

**CITY OF EAST WENATCHEE, WASHINGTON
REGULAR SESSION OF THE CITY COUNCIL CONVENED
MAYOR STEVEN C. LACY, PRESIDING
JANUARY 12, 2010
6:30 P.M.**

OATH OF OFFICE

Chuck Johnson – City Council Position No. 3 and Wayne Barnhart – City Council Position No. 7, were sworn into their positions with the oath of office given by Mayor Lacy.

ROLL CALL

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

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

Staff Present: Dana Barnard, Devin Poulson, Brandon Mauseth, Lori Barnett, Dawn Collings, Catalina Garibay, Ralph Aiken, III, and Nick Gerde.

PLEDGE OF ALLEGIANCE

PRESENTATION

East Wenatchee Events Board Director, Dawn Collings, gave a presentation regarding the possibility of a new event in East Wenatchee. She said the United States Sprint Boat Association (USSBA) is looking at the Wenatchee Valley as a potential site for a new race track. She said they would need a minimum of twenty acres of land for this event. She reviewed a list of items the USSBA would provide with the \$6,000 fee they charge to put on an event, the items the Event Promoters would supply, the track specifications and the racing schedule. She added fees paid to USSBA are recouped by the Event Promoter with ticket sales, vendor fees, parking fees, camping fees, pit passes and VIP packages. Ms. Collings showed a video of an actual Sprint Boat Race. She said the USSBA are requesting a proposal from the Wenatchee Valley. She asked Council for the approval and support to have the opportunity to pursue this further and put together a proposal for the USSBA to consider.

Council Action: A motion was made by Councilmember Johnson, second by, Councilmember McCourt to support the submission of a proposal to the USSBA. The motion carried, 6-0.

BUDGET ISSUES

City Treasurer/Finance Director, Nick Gerde, gave a status report of the 2009 Financials. He said the Budget Committee approved the 2010 Annual Financial Plan during the January 5, 2010, Budget Committee meeting. He said the plan was then delivered to the remaining Councilmembers for their review. He said the plan meets all the requirements included in Resolution No. 2009-06, adopting the City of East Wenatchee Finance and Budget Policy. He added a resolution approving the 2010 Annual Financial Plan will be placed on the January 26, 2010, council agenda.

Mr. Gerde said the 2010 Annual Financial Plan has challenges as to how the City is going to move forward and develop a reserve strategy. He presented Council with draft House Bill 2618 which allows for Cities to create a "Street Maintenance Utility" specifically to fund and accomplish street maintenance and preservation. He said he would like Council to be aware of these types of possibilities and explore opportunities to contribute to a reserve strategy.

Mayor Lacy clarified that House Bill 2618 would have to be passed by the legislature before a statute would make it available for the City to for a maintenance utility.

MAYOR'S REPORT

Mayor Lacy said the City has been a member of the Wenatchee Valley Chamber of Commerce (WVCC) for several years. He asked Council if they wished to continue their membership to the WVCC. He added the cost of the membership to the City of East Wenatchee is \$660 which is a budgeted item for 2010.

Councilmember Johnson said the WVCC offers great advantages to the business community, and would fully support the City's continuing membership.

Mayor Lacy said if there is no objection he will approve payment of the membership fees. No objections were heard.

Mayor Lacy said following the process regarding the More Than A Trail project to receive input with respect to eventual disposal of the Eastside Shoreline Trail area, he met with the Douglas County Commissioners and State Senator, Linda Evans – Parlette, regarding what process to take with regards to communicating our joint position with the Washington State Secretary of Transportation. He said the City, County and Senator Parlette arrived at a consensus during the meeting and a letter has been drafted for Commissioner Stanton and Mayor Lacy to sign. He added the letter being sent to Secretary of State, Paula Hammond, requests that the east bank right-of-way not be included on any list for analysis or actual surplus.

Mayor Lacy said Councilmembers were provided with a current copy of the Councilmembers Handbook produced by Association of Washington Cities, Inc., and Municipal Research & Services Center of Washington, along with a copy of page 74 which incorporates the issue that has been brought up by the City Attorney regarding Councilmember e-mail being subject to public disclosure under the state Public Records Act. Mayor Lacy reminded Councilmembers who have not signed up for a City e-mail account to do so, as staff has been instructed not to send e-mail to Councilmembers private e-mail accounts.

Mayor Lacy said during the most recent union contract negotiation meeting they completed a proposed contract to be analyzed and reviewed by both sides. He said the City Attorney will send this out for Councilmembers to review prior to the next Council meeting in which there will be an executive session to discuss the contract.

Mayor Lacy opened the floor for nominations for Mayor Pro Tempore for 2010.

Council Action: A motion was made by Councilmember Bremmer, second by, Councilmember Barnhart to nominate Councilmember Dennis Hendricks to serve as Mayor Pro Tempore in 2010. The motion failed, 2-4. (McCourt, Raab, Hendricks, Johnson)

Council Action: A motion was made by Councilmember McCourt, second by, Councilmember Raab to nominate Councilmember George Buckner to serve as Mayor Pro Tempore in 2010. The motion carried, 4-2. (Bremmer, Barnhart)

Mayor Lacy appointed Councilmember Buckner to serve as Mayor Pro Tempore for 2010 and asked Councilmembers if they wished to change their assignments. Hearing no requests, Mayor Lacy said there will be no other changes to Council assignments for 2010.

CONSENT CALENDAR

1. Consideration of Minutes – Regular Session, December 8, 2009
Special Session, December 15, 2009
2. Consideration of Bills

Council Action: A motion was made by Councilmember Johnson, second by Councilmember Barnhart, 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, January 12, 2010, Council does approve warrant numbers 22511 through 22613 in the total amount of \$209,224.23. Warrant numbers 22197, 22534, 22552-22553 and 22560 were voided.

2010 Payables

As of this date, January 12, 2010, Council does approve warrant numbers 22614 through 22624 in the total amount of \$41,774.83.

November 2009 Payroll

As of this date, January 12, 2010, Council does approve payroll warrant numbers 503 through 519 for advances and direct deposits, and payroll warrant numbers 27976 through 28055 in the total amount of \$323,779.78 paid December 3, 2009, for the month of November 2009.

PUBLIC HEARING

10-01-01 A public hearing regarding an amendment to the Six-Year Transportation Improvement Program for the ensuing years 2010-2015.

Street Superintendent, Brandon Mauseth, said in the original approved resolution adopting the Six-Year Transportation Improvement Program (TIP) the Grant Road overlay was split into two projects. The funded portion of Grant Road from SR28 to Eastmont Avenue was listed as project number 7 and the upper portion of Grant Road from Eastmont Avenue to Kentucky Avenue was listed as our number 1 priority. However, that portion was unfunded, then in November the City received Surface Transportation Program (STP) funds allowing for full funding of the entire project. Therefore, we are amending the Six-Year TIP and updating the grant funding as well as our local funding requirements and identifying the project as one project.

Mayor Lacy opened the public hearing at 7:29 p.m. Hearing no comments Mayor Lacy closed the public hearing at 7:30 p.m.

RESOLUTION

10-01-02 A resolution amending Resolution No. 2009-08 adopting a Six-Year Transportation Improvement Program for the ensuing years 2010-2015.

Council Action: A motion was made by Councilmember Johnson, second by Councilmember Bremmer, to adopt the resolution amending the Six-Year TIP. The motion carried, 6-0.

The resolution title reads as follows:

RESOLUTION NO. 2010-01

A RESOLUTION OF THE CITY OF EAST WENATCHEE, WASHINGTON, AMENDING ITS 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.

ORDINANCES

09-11-11 Second reading of an ordinance granting a non-exclusive cable franchise to Falcon Video Communications, L.P., locally known as Charter Communications.

City Attorney, Devin Poulson, said this is the same agreement the City has had with Falcon Video Communications, L.P., with two changes, which include extending the term of the agreement from five years to seven years and it grants the City access to a Public Educational Government (PEG) channel. He said once the City establishes a programming schedule and give sufficient notice to Falcon Video Communications, L.P., they will provide a dedicated channel.

Council Action: A motion was made by Councilmember Johnson, second by Councilmember McCourt, to adopt the ordinance granting a non-exclusive cable franchise to Falcon Video Communications, L.P., The motion carried, 6-0.

Mayor Lacy read the ordinance summary.

ORDINANCE NO. 2010-01

AN ORDINANCE OF THE CITY OF EAST WENATCHEE, WASHINGTON, GRANTING A NONEXCLUSLVE CABLE FRANCHISE TO FALCON VIDEO COMMUNICATIONS, L.P., CONTAINING A SEVERABILITY CLAUSE, AND ESTABLISHING AN EFFECTIVE DATE.

09-12-02 Second reading of an ordinance amending Chapter 17.74 and 15.24 of the East Wenatchee Municipal Code relating to the Sign Code.

Mayor Lacy said this ordinance was discussed during the December 8, 2009, meeting.

Council Action: A motion was made by Councilmember Barnhart, second by Councilmember Johnson, to adopt the ordinance amending Chapter 17.74 and 15.24 of the East Wenatchee Municipal Code relating to the Sign Code. The motion carried, 6-0.

Mayor Lacy read second reading of the ordinance.

ORDINANCE NO. 2009-02

AN ORDINANCE OF THE CITY OF EAST WENATCHEE, WASHINGTON, AMENDING THE EAST WENATCHEE MUNICIPAL CODE CHAPTERS 17.74 AND 15.24 RELATING TO SIGNS; ADDRESSING INTERNAL INCONSISTENCIES, PERMIT PROCESSING, SIGN SIZES, ELECTRONIC READER BOARD STYLE SIGNAGE, VARIANCES, ABATEMENT OF NONCONFORMING SIGNS, GENERAL TEXT UPDATES AND TO AMEND THE FEE STRUCTURE FOR SIGN PERMITS, CONTAINING A SEVERABILITY CLAUSE, AND ESTABLISHING AN EFFECTIVE DATE.

09-12-03 Second reading of an ordinance amending Chapter 17.70 of the East Wenatchee Municipal Code relating to Wireless Communication Facilities.

Community Development Director, Lori Barnett, said Councilmember Barnhart contacted her asking her to contact Millie Tirapelle, Director, RiverCom 911, regarding adding language relating to broadcast and relay towers, reserving space for emergency service providers. Ms. Barnett said her concern with changing the ordinance at this point is that it was not a consideration that was brought up during discussions with the Planning Commission. She added there is also a preemption to put some condition on a private party that makes them provide something for free. She said during her conversation with Ms. Tirapelle she suggested reviewing this at a later date and look at whether the issue should be an amendment made to the code. Ms Barnett recommended adopting the ordinance as presented.

Ms. Tirapelle said she is concerned that in the ten year plan they have in place to provide public safety communications to the City of East Wenatchee they need to be looking at any tower space that RiverCom might be able to access, and ensure they are not going to develop something that is going to cause any additional interference on the public safety radio frequency. She said RiverCom is coming into an era of narrow banding later this year and there will no longer be wide band radio available to them. She said once they go to narrow banding they will need twice as many towers to actually provide the same level of communication that they have today. She said she would like to work with Ms. Barnett on language to be added to the code at a later date.

Council Action: A motion was made by Councilmember Hendricks, second by Councilmember Barnhart, to adopt the ordinance amending Chapter 17.70 of the East Wenatchee Municipal Code relating to Wireless Communication Facilities. The motion carried, 6-0.

ORDINANCE NO. 2010-03

AN ORDINANCE OF THE CITY OF EAST WENATCHEE, WASHINGTON, AMENDING THE EAST WENATCHEE MUNICIPAL CODE CHAPTER 17.70, WIRELESS COMMUNICATION FACILITIES, TO ADD ADDITIONAL EXEMPTIONS INCLUDING AMATEUR RADIO TOWERS UP TO 70 FEET IN HEIGHT, CHANGE REQUIREMENTS AND STANDARDS FOR ATTACHED WIRELESS FACILITIES, AND GENERAL TEXT UPDATES, CONTAINING A SEVERABILITY CLAUSE, AND ESTABLISHING AN EFFECTIVE DATE.

10-01-03 First reading of an ordinance amending the meeting date and time of the Planning Commission meetings.

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

Council Action: A motion was made by Councilmember Bremmer, second by Councilmember Johnson, to adopt the ordinance amending the meeting date and time of the Planning Commission meetings. The motion carried, 6-0.

Mayor Lacy read second reading of the ordinance.

ORDINANCE NO. 2010-04

AN ORDINANCE OF THE CITY OF EAST WENATCHEE, WASHINGTON, AMENDING SECTION 2.30.040 OF THE EAST WENATCHEE MUNICIPAL CODE CHANGING THE REGULAR PLANNING COMMISSION MEETING DATE AND TIME; CONTAINING A SEVERABILITY CLAUSE, AND ESTABLISHING AN EFFECTIVE DATE.

ACTION ITEM

10-01-04 Waste Management Annual Rate Modification under paragraph 2.7, "Modification of Rates", of the Contract, dated January 9, 2007, by and between the City and Waste Management of Greater Wenatchee.

Treasurer/Finance Director, Nick Gerde, said the City received an e-mail from Waste Management District Operations Manager, Will Russell, asking what position the City wished to take regarding the decrease to the Consumer Price Index (CPI). He said the City can use the current decreased CPI and pass the savings on to the customers which would also be a decrease to the annual recycling revenue the City receives, or they can keep the rates the same as 2009 and continue to receive the recycling revenue.

Council Action: A motion was made by Councilmember Hendricks, second by Councilmember Johnson, to decrease garbage fees based on the CPI rate and pass those savings onto the customers. The motion carried, 6-0.

EXECUTIVE SESSION

At 8:00 p.m. Mayor Lacy called a ten minute executive session regarding potential litigation.

Council reconvened at 8:10 p.m.

COUNCIL REPORTS

Councilmember Johnson as a member to the Association of Washington Cities (AWC) Board said he would like to know if there are any issues Council would like him to advocate on the City's behalf.

Councilmember McCourt submitted minutes from the November 16, 2009, Chelan-Douglas Board of Health meeting and the December 7, 2009, Chelan-Douglas Regional Support Governing Board meeting.

Mayor Lacy submitted minutes from the December 10, 2009, Wenatchee Valley Transportation Council meeting.

ADJOURNMENT – 8:15 p.m.

Dana Barnard
City Clerk