



City of Cashmere

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CASHMERE CITY COUNCIL MEETING
MONDAY, APRIL 22, 2013 7:00 P.M., CITY HALL

AGENDA

CALL TO ORDER

FLAG SALUTE

EXCUSE ABSENCE

ANNOUNCEMENTS & INFORMATION

PUBLIC COMMENT PERIOD (For Items Not on the Agenda)

APPROVAL OF AGENDA

CONSENT AGENDA

1. Minutes of April 8, 2013 Regular Council Meeting
2. Payroll and Claims Packet Dated April 22, 2013

BUSINESS ITEMS

1. Ordinance No. 1212 Adding Chapter 1.28 Public Records Requests

PROGRESS REPORTS

EXECUTIVE SESSION

For the potential purchase of real estate

ADJOURNMENT

TO ADDRESS THE COUNCIL, PLEASE BE RECOGNIZED BY THE MAYOR AND STATE YOUR NAME WHEN YOU BEGIN YOUR COMMENTS
Americans with Disabilities Act (ADA) accommodations provided upon request (48-hour notice required)

The City of Cashmere is an equal opportunity provider and employer.

To file a complaint of discrimination, write USDA, Director, Office of Civil rights, 1400 Independence Avenue SW, Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202)720-6382 (TDD).

**CITY OF CASHMERE
MINUTES OF REGULAR STUDY SESSION
MONDAY, APRIL 8, 2013 AT CASHMERE CITY HALL**

OPENING

Mayor Gomes opened the study session at 6:00 p.m. at City Hall. Clerk-Treasurer Kay Jones took minutes.

ATTENDANCE

	<u>Present</u>	<u>Not Present</u>
Mayor:	Jeff Gomes	
Council:	Skip Moore Jim Fletcher Donna Wynne Derek Knutsen John Bryant	
Staff:	Bob Schmidt, Dir. of Operations Kay Jones, Clerk-Treasurer Mark Botello, Dir. of Planning/Bldg	

UPDATE ON THE BVF

Director Bob Schmidt explained to the Council that when our new wastewater treatment plant is completed and we discontinue use of our existing lagoons there will be no provision for discharge from our industrial pre-treatment plant (BVF). We are at the point of decision for the future of this facility. Treetop ceased production in 2008 and since then sold their facility to Cashmere Investments. A decision wasn't needed at that time, but the question is, does the City mothball the facility with the intent that it may be refurbished and used sometime in the future or do we assume that the need for an industrial pre-treatment facility is done and demo the facility. The estimated cost to refurbish the plant in the future is over a half a million dollars.

Staff will be speaking with the City's bond attorney and to the Cashmere Investment Group on the possibility of demolishing the plant.

LETTER AND RESOLUTION REGARDING JOINT SHERIFF'S CONTRACT NEGOTIATIONS

Mayor Gomes discussed the resolution and the joint letter that the cities of Cashmere, Chelan, Entiat and Leavenworth plan to send to the County Commissioners.

The four cities all have law enforcement service agreements with Chelan County that terminate at the end of the year. The cities recognize the need to provide an economically sustainable law enforcement service for their residents and wish to negotiate new service agreements with the County.

There are efficiencies and cost savings for the cities if they negotiate at the same location and at the same time for new service agreements. The cities plan to send notification to the County of the intention to jointly negotiate the new service agreements.

The Resolution will be on the regular agenda for council action.

ADJOURNMENT

Mayor Gomes closed the study session at 6:53 p.m.

Jeff Gomes, Mayor

Attest:

Kay Jones, Clerk-Treasurer

**MINUTES OF THE CASHMERE CITY COUNCIL MEETING
MONDAY, APRIL 8, 2013 AT CASHMERE CITY HALL**

OPENING

Mayor Jeff Gomes opened the regular city council meeting at 7:00 p.m. at City Hall. Clerk-Treasurer Kay Jones took minutes.

ATTENDANCE

	<u>Present</u>	<u>Not Present</u>
Mayor:	Jeff Gomes	
Council:	Skip Moore Jim Fletcher Donna Wynne Derek Knutsen John Bryant	
Staff:	Bob Schmidt, Director Kay Jones, Clerk-Treasurer Mark Botello, Dir of Planning/Building	

FLAG SALUTE

ANNOUNCEMENTS & INFORMATION

No announcements.

PROCLAMATION

Mayor Gomes declared April 24, 2013 as Arbor Day.

APPROVAL OF AGENDA

MOVED by Councilor Fletcher and seconded by Councilor Wynn to approve the agenda as presented. Motion carried.

CONSENT AGENDA

Minutes of March 25, 2013 Regular Council Meeting

Payroll and Claims Packet Dated April 8, 2013

Claim Check Nos. 33151 and 33159 through 33200 totaling \$186,601.73 (voided 33150)

Payroll Check Nos. 33152 through 33158 totaling \$95,686.14

MOVED by Councilor Bryant and seconded by Councilor Knutsen to approve the consent agenda. Motion carried.

PUBLIC HEARING ON COMPREHENSIVE PLAN LAND USE MAP AMENDMENTS AND ZONING MAP AMENDMENTS

Mayor Gomes opened the Public Hearing at 7:03 p.m. Director Mark Botello briefly explained the following three proposed amendments for the Comprehensive Plan Land Use Map and the Zoning Map.

- Chelan County Historical Society at 600 Cotlets Way: Proposed change is from Single Family to Mixed Commercial/Light Industrial
- Rodney Haverfield at Chapel Street: Proposed change is from Single Family to Warehouse Industrial.
- Mount Cashmere Properties LLC at Sunset Avenue: Proposed change from Multi-Family to Warehouse Industrial.

There were no comments from the public. Mayor Gomes closed the hearing at 7:07 p.m.

RESOLUTION NO. 06-2013 IN SUPPORT OF JOINING THE CITIES OF CHELAN, ENTIAT AND LEAVENWORTH IN NEGOTIATING NEW LAW ENFORCEMENT SERVICE AGREEMENTS WITH CHELAN COUNTY

MOVED by Councilor Moore and seconded by Councilor Bryant to adopt Resolution No. 06-2013 in support of joining the Cities of Chelan, Entiat and Leavenworth in negotiating new law enforcement service agreements with Chelan County. Motion carried.

RESOLUTION NO. 07-2013 DECLARING CERTAIN PROPERTY FOR WATER SYSTEM PURPOSES SURPLUS AND DECLARING A UTILITY EASEMENT NECESSARY TO THE NEEDS OF THE CITY ON THE PROPERTY

MOVED by Councilor Fletcher and seconded by Councilor Knutsen to adopt Resolution No. 07-2013 declaring certain property for water system purposes surplus and declaring a utility easement necessary to the needs of the City on the property. Motion carried.

PROGRESS REPORTS

Director Mark Botello reported that the increase in the quote for automatic flushing toilets in the new restrooms at Riverside Park is \$1512.18 making the total quote for the restrooms \$99,219.98. Director Botello stated that if the council has no objections the mayor would sign the quote so Park and Restroom Structures can start building the restrooms.

Director Botello reported that the City held a meeting inviting the Chamber and the Rafters to introduce them to the Landscape Architect Tom Vetter and to discuss the park improvement plans. The rafting companies present were very excited about the new restrooms and like the idea of moving the rafter's area to the west end of the park and paving and striping the parking lot.

The Chamber had a couple of good ideas to promote Cashmere and keep the rafters in town. The City will hold another meeting when Tom Vetter has plans drafted for everyone to review and select which option will be the most beneficial for everyone.

Director Botello reported that the Pioneer Avenue project will go out for bid on April 18th.

Clerk-Treasurer Kay Jones reported that the City will soon have online bill presentment and payment available. The payment options include credit cards, e-check, ACH and you can schedule payments and you will have the option to go paperless. The selected on-line service provider works directly with our current utility billing software and the payments process updates utility billing automatically.

Mayor Gomes reported that the Port has a contractor on the mill site and the Port is going to install a new waterline across the property.

ADJOURNMENT

Mayor Gomes adjourned the meeting at 7:28 p.m.

Jeff Gomes, Mayor

Attest:

Kay Jones, City Clerk-Treasurer

ORDINANCE NO. 13 _____

AN ORDINANCE OF THE CITY OF CASHMERE, WASHINGTON, ADDING A NEW CHAPTER 1.28 TO THE CASHMERE MUNICIPAL CODE, ESTABLISHING A PROCEDURE FOR RESPONDING TO PUBLIC RECORDS REQUESTS, CONTAINING A SEVERABILITY PROVISION, AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Mayor and City staff have determined the City of Cashmere (the “City”) should adopt a procedure to govern public records requests; and

WHEREAS, RCW 42.56.030 authorizes the City to publish procedures for responding to public record requests; and

WHEREAS, the Mayor and City staff have reviewed the procedures set forth in this Ordinance and propose that the City adopt the same; and

WHEREAS, the City Council concurs with said proposal to adopt the procedures set forth herein; **NOW, THEREFORE**,

THE CITY COUNCIL OF THE CITY OF CASHMERE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. A new Chapter 1.28 of the Cashmere Municipal Code is hereby added to read as follows:

Chapter 1.28

PUBLIC RECORDS

Sections:

- 1.28.010** **Public Records Index.**
- 1.28.020** **Purpose.**
- 1.28.030** **Interpretation and Construction.**

- 1.28.040 **Public Records Available.**
- 1.28.050 **Exempt Records.**
- 1.28.060 **Public Records Officer Designated.**
- 1.28.070 **Public Records Requests - How Made.**
- 1.28.080 **Inspection of Public Records.**
- 1.28.090 **Response to Public Records Requests.**
- 1.28.100 **Copying and Mailing Fees.**
- 1.28.110 **Protection of Public Records.**
- 1.28.120 **Records Scheduled for Destruction.**
- 1.28.130 **Searching Public Records - Back-up and Security Copies.**
- 1.28.140 **Review of Denials of Public Records Requests.**
- 1.28.150 **Electronic Records.**
- 1.28.160 **Copies of Chapter Available to Public.**

1.28.010 Public Records Index.

A. The City of Cashmere ("City") does hereby formally order that maintaining an index of public records pursuant to RCW 42.56.070 would be unduly burdensome for the following reasons:

1. The initial construction and subsequent maintenance of such an index would be a financial burden upon the City.

2. The City does not have sufficient staffing available to initially prepare and subsequently maintain such a comprehensive index.

B. The City shall make available for public inspection and copying any index maintained by the City for City use.

1.28.020 Purpose.

The purpose of this Chapter is to provide rules by which the City implements the provisions of the Public Records Act, Chapter 42.56 RCW, for the City's public records.

1.28.030 Interpretation and Construction.

The provisions of this Chapter shall be liberally interpreted and construed to promote full access to the City's public records in order to assure continuing public confidence in government; provided, that when making public records available the City shall prevent unreasonable invasions of privacy, shall protect public records from damage, loss, or disorganization, and shall prevent excessive interference with essential government functions.

1.28.040 Public Records Available.

Public records shall be made available for public inspection and copying pursuant to this Chapter, except as otherwise provided by law.

1.28.050 Exempt Records.

The City hereby adopts the list of laws maintained by the Municipal Research Services Center of Washington (MRSC) as the list containing every law, other than those specifically set forth in the Public Records Act, which the City believes exempts or otherwise prohibits disclosure of specific records or information of the City. Public records and information exempt from disclosure under the Public Records Act or any other law are exempt from disclosure under this Chapter whether or not such exemption is on any list of exemptions adopted, published, or maintained by the City.

1.28.060 Public Records Officer Designated.

A. The Public Records Officer shall serve as the point of contact for members of the public who request disclosure of public records. The Public Records Officer shall be responsible for implementation of and compliance with this Chapter and the Public Records Act.

B. The City Clerk is the Public Records Officer for the City.

1.28.070 Public Records Requests - How Made.

A. Public records may be inspected and/or copies may be obtained under the following procedures:

1. A request for public records shall be directed to the Public Records Officer for the City.

2. A request for public records shall be documented in writing and include the following information:

- a. The requester's name, mailing address, and telephone number;
- b. The date of the request;
- c. A clear indication that the document is a "Public Records Request;"
- d. Whether the request is to inspect the public records or for paper or electronic copies of public records, or both;
- e. A clear description of the public records requested for inspection and/or copying and the office or department having custody of the public records;
- f. If the request is for a list of individuals, a statement that the list will not be used for any commercial purposes or that the requester

- is authorized or directed by law to obtain the list of individuals for commercial purposes, with a specific reference to such law; and
- g. Whether the request is for printed or digital copies of the public record.

- B. The City shall develop and maintain forms to facilitate public record requests.

1.28.080 Inspection of Public Records.

Public records shall be inspected at City Hall during normal business hours when the City Hall is open to the public; provided, that there is no obligation to allow inspection immediately upon a demand. The Public Records Officer may request that the person seeking to inspect public records schedule an appointment for inspection.

1.28.090 Response to Public Records Requests.

A. The Public Records Officer shall, to the extent practicable, assist requesters in identifying the public records sought.

B. There is no obligation to allow inspection or provide a copy of a public record on demand.

C. Within five business days after receiving a public record request, the Public Records Officer shall respond to the request in writing. The Public Records Officer shall make one or more of the following responses:

1. The request for inspection of public records is approved and indicating whether an appointment for inspection needs to be scheduled by the requester;

2. The request for copies of public records is approved and indicating that copies of all requested records are enclosed with the response;

3. The request for copies or inspection of public records is approved, and indicating that the responsive records are available online (with instructions to locate records online);

4. The request has been received by the Public Records Officer; indicating that additional time is needed to respond to the request; and, stating a reasonable estimate of the time required to respond;

5. The request has been received by the Public Records Officer and indicating the records shall be provided on a partial or installment basis as the records are identified, located, assembled and/or made ready for inspection or copying;

6. The request is denied, in whole or in part, whether by withholding a requested record or redacting a requested record, stating the specific exemption(s) prohibiting disclosure and a brief explanation of how the exemption applies to each withheld and redacted record;

7. There are no records responsive to the request; and/or

8. Notifying the requestor that the Public Records Officer does not understand the request and requesting the requestor to clarify the request to enable the Public Records Officer to respond to the same.

D. When a request for public records is received that concerns a subject known to involve litigation that is pending, threatened or anticipated, the Public Records Officer shall promptly notify the City Attorney of the request. Copies of the request, all correspondence between the Public Records Officer and the requestor, and copies of the public records provided to the requestor shall be delivered to the City Attorney. The requestor shall not be charged for copies delivered to the City Attorney.

1.28.100 Copying and Mailing Fees.

No fee shall be charged for the inspection of public records. No fee shall be charged for locating public documents and making them available for copying. The minimum per page copy charge set forth in RCW 42.56.120, as the same exists now or may hereafter be amended, for 8 1/2" x 11" or 8 1/2" x 14" photocopies shall be charged. The per page charge for electronic (i.e. scanned) copies of documents, which charge is based upon the reasonably estimated cost to produce such records, is \$.10 per page. Actual costs to reproduce other non-standard size documents shall be charged. Actual mailing costs shall be charged. The Public Records Officer is authorized to request a pre-payment deposit in an amount estimated to cover up to ten percent (10%) of the actual copying and mailing costs. The Public Records Officer shall require payment in full of all copy and mailing charges prior to releasing the responsive documents.

1.28.110 Protection of Public Records.

The Public Records Officer shall, to the extent practicable, insure that records requested are not misplaced, mistreated, or misfiled by members of the public during inspections and not removed from the City office. Original public records shall not be released to the public for any purpose.

1.28.120 Records Scheduled for Destruction.

If a public record request is made at a time when a record exists, but the record is scheduled for destruction in the near future, the Public Records Officer shall direct that the record be retained until the request is resolved.

1.28.130 Searching Public Records - Back-up and Security Copies.

In order to prevent excessive interference with essential functions of the City, the City shall not search backup or security systems for copies of public records when the originals of such records have been identified, located and are available for inspection and/or copying.

1.28.140 Review of Denials of Public Records Requests.

A. Any person who objects to the denial of a request for a public record may petition the Mayor for prompt review of such decision by delivering a written request to the Mayor and including all written responses by the Public Records Officer denying the request.

B. The Mayor shall affirm, modify or reverse the denial in writing within seven (7) business days following receipt of the written request for review, or within such other time to which the City and the requestor may mutually agree.

C. A requester's administrative remedies shall not be deemed exhausted until the Mayor has made a written decision or until the close of the seventh business day following receipt by the Mayor of the request for review of the public records request, whichever occurs first.

D. The City shall be deemed to have made a final decision denying a request for public records only after a review conducted under this section has been completed, or a failure to timely review has occurred.

1.28.150 Electronic Records.

The City produces and maintains data in electronic records to maximize efficiency in fulfilling its basic public service functions. These electronic records relate to the operation and conduct of City government and typically include financial data, property records, property assessment records, filed documents, maps, and other records.

1. Electronic records are public records subject to disclosure under the Public Records Act and this Chapter, unless exempt from disclosure under state or federal law.

2. At the option of the Public Records Officer, and if acceptable to the requester, electronic records may be printed and provided in paper format. If the electronic record is large and/or not capable of being printed in an understandable format, then the electronic record may be provided in the digital format in which the record is maintained by the City. The City does not have the obligation to convert an electronic record to a digital format that is different than the format maintained by the City.

3. Fees for providing electronic records in electronic form shall be based on the actual cost of the media used to provide the records. Overhead for information system acquisition and maintenance shall not be included in such fees.

4. The City does not warrant or in any way guarantee the accuracy or completeness of electronic records.

1.28.160 Copies of Chapter Available to Public.

Copies of this Chapter and public records request forms shall be available to and provided to the public, without cost, at City Hall.

Section 2. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or the constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. This Ordinance shall take effect and be in full force five (5) days after this Ordinance or a summary thereof consisting of the title is published.

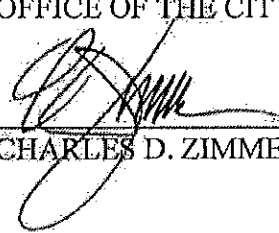
APPROVED:

MAYOR JEFF GOMES

ATTEST:

CITY CLERK KAY JONES

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY



CHARLES D. ZIMMERMAN

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.

4/16/13

