System

(MS4). She said the MS4 is a conveyance or system of conveyance owned by a state, city, town, or other public entity that discharges to waters of the State and is designed/used for collecting or conveying stormwater. The effective date of the permit was February 16, 2007, and the expiration date is February 15, 2012. She said the permit requires the development and implementation of a Stormwater Management Program and implementing ordinances during the permit. She reviewed the purpose of the IDDE, the Minimum Regulatory Requirements, Examples of Illicit Discharges, Residential Activities, Business Activities, Minimum Requirements for Policies and Procedures, Timeline, Public Education – Essential to IDDE Program, and Costs.

Mayor Lacy opened the public hearing at 7:41 p.m.

Hearing no comment, Mayor Lacy closed the public hearing at 7:41 p.m.

EXECUTIVE SESSION

At 7:42 p.m. Mayor Lacy called a 15 minute Executive Session to evaluate complaints or charges brought against a public officer or employee.

Council reconvened - 7:51 p.m.

ACTION ITEM

09-08-06 Approval of a Professional Services Contract with Gavin Johnson to serve as legal assistant to the City Attorney.

Mayor Lacy said Mr. Johnson has been working as an intern for City Attorney, Devin Poulson, and will work as a legal assistant to the City Attorney, at a low cost to the City.

Council Action: A motion was made by Councilmember Barnhart, second by Councilmember Bremmer, to approve the Professional Services Contract with Gavin Johnson to serve as legal assistant to the City Attorney. The motion carried, 7-0.

ORDINANCES

09-08-07 An ordinance amending Ordinance No. 97-02, establishing discounts on utilities provided by the City for senior citizens.

Mayor Lacy read first reading of the ordinance.

ORDINANCE NO. 2009-13

**AN ORDINANCE OF THE CITY OF EAST WENATCHEE, WASHINGTON,
AMENDING ORDINANCE NO. 97-2, ESTABLISHING DISCOUNTS ON
UTILITIES PROVIDED BY THE CITY FOR SENIOR CITIZENS, CONTAINING
A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.**

City Attorney, Devin Poulson, said this correction to the East Wenatchee Municipal Code will clarify the language to coincide with the language in the Waste Management Contract.

Mayor Lacy said with no objection he will elevate the ordinance to second reading. No objections were heard.

Council Action: A motion was made by Councilmember Johnson, second by Councilmember Buckner, to amend Ordinance No. 97-02, establishing discounts on utilities provided by the City for senior citizens. The motion carried, 7-0.

09-08-08 An ordinance amending the heading of Title 13 of the East Wenatchee Municipal Code, adding new chapters 13.05 and 13.30, providing storm water definitions, establishing regulations for prohibiting illicit discharges to the storm water system and providing procedures for inspection, surveillance, monitoring and enforcement includes penalties for violations.

Mayor Lacy read first reading of the ordinance.

ORDINANCE NO. 2009-14

AN ORDINANCE OF THE CITY OF EAST WENATCHEE AMENDING THE HEADING OF TITLE 13 OF THE EAST WENATCHEE, WASHINGTON, MUNICIPAL CODE, ADDING NEW CHAPTERS 13.05 AND 13.20, PROVIDING STORM WATER DEFINITIONS, ESTABLISHING REGULATIONS FOR PROHIBITING ILICIT DISCHARGES TO THE STORM WATER SYSTEM AND PROVIDING PROCEDURES FOR INSPECTION, SURVEILLANCE, MONITORING AND ENFORCEMENT INCLUDING PENALTIES FOR VIOLATIONS, CONTAINING A SEVERABILITY CLAUSE, AND ESTABLISHING AN EFFECTIVE DATE.

Community Development Director, Lori Barnett, said Chapter 13.30 would be changed to 13.20 as well as correction to a few typographical errors.

Mayor Lacy said with no objection he will elevate the ordinance to second reading. No objections were heard.

Council Action: A motion was made by Councilmember Raab, second by Councilmember Johnson, amending the heading of Title 13 of the East Wenatchee Municipal Code, adding new chapters 13.05 and 13.20, providing storm water definitions, establishing regulations for prohibiting illicit discharges to the storm water system and providing procedures for inspection, surveillance, monitoring and enforcement including penalties for violations. The motion carried, 6-0. (Hendricks abstained)

RESOLUTIONS

09-08-09 A resolution to adopt the May 2008 Wenatchee Valley Stormwater Program and amending the program to include an Illicit Discharge Detection and Elimination program as Appendix C1, and an Appendix C2. (Lori Barnett, Community Development Director)

Community Development Director, Lori Barnett, said to comply with Clean Water Act regulations, Chelan County, Douglas County, City of Wenatchee, and City of East Wenatchee have joined together to create a joint stormwater program. In 1999, the Environmental Protection Agency (EPA) introduced Phase II of the NPDES program requiring a permit for stormwater discharges to certain Small (MS4's) and construction sites greater than one area of land. In Washington State, the Washington State Department of Ecology administers the NPDES program on behalf of the EPA.

Council Action: A motion was made by Councilmember Johnson, second by Councilmember Bremmer, to adopt the resolution which adopts the May 2008 Wenatchee Valley Stormwater Program and amends the Stormwater Program to include Appendix C1 and Appendix. The motion carried, 7-0.

The resolution title reads as follows:

RESOLUTION NO. 2009-12

A RESOLUTION OF THE CITY OF EAST WENATCHEE, WASHINGTON, TO ADOPT THE MAY 2008 WENATCHEE VALLEY STORMWATER PROGRAM AND AMENDING THE PROGRAM TO INCLUDE AN ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM AS APPENDIX C1 AND AN ORDINANCE FOR STORMWATER ILLICIT DISCHARGE DETECTION AND ELIMINATION AS APPENDIX C2, AND INCLUDING AN EFFECTIVE DATE.

09-08-10 A resolution ratifying the second amendment to the Douglas County Regional Policy Plan and authorization for the Mayor to sign a Memorandum of Understanding.

Community Development Director, Lori Barnett, said this item was presented at the July 28, 2009, meeting. At that time Council discussed a concern of the potential burden to the City Staff and financial resources relative to the extensive planning effort needed for adequate review and analysis of the Urban Growth Area (UGA) to determine the need for a change in the boundary and what it would look like. She said a Memorandum of Understanding (MOU) has been included for the 2009 UGA review and update process that outlines the responsibilities of the City and County Staff.

Council Action: A motion was made by Councilmember Johnson, second by Councilmember Bremmer, to ratify the second amendment to the Douglas County Regional Policy Plan and authorize the Mayor to sign the Memorandum of Understanding. The motion carried, 7-0.

The resolution title reads as follows:

RESOLUTION NO. 2009-13

A RESOLUTION OF THE CITY OF EAST WENATCHEE, WASHINGTON, RATIFYING THE SECOND AMENDMENT TO THE DOUGLAS COUNTY REGIONAL POLICY PLAN AND ESTABLISHING AN EFFECTIVE DATE.

DISCUSSION ITEMS

09-08-11 A discussion regarding whether to accept or reject the Federal Community Oriented Policing Services (COPS) Grant, which would pay approximately \$88,000 a year for three years to cover the salary and benefits of one police officer.

Council Action: A motion was made by Councilmember Johnson, second by Councilmember Bremmer, to accept the Federal COPS Grant, which would pay approximately \$88,000 a year for three years to cover the salary and benefits of one police officer. The motion carried, 7-0.

COUNCIL REPORTS

Councilmember McCourt submitted minutes from the Chelan-Douglas Health District Board of Health meeting, held on July 20, 2009.

Councilmember McCourt reported on the Trip to Misawa, Japan, she said she had a wonderful time and was very impressed with the representation and behavior of the delegation. She said that Mayor Taneichi, will be attending the delegation for the Apple Blossom Festival in 2010, and said he will teach them how to make rice cakes.

Councilmember Barnhart said the Enhanced 911 System Sales and Use Tax was passed by the voters of Chelan and Douglas Counties for the Regional E911 System.

EXECUTIVE SESSION

At 8:18 p.m. Mayor Lacy called a 60 minute Executive session regarding Collective Bargaining Session – RCW 42.30.140 (4).

Council reconvened - 8:50 p.m.

ADJOURNMENT – 8:50 p.m.

Dana Barnard
City Clerk