

MINUTES OF September 10, 2009 CITY COUNCIL MEETING
Council Chambers, Chelan City Hall, 134 East Johnson Avenue, Chelan, Washington

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Goedde called the meeting to order at 6:00 p.m. and then led the Pledge of Allegiance.

2. ROLL CALL

Elected Officials Present: Mayor Goedde and Councilmembers Cooney, Greenfield, Harper, Lingard, Morehouse, Morse and Pape-Miller.

Staff present: Administrator Reinbold, Attorney Galbraith, Clerk Liles, Parks & Recreation Director Sablan, Planning & Community Development Director Gildroy, Public Works Director Van Epps, Chief Law Enforcement Officer Huddleston.

3. AGENDA CHANGES

There were no agenda changes.

4. CITIZEN COMMENTS

There were no citizen comments.

5. CONSENT AGENDA

Greenfield moved to approve the consent agenda as follows. Seconded by Pape-Miller, motion passed unanimously.

- A. Approve Minutes: August 27, 2009 regular City Council meeting.
- B. Approve Payroll Warrants: Nos. 31879 – 32007 totaling \$194,359.52.
Approve Claims Warrants: Nos. 73112 & 73117-73320 totaling \$317,342.50.
- C. Accept 2010 Budget Calendar as presented.
- D. Excuse Councilman Morehouse's absence from the August 27, 2009 City Council meeting.

6. SPECIAL PRESENTATIONS

- A. DON MORSE SHORELINE AND MARINA EXPANSION PROJECT: Consultant Jim Brennan of J. A. Brennan Associates presented the Preferred Schematic Plan for the Don Morse Park Shoreline Enhancement, Beach Restoration and Marina Expansion project and answered related Council questions. Sablan explained that staff wanted to provide Councilmembers ample time for review so an informed decision can be made at the next Council meeting when staff will ask for the Plan's approval.

7. PUBLIC HEARINGS

There were no public hearings.

8. ORDINANCES, RESOLUTIONS AND OTHER ACTION ITEMS

- A. HDCA LEASE AGREEMENT: At Reinbold's recommendation, **Lingard moved to authorize the Mayor to sign an agreement with Historic Downtown Chelan Association for lease of City Hall office space. Seconded by Morse, motion passed unanimously.**
- B. PARK NAMING POLICY: Sablan explained that a proposed "Park Naming Policy" had been drafted to establish standard procedures and guidelines for the naming of public park lands and facilities owned by the City of Chelan. Sablan noted that the proposed policy may not be

consistent with existing place names, but there is no intent to change those names; rather, the proposed policy is meant be the basis for future decisions. Sablan reported that he had received no comments from the public or Council since initially presenting the proposed policy at the August 13, 2009 Council meeting.

At the recommendation of staff and the Parks and Recreation Advisory Board, **Greenfield moved to adopt the Park Naming Policy as presented. Seconded by Morse, motion passed unanimously.**

- C. PUBLIC RECORDS: Galbraith proposed adoption of an ordinance to amend CMC 1.30 regarding the City's public records policy in order to correct outdated RCW references and exempt the City from maintaining a comprehensive City-wide index of records. Galbraith explained that the public Records Act requires that public agencies maintain such an index, but offers an exemption if doing so would be unduly burdensome or would otherwise interfere with agency operations. Galbraith further explained that because the City's operations are decentralized and its records diverse and stored in multiple locations in various formats and systems, the City doesn't have the resources to maintain the required index and attempting to do so would be burdensome and would interfere with City operations. **Morehouse moved to adopt Ordinance No. 2009-1394 amending CMC 1.30 regarding the City's public records policy. Seconded by Harper, motion passed unanimously.**

Reinbold noted that the City had applied for a grant to microfiche City records. Morse suggested using less dated technology. Liles explained that the grant's purpose is the preservation of essential records, and microfiche is the only medium Washington State Archives recognizes for that purpose.

- D. ARRA GRANT FOR LAW ENFORCEMENT: Reinbold reported that the City has received a grant of American Recovery and Reinvestment Act funds from the U.S. Justice Department to help fund law enforcement services. The grant, which is administered by the State Department of Commerce (formerly CTED), will be used to enhance marine patrol. At Reinbold's request, **Greenfield moved to accept American Recovery and Reinvestment Local Formula Distribution Grant No. F09-34721-111 to help fund law enforcements services as specified in the grant application. Seconded by Lingard, motion passed unanimously.**

- E. SR 150 ROUNDABOUT PROJECT: Van Epps presented a proposed agreement with Shea, Carr, Jewell, Inc. to provide planning and engineering design services for intersection, roadway and pedestrian safety improvements along SR 150 (Johnson Avenue) between Emerson Street and Sanders Street. Van Epps reported that City staff and Washington State Department of Transportation (WSDOT) have reviewed and approved the agreement, including the scope of work for the project.

In response to Council questions and comments, Van Epps acknowledged that although the City's Downtown Traffic Circulation Study identified modern roundabouts on SR150 at Emerson and Sanders as the preferred traffic control strategy, Shea, Carr, Jewell may offer a different recommendation following its traffic operations analysis. Pape-Miller asked Van Epps to monitor the work to assure that the entire contract amount isn't spent determining whether or not roundabouts should be installed.

There being no further discussion, **Morse moved to authorize Mayor Goedde to sign the agreement with Shea, Carr, Jewell, Inc. for planning and engineering design services on "the**

pedestrian safety project in the vicinity of Emerson Street to Sanders Street” (the SR150 Roundabout project). Seconded by Pape-Miller, motion passed unanimously.

F. LAKESIDE MICRO PARK: Morse stated that he is uncertain if his participation in the micro park discussion would be ethical since he is an attorney and some residents of Lakeside are or have been his clients. Morse said he had asked for a ruling from the Bar Association, but hadn't gotten a response as yet. Morse said he would not participate this evening, but would remain in the room to listen unless someone on Council or in the audience objected. There being no objection, Morse remained in Council Chambers.

Reinbold: The initial Lakeside Trail Section J plan included a micro park off Water Street on public access land owned by the PUD . The proposed park was eventually separated from the trail project. The subject property was then included in a sub-planning area established by city resolution in November 2008 to enhance public use of right of ways and easements adjoining public waters. The PUD has asked the City to propose a plan for use of PUD property in the area and to submit it by the end of 2009. The PUD has notified people in the neighborhood who own private docks located on underwater property owned by the PUD that their permits may or may not be renewed depending on the City's plan. Reinbold noted that Councilmember Pape-Miller has been attending PUD meetings to discuss use of the subject property for public access, and he asked her to comment.

Pape-Miller: The idea for a micro park at the subject site predates the Lakeside Trail Project. It was proposed during the PUD relicensing process, but delayed since it was FERC's finding that the park could be created outside the relicensing process. With the dock leases coming up for renewal, this was thought to be a good time to consider the park. The PUD has asked the City for a plan. She is interested in hearing what the public would like.

Morehouse: It was his understanding that the PUD recommended against a park at that location.

Cooney: In his opinion, the existing access area and the neighborhood are worse off than before the issue was raised. The neighborhood has been "through the ringer" with the Section J Trail process and the City's consultant on that project is guilty of "bait and switch" tactics. According to its vision statement, the City is supposed to protect established neighborhoods. Building the Section J Trail and this park isn't doing that. It's causing disruption and animosity and he doesn't like it.

Harper: He favors exploring enhancement of the access area as a benefit to the citizenry as a whole.

Greenfield: Increasing the public's access to the beach is one of Council's strategic goals - this is an opportunity to do that. She favors non-motorized access for the safety of swimmers.

Lingard: He declined to comment, saying he didn't have enough information at this point.

Morehouse: He agrees with Cooney. He opposes putting resources into the proposed micro park that would be better used to improve the City's existing parks.

Representing the PUD, Commissioner Ann Congdon confirmed that the PUD had allowed the City time to propose a plan.

PUD Parks and Recreation Director Steve Currit provided additional history and explained that FERC had not ordered an enhanced micro park at that location in response to requests during the PUD relicensing process because it believed there wasn't adequate space. Currit explained the PUD's decision to delay renewal of dock permits until the micro park issue is resolved.

Richard Uhlhorn, who was President of the Lake Chelan Recreation Association during the time the PUD sought renewal of its operating license, briefly described local stakeholder's efforts in negotiating with the PUD to provide recreational facilities as a condition of relicensing to help mitigate the impacts of the PUD's operation. Uhlhorn pointed out that City Council adopted a resolution in 2002 supporting the Lake Chelan Legacy, a stakeholder's "wish list" that included a micro park on Water Street. Uhlhorn said he'd like to see the City and PUD come up with a plan for the micro park that includes a public access dock, and he'd like to see parking prohibited along that part of the Section J Trail.

Ken Kay, 300 South Third Street: The subject area serves as an access, but is too small for a park. The proposal to establish a park there is not well received by neighborhood residents. A park at that location, and particularly the removal of the private docks, would decrease property values.

Tom Clark, 555 Antoine Creek Road: According to the Attorney General, any street adjacent to public waters belongs to the public and the public has a right to access said public waters. Clark urged Council to act on behalf of the citizens of Washington State to protect and, where necessary, reclaim public access.

Tricia Page, 228 West Nixon: She represents the citizens of Chelan who swim and kayak. The public needs to know that access is public and installing a bench at the site, as proposed, would accomplish that. She is concerned about motor boats and jet skis coming into the cove at Water Street as they are a safety concern for swimmers even when operated at no wake zone speeds. She would recommend that the boat buoys be removed and a floating dock be installed along Highway 97A where kayakers could rest.

Scott McKellar, 119 Water Street: He agrees with everything Ken Kay said. He opposes taking out the private docks and restricting the cove to non-motorized watercraft. He supports a floating dock for kayakers.

Unidentified speaker, 2018 West Wooden, He has no problem with kayakers but would recommend a floating dock for their use be installed at the Goodfellows fills instead of at Water Street. He doesn't want the cove blocked to motorized traffic.

Shirley Luker, no address given: The cove is posted "no beaching" but boats do beach and there is no enforcement. She is concerned about the safety of swimmers. The neighbors are willing to work with the City.

Sherri Pelletier, 125 East Allen: She has been swimming at the Water Street access for twenty years and appreciates the right to do so. For most of that time the neighbors were friendly, but in the last few years she has felt less and less welcome. It no longer feels like public access. Residents who can't afford lake front property want access to the lake. She doesn't advocate removing the private docks, but believes there must be other options for enhancing public access at the site.

There being no further comment from the audience, Reinbold said he believes staff has enough direction to come back to the next Council meeting with thoughts and ideas.

Morehouse: The privately owned dock that has been used by the public for years has recently been posted "no trespassing" by a new owner who considers it a liability to allow the public to use it.

Harper: He likes Uhlhorn's idea for a public access dock. He would like to see public access protected.

Cooney: His objections are about property rights. He encourages the City to work with the neighbors. He doesn't object to making public access known, but doesn't want the City to do anything radical.

Greenfield: She likes both Tricia Page's idea for a floating dock and Richard Uhlhorn's idea for a public access dock. She would like to see those with an interest come together to find a way to make the access site more inviting to the public. It is not inviting as it now exists and doesn't appear to be public.

Lingard: He agrees with Greenfield and Cooney.

Pape-Miller: She appreciates Shirley Luker's comments concerning swimmer safety. She disagrees with those who say the site isn't a viable public access area. It needs to look like a public access area and the cove needs to be safe for swimmers. There is very limited access to the lake for locals because tourists monopolize the public beaches. It is Council's role to act on behalf of all Chelan's citizens. The issue is public access and restoring public property to the public.

9. RECESS

At 8:55 p.m., Council meeting recessed so that the Mayor and Councilmembers could participate in the regular meeting of the Lake Chelan Airport Board. Council meeting reconvened at 8:56 p.m. following adjournment of the Airport Board meeting.

10. MAYOR AND COUNCIL COMMENTS

BEEBE BRIDGE CLOSURE: Mayor Goedde thanked the Public Utility District, Department of Transportation and Link Transit for cooperating in transporting people unable to get across the River to Chelan because the Beebe Bridge is closed.

10. CITY ADMINISTRATOR'S REPORT

JOINT CITY/SCHOOL DISTRICT MEETING: The School District has requested a meeting with the City. He proposes scheduling the meeting for 5:00 p.m. on either October 13 or October 15. **Council consensus was to schedule and special joint meeting with the School District on October 13 at 5:00 p.m. in Council Chambers.**

BUDGET CALENDAR: The Budget Calendar approved by Council includes workshops every Tuesday in October, but doesn't specify the time of those meetings. He recommends either 5:00 p.m. to 7:00 p.m. or 6:00 p.m. to 8:00 p.m. **Council consensus was to set the time of budget workshops scheduled for October 6, October 13, October 20 and October 27 at 6:00 p.m. to 8:00 p.m.**

11. EXECUTIVE SESSION

Reinbold noted the late hour and suggested deferring a lengthy executive session scheduled for this meeting. **Council concurred in cancelling the executive session scheduled for the September 10, 2009 City Council meeting and rescheduling it for the September 24, 2009 City Council meeting.**

12. ADJOURNMENT

There being no further business, meeting adjourned at 9:15 p.m.

Prepared by:

Attested to:

Date approved by Council: _____

Linda Allison-Liles
City-Clerk

Robert R. Goedde
Mayor