



City of Cashmere

101 Woodring Street
Cashmere, WA 98815
Ph (509) 782-3513 Fax (509) 782-2840
Website www.cityofcashmere.org

CASHMERE CITY COUNCIL MEETING
MONDAY, NOVEMBER 24, 2014 6:00 P.M., CITY HALL

AGENDA

CALL TO ORDER

FLAG SALUTE

EXCUSED ABSENCE

ANNOUNCEMENTS & INFORMATION

PUBLIC COMMENT PERIOD (For Items Not on the Agenda)

APPROVAL OF AGENDA

CONSENT AGENDA

1. Minutes of November 10, 2014 Regular Council Meeting
2. Payroll and Claims Packet Dated November 24, 2014

BUSINESS ITEMS

1. Public Hearing on the Final Budget for 2015
2. Ordinance No. 1237 adopting the Budget for 2015
3. Ordinance No. 1238 amending various sections in Chapter 14.13 to revise the content of voluntary correction agreements and notices of violations
4. Railroad Avenue Improvements Change Order No. 1
5. Request to annex property at 5755 Evergreen Drive into the City

PROGRESS REPORTS

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)

**MINUTES OF THE CASHMERE CITY COUNCIL MEETING
MONDAY, NOVEMBER 10, 2014 AT CASHMERE CITY HALL**

OPENING

Mayor Jeff Gomes opened the regular city council meeting 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 Dave Erickson Bob Abramoski David Sherman	
Staff:	Bob Schmidt, Director of Operations Kay Jones, Clerk-Treasurer	Mark Botello, Planning/Building

FLAG SALUTE

ANNOUNCEMENTS & INFORMATION

PUBLIC COMMENT

APPROVAL OF AGENDA

MOVED by Councilor Moore and seconded by Councilor Fletcher to approve the agenda as submitted. Motion carried.

CONSENT AGENDA

Minutes of October 27, 2014 Regular Council Meeting
Payroll and Claims Packet Dated November 10, 2014
Claim Check Nos. 35044, 35045 and 35052 - 35091 totaling \$250,557.61
Payroll Check Nos. 35047 – 35051 totaling \$103,837.72
Manual Check Nos. 35046 not needing prior approval

MOVED by Councilor Erickson and seconded by Councilor Abramoski to approve the items on the consent agenda. Motion carried.

PUBLIC HEARING ON THE 2015 PRELIMINARY BUDGET, INCLUDING REVENUE SOURCES AND POSSIBLE INCREASE IN PROPERTY TAXES

Mayor Gomes opened the public Hearing at 6:03 p.m. to receive public comment on the preliminary budget for 2015. Using the overhead projector Clerk-Treasurer Kay Jones showed that the proposed estimated revenues for 2015 include the 1% increase in property tax, a 2.5% increase in water rates and a 6% increase in wastewater rates. Utility tax revenues in the General Fund increase, due to the rate increase in the water and wastewater utility. The rest of the City's revenue sources have very little change.

Clerk Jones showed that the proposed expenditures for 2015 include a \$200 per month increase in the Mayor's salary, a 3% increase in union employee wages according to union contract and a 3% increase in exempt employee salaries according to past practice. The medical benefits were estimated at a 15% increase and the City's Risk Management Insurance for property shows an increase due to the new \$20,000,000 wastewater treatment plant. With the increase in water and wastewater rates there is an increase in utility taxes paid by the utility funds into the General Fund and State excise taxes. There is little change to the other operating expenditures.

Clerk Jones discussed the capital projects listed in the 302 Capital Improvement Fund, which includes office software and equipment, park and cemetery improvement projects, and street and bridge projects. She also discussed the capital projects in the water and wastewater capital funds and the purchase of capital equipment in the Equipment Rental Fund.

Clerk Jones explained that the preliminary Budget for 2015 is presented as a balanced budget meeting the City's budget policy that estimated revenues must cover estimated operating expenditures. The capital expenditures or transfers to capital funds are not included in balancing revenues to operating expenses.

Daniel Scott residing at 2 Big Rock Place commented that he appreciated the budget presentation. His comments were regarding the lack of shade at the city pool and the need for seating at the swim meets. He would appreciate the city looking into both.

Mayor Gomes closed the hearing at 7:02 p.m.

ORDINANCE NO. 1235 ESTABLISHING COMPENSATION TO BE PAID TO THE MAYOR AND REAFFIRMING COMPENSATION TO BE PAID TO COUNCIL MEMBERS

The proposed ordinance increased the mayor's salary from \$400 to \$600 per month and it reaffirms the council salary at \$100 per month.

MOVED by Councilor Fletcher and seconded by Councilor Erickson to adopt Ordinance No. 1235 establishing compensation to be paid to the Mayor and reaffirming compensation to be paid to council members. Motion carried.

ORDINANCE NO. 1236 AUTHORIZING THE GENERAL PROPERTY TAX LEVY

The proposed ordinance levy's the 1% increase that is allowed without a vote. The 1% increase equals \$5,776.70.

MOVED by Councilor Fletcher and seconded by Councilor Erickson to adopt Ordinance No. 1236 Authorizing the General Property Tax Levy. Motion carried with four voting in favor and Councilor Moore voting no.

INTERLOCAL AGREEMENT BETWEEN CITY AND THE SCHOOL DISTRICT CONCERNING FUNDING FOR A RESOURCE OFFICER (CRIMINAL JUSTICE FUNDS)

Consensus of the council was to amend Section 2 to clarify that all Criminal Justice Special Funds the City receives will be paid to the School District to help pay for a School Resource Officer and delete the last sentence.

MOVED by Councilor Fletcher and seconded by Councilor Moore to approve the Interlocal Agreement between City and the School District concerning funding for a Resource Officer using Criminal Justice restricted funds, as amended. Motion carried.

PROGRESS REPORTS

Mayor Gomes reported on the progress of the Corridor Study regarding Aplets Way Intersection and the Goodwin Bridge.

ADJOURNMENT

Mayor Gomes adjourned the meeting at 7:22 p.m.

Jeff Gomes, Mayor

Attest:

Kay Jones, Clerk-Treasurer

ORDINANCE NO. 1237

**AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF CASHMERE,
WASHINGTON, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2015.**

WHEREAS, the City Council of the City of Cashmere has heretofore made and filed its preliminary budget for the year 2015 and has given notice of the time and place of hearing thereon according to law and met in accordance with said notice and considered the proposed budget, including salaries for all city employees;

NOW, THEREFORE, the City Council of the City of Cashmere, Washington do ordain as follows:

Section 1. Adoption of budget. In accordance with RCW 35A.33.075 the final budget for the year ending December 31, 2015 to carry on the government of the City of Cashmere, Washington, is hereby adopted at the fund level. Exhibit A (attached) is a summary of the totals of estimated revenues and appropriations for each separate fund and an aggregate total for all such funds combined. Exhibit B (attached) is an employee salary schedule.

Section 2. Copy of detailed budget on file. A detailed final budget adopting the salary schedule for 2015 and including a list of the revenues and expenditures for each separate fund is on file in the Office of the City Clerk and is adopted by this reference.

Section 3. This ordinance shall be in effect five (5) days after its passage and publication of an approved summary thereof consisting of the title.

Passed by the City Council and approved by the Mayor this 24th day of November 2014.

CITY OF CASHMERE

Jeff Gomes, Mayor

Attest:

Kay Jones, City Clerk-Treasurer

Approved as to form:

Charles D. Zimmerman, City Attorney

EXHIBIT A
Ordinance No. 1237

**Total Estimated Revenues and Appropriations by Fund
2015 Budget**

Fund Name	Beginning Balance	Estimated Revenues	Budgeted Appropriations	Ending Balance
001 General Government Fund	1,159,054	974,212	1,099,352	1,033,914
003 Public Works Fund	875,766	1,185,097	1,170,683	890,180
108 Lodging Tax Fund	0	5,000	5,000	0
302 Capital Improvement Fund	650,064	812,280	759,505	702,839
401 Water/Wastewater Fund	1,212,166	3,023,100	3,436,768	798,498
402 WW Construction Account	600,280	1,532,000	1,532,000	600,280
406 Sanitation Fund	522,117	549,360	525,729	545,748
411 Water Capital Fund	349,949	202,500	433,300	119,149
412 Wastewater Capital Fund	831,155	417,924	187,700	1,061,379
426 Jr. Lien Pretrt Bond, 2011	1,015,351	582,378	538,438	1,059,291
427 Revenue Bond 2013 #R1	0	434,170	394,700	39,470
428 Revenue Bond 2013 #R2	0	249,810	227,100	22,710
501 Equipment Rental Fund	795,701	293,933	188,246	901,388
702 Cemetery Endowment Fund	204,500	5,150	0	209,650
TOTAL ALL FUNDS	8,216,103	10,266,914	10,498,521	7,984,496
		18,483,017	18,483,017	

EXHIBIT B
Ordinance No. 1237

CITY OF CASHMERE
2015 SALARY SCHEDULE

POSITION	Base Wage Step Levels	Monthly Salary
Mayor		600.00
5 - Councilmembers		100.00
EXEMPT		
Director of Operations		5,561.03
City Clerk-Treasurer		5,133.98
Director of Planning/Building		5,036.19
OFFICE		
3 - Office Staff: Steps A - E	13.35 - 20.26	
Public Works Department		
<i>Public Works Foreman: Step F</i>	23.64	
5 - Public Works Crewman: Steps A - E	13.55 - 20.56	
Water/Wasterwater Department		
<i>Water/Wastewater Foreman - F</i>	26.24	
5 - Water/WW Crewman: Steps A - E	14.64 - 22.82	
Pool Manager	12.32 - 14.32	
30 - Pool Employees	9.47 - 11.23	
Seasonal/Temporary Employees	12.00	

Above wages do not include longevity

Above hourly/base wages may be increased during the year due to step and/or longevity increases according to the Collective Bargaining Agreement.

Pool Employee wages are determined by the number of years of service for the City and certifications they hold.

ORDINANCE NO.

1238

AN ORDINANCE OF THE CITY OF CASHMERE, WASHINGTON, AMENDING VARIOUS SECTIONS IN CHAPTER 14.13 OF THE CASHMERE MUNICIPAL CODE, TO REVISE THE CONTENT OF VOLUNTARY CORRECTION AGREEMENTS AND NOTICES OF VIOLATIONS, TO ESTABLISH PROCEDURES FOR HEARINGS BEFORE THE HEARING EXAMINER, TO ELIMINATE ADDITIONAL NOTICE REQUIREMENTS PRIOR TO COMMENCING ENFORCEMENT PROCEEDINGS, AND TO ESTABLISH ABATEMENT PROCEDURES FOR THE CITY, CONTAINING A SEVERABILITY PROVISION, AND SETTING AN EFFECTIVE DATE.

WHEREAS, Chapter 14.13 of the Cashmere Municipal Code (“CMC”) sets forth the requirements and procedures for enforcement or abatement of code violations in the City; and

WHEREAS, the procedures in Chapter 14.13 CMC currently require multiple notices of violations and penalties to be issued to violators prior to seeking other enforcement remedies, including enforcement by the Court or Hearing Examiner and/or abatement by the City; and

WHEREAS, the Mayor and City staff have studied the current provisions in Chapter 14.13 CMC and determined that certain sections in Chapter 14.13 CMC should be revised as set forth in this Ordinance to eliminate appeals from voluntary correction agreements, incorporate civil penalties in the notice of violation, establish a required hearing before the hearing examiner on the notice of violation, eliminate any additional notices of civil penalties that are currently required to be given before further enforcement of code violations may occur, and establish abatement procedures for the City; and

WHEREAS, the City Council has considered the recommendation of the Mayor and City staff concerning adoption of this Ordinance and determined that adoption of this Ordinance is in the interest of the public, health, safety and welfare of the citizens of the City and supports the recommendation of the Mayor and City staff; NOW, THEREFORE,

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

Section 1. Section 14.13.070 of the Cashmere Municipal Code is hereby amended to read as follows:

14.13.070 Voluntary Correction Agreements

A. The City Administrator, prior to filing any notice of violation and order, may enter into a voluntary correction agreement with a person responsible for correcting the condition, which may be the owner, agent or occupant.

B. Any such voluntary correction agreement shall be a contract between the City and the person responsible for the violation, and shall follow a form to be approved by the City Attorney. It shall be entirely voluntary and no one shall be required to enter into such an agreement.

C. The voluntary correction agreement shall include the following:

1. The name and address of the person responsible for the violation;
2. The street address or a description sufficient for identification of the building, structure, or property, upon or within which the violation is occurring;
3. A description of the violation;
4. The necessary corrective action to be taken, and a date or time by which correction must be completed;
5. An agreement by the person responsible for the violation that the City may inspect the subject property as may be necessary to determine compliance with the voluntary correction agreement;

6. An agreement by the person responsible for the violation that the City may abate the violation and recover its costs and expenses, including attorneys fees, and a monetary penalty pursuant to this Chapter from the person responsible for the violation if terms of the voluntary correction agreement are not met; and

7. An agreement that by entering into the voluntary correction agreement the person responsible for the violation waives the right to an appeal of the violation and/or the required corrective action.

D. The person responsible for the violation waives the right to an appeal of the violation and the required corrective action upon entering into a voluntary correction agreement.

E. The City shall have the right to inspect the subject property to determine compliance with the terms of the voluntary correction agreement.

F. An extension of the time limit for correction or a modification of the required corrective action may be granted by the City Administrator or enforcement officer if the person responsible for the violation has shown due diligence and/or substantial progress in abating the violation but unforeseen circumstances render abatement under the original conditions unattainable.

G. The City may abate the violation in accordance with Section 14.13.095 CMC if the terms of the voluntary correction agreement are not met.

H. If the terms of the voluntary correction agreement are not met the person responsible for the violation shall be assessed a monetary penalty commencing on the date set for correction and thereafter, in accordance with Subsection E of Section 14.13.080 CMC, plus all costs and expenses of abatement, as set forth in Section 14.13.095 CMC.

Section 2. Section 14.13.080 of the Cashmere Municipal Code is hereby amended to read as follows:

14.13.080 Notice of Violation and Order

A. Upon the City Administrator's determination that a violation has been committed, except as provided for in CMC 14.13.070, Voluntary correction agreements, the enforcing official shall issue a notice of violation and order.

B. The notice of violation and order shall, at a minimum, contain the following:

1. The name and address of each property owner of record, and any other person the city has determined is responsible for correcting the violation(s);
2. The street address or a legal description sufficient for identification of the property;
3. The assessor tax parcel number(s) of the property;
4. A description of each violation;
5. An order that the use, acts or omissions which constitute the violation(s) must cease;
6. A statement of the corrective action required for each violation, with the date by which such action must be completed;
7. A warning: "the failure or refusal to complete the corrective action by the date required will result in enforcement action and civil penalties as provided in CMC Chapter 14.13"; and
8. The date, time and location of an appeal hearing before the City Hearing Examiner, which shall be scheduled to occur not less than ten (10) calendar days and not more than thirty (30) calendar days from the date the notice of violation and order is issued; and
9. A statement indicating that the hearing will be canceled and no monetary penalty will be assessed if the City Administrator approves the completed, required corrective action at least forty-eight (48) hours prior to the hearing; and
10. A statement that the costs and expenses of abatement incurred by the City pursuant to Section 14.13.095 CMC and a monetary penalty as specified in Subsection E of Section 14.13.080 CMC may be assessed against the person to whom the notice of civil violation is issued as specified and ordered by the Hearing Examiner.

C. The notice of violation and order shall be served upon those persons identified in Subsection (A)(1) of this Section. Service of the notice of violation and order shall be by personal service or by both regular first class mail and certified mail, return receipt requested, addressed to each person's last known address. If the person to whom the notice is issued cannot after due diligence be personally served within Chelan County and if an address for mailed service cannot after due diligence be ascertained, notice shall be served by posting a copy of the notice of violation conspicuously on the affected property or structure.

Proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made, and if by posting, the facts showing that due diligence was used in attempting to serve the person personally or by mail.

D. No extension of the time specified in the notice of violation for correction of the violation may be granted, except by order of the Hearing Examiner.

E. The monetary penalty for each day the violation is permitted to continue or portion thereof shall be as follows:

1. First day: One Hundred Dollars (\$100.00);
2. Second day: Two Hundred Dollars (\$200.00);
3. Third day: Three Hundred Dollars (\$300.00);
4. Fourth day: Four Hundred Dollars (\$400.00);
5. Each additional day beyond four days: Five Hundred Dollars (\$500.00) per day.

F. Payment of a monetary penalty pursuant to this Chapter does not relieve the person to whom the notice of civil violation was issued of the duty to abate and correct the violation.

G. The monetary penalty constitutes a personal obligation of the person to whom the notice of violation is issued. Any monetary penalty assessed must be paid to the City within ten (10) calendar days from the date of mailing of the Hearing Examiner's decision and order or a notice from the City that penalties are due. The City Attorney may take, or cause to be taken, whatever appropriate action he or she deems necessary to collect the monetary penalty, plus reasonable attorneys' fees and costs incurred in collecting said monetary penalty which attorneys' fees and costs of collection shall be an additional part of the monetary civil penalty ordered to be paid by the Hearing Examiner.

Section 3. A new Section 14.13.085 of the Cashmere Municipal Code is hereby added to read as follows:

14.13.085 Hearing Before Hearing Examiner - Procedures

A. Notice. A person to whom a notice of violation is issued will be scheduled to appear before the City Hearing Examiner not less than ten (10) calendar days nor more than thirty (30) calendar days after the notice of violation

is issued. Continuances may be granted at the discretion of the Hearing Examiner for good cause shown.

B. Prior correction of violation. The hearing will be canceled and no monetary penalty will be assessed if the City Administrator approves the completed required corrective action prior to the scheduled hearing.

C. Procedure. The Hearing Examiner shall conduct a hearing on the violation pursuant to the current applicable rules of proceeding before the Hearing Examiner. The City Administrator and the person to whom the notice of violation was directed may participate as parties in the hearing and each party may call witnesses. The City shall have the burden of proof to demonstrate by a preponderance of the evidence that a violation has occurred and that the required corrective action is reasonable under the circumstances. The determination of the City Administrator as to the need for the required corrective action shall be accorded substantial weight by the Hearing Examiner in determining the reasonableness of the required corrective action.

D. Decision of the Hearing Examiner.

1. The Hearing Examiner shall determine whether the City has established by a preponderance of the evidence that a violation has occurred and that the required correction is reasonable under the circumstances, and shall affirm, vacate, or modify the City's decisions regarding the alleged violation and/or the required corrective action, with or without written conditions.

2. The Hearing Examiner shall issue an order to the person responsible for the violation which contains the following information:

a. The decision regarding the alleged violation including findings of fact and conclusions based thereon in support of the decision;

b. The required corrective action;

c. The date and time by which the corrective action must be completed;

d. The monetary penalties assessed based on the criteria in Section 14.13.085(D)(3)(b) CMC; and

e. The date and time after which the City may proceed with abatement of the unlawful condition if the required correction is not completed.

3. Assessment of monetary penalty. Monetary penalties assessed by the Hearing Examiner shall be in accordance with the monetary penalties in Section 14.13.080(E) CMC.

a. The Hearing Examiner shall have the following options in assessing monetary penalties:

(1) Assess monetary penalties beginning on the date the notice of violation was issued and thereafter; or

(2) Assess monetary penalties beginning on the corrective action date set by the City Administrator or an alternate corrective action date set by the Hearing Examiner and thereafter; or

(3) Assess less than the established monetary penalty set forth in Section 14.13.080(E) CMC based on the criteria of Section 14.13.085(D)(3)(b) CMC; or

(4) Assess no monetary penalties.

b. In determining the monetary penalty assessment, the Hearing Examiner shall consider the following factors:

(1) Whether the person responded to the City Administrator's attempts to contact the person, and cooperated to correct the violation;

(2) Whether the person failed to appear at the hearing;

(3) Whether the violation was a repeat violation;

(4) Whether the person showed due diligence and/or substantial progress in correcting the violation; and

(5) Any other factors determined to be relevant by the Hearing Examiner.

E. Failure to appear. If the person to whom the notice of violation was issued fails to appear without lawful excuse at the scheduled hearing, the Hearing Examiner shall enter an order with findings pursuant to Section 14.13.085(D)(2) CMC and assess the appropriate monetary penalty pursuant to Section 14.13.085(D)(3)(b) CMC.

The City may enforce the Hearing Examiner's order and recover all related expenses incurred by the City, including attorney fees, costs of the hearing and any monetary penalty from that person which shall collectively all be considered civil monetary penalties ordered to be paid by the Hearing Examiner.

F. Appeal to Superior Court. Any appeal of the decision of the Hearing Examiner shall be filed with the Chelan County Superior Court and served on the City Clerk/Treasurer within 21 calendar days from the date of the Hearing Examiner's decision.

Section 4. Section 14.13.090 of the Cashmere Municipal Code is hereby amended to read as follows:

14.13.090 Violation - Civil Enforcement and Penalties

The failure or refusal to complete corrective action by the date set forth in a notice of violation and order shall subject the person(s) to whom the notice of violation and order was directed to the following enforcement actions and penalties:

A. The City Administrator may revoke, modify or suspend any permit, variance, subdivision or other land use approval issued for the subject property;

B. The person responsible for correcting the violation may be assessed civil monetary penalties for each day of the violation as set forth in Section 14.13.080 CMC.

C. The City, through its authorized agents, may, in addition to any other remedy provided herein, initiate abatement or injunction proceedings or other appropriate action in the courts of this state, to prevent, enjoin, abate or terminate violations of this Chapter. The City may obtain temporary, preliminary, and permanent injunctive relief from the Chelan County superior court;

D. The City may enter the subject property and complete all corrective action and otherwise abate the violation as set forth in Section 14.13.095 CMC;

E. The remedies provided in subsections A through D of this section are cumulative remedies and not alternative remedies and are in addition to any other remedy to which the City may be entitled by law;

F. In any action or proceeding brought by the City to enforce this Chapter or in any action brought by any other person in which the City is joined

as a party challenging this Chapter, in the event the City is a prevailing party, then the nonprevailing party challenging the provisions of this Chapter, or the party against whom this Chapter is enforced in such action, shall pay the City's reasonable costs and attorneys fees incurred in such action or proceeding, including appeal.

Section 5. A new Section 14.13.095 of the Cashmere Municipal Code is hereby added to read as follows:

14.13.095 Abatement by City.

A. Abatement. The City may abate a violation when:

1. The terms of a voluntary correction agreement pursuant to Section 14.13.070 CMC have not been met; or

2. A notice of violation has been issued pursuant to Section 14.13.080 CMC and a decision and order has been issued pursuant to Section 14.13.085 CMC and the required correction has not been completed by the date specified in the decision and order and the City obtains an order from the Chelan County Superior Court authorizing the abatement activity to occur; or

3. The condition is subject to summary abatement as provided for in Subsection B of this Section.

B. Summary Abatement. Whenever a violation is occurring which constitutes an immediate and emergent threat to the public health, safety or welfare or to the environment, the City may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it, shall be given to the person responsible for the violation as soon as reasonably possible after the abatement.

C. Authorized action by City. Using any lawful means, the City may enter upon the subject property and may remove or correct the condition which is subject to abatement. The City may seek such judicial process as it deems necessary to effect the removal or correction of such condition.

D. Recovery of Costs and Expenses. The costs, including incidental expenses, of correcting the violation shall be billed to the person responsible for the violation and/or the owner, lessor, tenant or other person entitled to control, use and/or occupy the property and shall become due and payable to the City within ten (10) calendar days following the billing. The term "incidental expenses" includes but is not limited to:

1. City personnel costs, both direct and indirect, incurred by the City and related to the enforcement action;
2. All actual reasonable attorneys fees and costs incurred by the City and related to the enforcement action;
3. Hauling, storage and disposal expenses;
4. Actual administrative expenses and costs of the City in preparing notices, specifications and contracts, and in accomplishing and/or contracting and inspecting the work; and
5. The costs of any required personal service, printing and mailing.

E. Obstruction Violation. Any person who knowingly obstructs, impedes, or interferes with the City or its agents, or with the person responsible for the violation in the performance of duties imposed by this Chapter, or a decision and order issued by the Hearing Examiner or an agreement between the City and the person responsible for the violation, is guilty of a civil infraction and shall be subject to the penalties as set forth in Section 1.20.010 CMC.

Section 6. Section 14.13.100 of the Cashmere Municipal Code is hereby repealed.

Section 7. 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 8. 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.

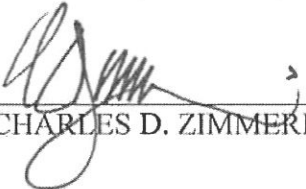
APPROVED:

MAYOR JEFF GOMES

ATTEST/AUTHENTICATED:

KAY JONES, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

BY:  _____
CHARLES D. ZIMMERMAN

FILED WITH THE CITY CLERK	:	<u>10/2/14</u>
PASSED BY THE CITY COUNCIL	:	_____
PUBLISHED	:	_____
EFFECTIVE DATE	:	_____
ORDINANCE NO.	:	_____

Staff Summary

Date: November 24, 2014
To: Cashmere City Council
Mayor Gomes

From: Mark Botello
RE: Railroad Avenue Improvements Change Order No. 1

Please see attached Change Order No. 1 for the Railroad Avenue Improvement project. Because of scheduling staff authorized approval of this change order and subject work is complete. I've attached City Contract Engineer Eric Howe's letter in regards to project being within budget.

Contractor still has to install the street illuminations and finish clean-up and add more dirt/gravel behind certain areas of sidewalks.

Staff will go over this in more detail at the Council meeting.

Recommendation:

Staff recommends approval of Railroad Avenue Improvements Changer Order No 1 and authorize Mayor Gomes to sign applicable documents with contractor all subject to WSDOT approval.

Change Order

Contract Number 214-039	Contract Title Railroad Avenue Improvements	Fed Aid Number STPR-04RM(001)
Change Order Number 1	Change Description Remove and replace concrete panel roadway	Agency Number N/A
Prime Contractor Selland Construction		Date 11/12/2014
<input checked="" type="checkbox"/> Ordered by Engineer under the terms of Section 1-04.4 of the Standard Specifications <input type="checkbox"/> Change proposed by Contractor		


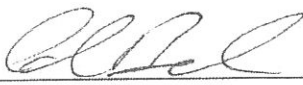
Change Description

This change order will accomplish the following:

1. Remove existing concrete panel roadway.
2. Replace concrete panels with CSTC.
3. Grind existing asphalt before and after concrete panel to transition to existing surfacing.

<u>Item Number</u>	<u>Group No(s)</u>	<u>Item Description</u>	<u>Amount</u>
38	1	Change Order No. 1	Lump sum = \$ 7,567.00
			Subtotal \$ 7,567.00
			Sales tax included per 1-07.2 \$ -
			Change Order Total \$ 7,567.00

Verbal Approval Date 10/8/2014	Working Days +/- 0								
<table style="width: 100%;"> <tr> <td style="width: 50%;">Original Contract Amount</td> <td style="width: 50%;">Current Contract Amount</td> </tr> <tr> <td>\$ 281,750.00</td> <td>\$ 281,750.00</td> </tr> </table>	Original Contract Amount	Current Contract Amount	\$ 281,750.00	\$ 281,750.00	<table style="width: 100%;"> <tr> <td style="width: 50%;">Est. Net Change This C.O.</td> <td style="width: 50%;">Est. Contract Amount</td> </tr> <tr> <td>\$ 7,567.00</td> <td>\$ 289,317.00</td> </tr> </table>	Est. Net Change This C.O.	Est. Contract Amount	\$ 7,567.00	\$ 289,317.00
Original Contract Amount	Current Contract Amount								
\$ 281,750.00	\$ 281,750.00								
Est. Net Change This C.O.	Est. Contract Amount								
\$ 7,567.00	\$ 289,317.00								

 Project Engineer 11/14/14 Date	City of Cashmere Date
 By Prime Contractor 11/13/14 Date	WSDOT Local Programs Date

Engineer's Estimate of Cost Justifications
Removing concrete panels and replacing with CSTC

Labor	Rate	Qty	Units	Cost
Foreman	\$ 60.15	6	hours	\$ 360.90
Operator	\$ 60.15	6	hours	\$ 360.90
Laborer	\$ 37.54	6	hours	\$ 225.24
Equipment				
Excavator 1	\$ 61.20	6	hours	\$ 367.20
Excavator 2	\$ 48.80	6	hours	\$ 292.80
Materials				
Rock	\$ 30.00	110	tn	\$ 3,300.00
Haul and dump fees				
Concrete panels	\$ 25.00	20	yd	\$ 500.00
Additional grinding				
Ground up paving sub	\$ 2.50	350	sy	\$ 875.00
Mark-up			15%	\$ 942.31
		Total		\$ 7,224.35
Contractor Provided Costs				
See attached sheet				\$ 7,567.00

Mark Botello

From: Erik Howe [ehowe@rh2.com]
Sent: Friday, November 14, 2014 2:53 PM
To: Mark Botello
Subject: Railroad Ave change order
Attachments: DC-260-B5DF3C1337.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Mark, here is the signed change order for Railroad Ave. Looks like we should still be under the overall bid award amount by about \$5000 even with the change order included. Let me know if you have any questions. Thanks, Erik

Erik Howe, P.E. | RH2 Engineering, Inc.
Project Manager
300 Simon Street SE, Ste 5
East Wenatchee, WA 98802
Ph: 509.886.6761; 425.951.5428
www.rh2.com



1285 S. Wenatchee Ave. • P.O. Box 119 • Wenatchee, WA 98807-0119

Phone: (509) 663-3464 • Fax: (509) 662-4465

Erik Howe, PE
RH2 Engineering
300 Simon Street St. Suite 5
East Wenatchee, WA 98802

Main Avenue & Division Street Replacement
Subject: Pavement and Concrete Removal

Dear Erik,

Pursuant to the direction to remove the existing concrete panels and roto-mill the sections of asphalt that are higher than the new curbs, see the below costs:

Bid Item	Description	Qty	Unit Price	Total Cost
2A	CONCRETE REMOVAL	65 CY	20.50	1,332.50
2C	PULVERIZE ASPHALT	350 SY	2.25	787.50
11A	EXCAVATE DIRT & PAVEMENT TO WASTE	82 CY	18.50	1,517.00
21	PROJECTION TEMPORARY TRAFFIC CONTROL	1 LS	120.00	120.00
	PAID OFF TICKETS (INCLUDED IN TONNAGE)			
7	CSTC	127.00 TN	30.00	<u>3,810.00</u>
	Total Cost of Change			7,567.00

Please include these costs in an upcoming change order. If you have any questions, please call.

Sincerely,

Michael Hoven
Project Manager

MGH/mgh

cc: Contract File

Staff Summary

Date: November 23, 2014

To: Cashmere City Council
Mayor Gomes

From: Mark Botello

RE: Request to annex property at 5755 Evergreen Drive into the City

Please see attached request for annexation submitted by Stephen and Cheri Keife, for property located at 5755 Evergreen Drive. The subject property is adjacent to the Cashmere City limits. The property owners will be present at Monday's Council meeting, and staff will go over this in more detail at the meeting. Also, they will bring the signed copy of the attached petition to the meeting.

Recommendation:

Accept the annexation request for property located at 5755 Evergreen Drive and schedule a public hearing for January 12, 2015 at 6:00pm

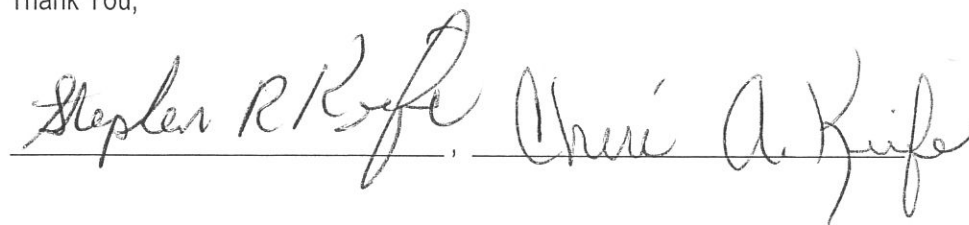
April 1, 2014

City of Cashmere
101 Woodring Street
P.O. Box 1100
Cashmere, WA 98815

City of Cashmere,

This letter is to inform you that we would like to annex our property at 5755 Evergreen Drive into the City of Cashmere. Please forward this letter to City Council for consideration.

Thank You,

Handwritten signatures of Stephen R. Keife and Cheri A. Keife. The signatures are written in cursive and are positioned above a horizontal line.

Stephen and Cheri Keife
5755 Evergreen Drive
Cashmere, WA 98815

**PETITION FOR ANNEXATION
TO
THE CITY OF CASHMERE, WASHINGTON
(RCW 35A.14)
TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF
CASHMERE, WASHINGTON**

The undersigned, being the owners as defined in RCW 35A.01.040(9)(a) through (d), of not less than sixty percent (60%) in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned, do hereby petition that such territory be annexed to and made a part of the City of Cashmere, Washington, under the provisions of RCW 35A.14 et seq, and any amendments thereto, of the State of Washington.

The territory sought to be annexed is legally described on the attached **Exhibit “A”** which is incorporated herein, which legal description complies with RCW 35A.14.410. A map outlining the boundaries of the real property sought to be annexed is attached hereto and marked **Exhibit “B”** and is incorporated herein.

The City Council of the City of Cashmere met with the initiating parties at a regular, open public City Council meeting on the 24th day of November 2014, and determined that the City would accept the proposed annexation on the conditions set forth below:

1. The City would require the simultaneous adoption of the Comprehensive Plan and the City of Cashmere Zoning Regulations consistent therewith for the area proposed to be annexed; and
2. The City would require the assumption of City indebtedness by the area proposed to be annexed.

The above conditions are disclosed by the minute entry regarding the same in the minutes of the Cashmere City Council meeting on the 24th day of November, 2014.

In addition, the undersigned have been informed and will be required, in accordance with applicable Cashmere city ordinances, prior to annexation, to pay a “fee in lieu of” water rights transfer to the City of Cashmere. The terms and conditions of the “fee in lieu of” transfer of the water rights to the City of Cashmere pursuant to this annexation shall be set forth in a written agreement approved by the City Council prior to annexation.

WHEREFORE, the undersigned petition the City of Cashmere, Washington as follows:

(a) That appropriate action be taken to entertain this petition, fixing a date for a public hearing, causing a notice of the hearing to be published in one or more issues of the Cashmere Valley Record and causing notice of the hearing to be posted in three public places within the territory proposed for annexation, specifying the time and place of such hearing, and inviting interested persons to appear and voice approval or disapproval of such annexation; and

(b) That following such hearing, the City Council determine by ordinance that such annexation shall be made, that such property annexed shall become a part of the City of Cashmere, Washington subject to its laws and ordinances then and thereafter in force, and subject to the requirements with respect to transfer of water rights or pay a “fee in lieu of” water rights transfer to the City of Cashmere in accordance with City of Cashmere ordinances.

The petitioners subscribing hereto agrees that all property within the territory hereby sought to be annexed shall be zoned Multi-Family (MF) and shall be assessed and taxed at the same rate and on the same basis as other property within the City of Cashmere, Washington, including assessments or taxes in payment of any bonds issued or debts contracted prior to or existing at the date of annexation.

WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

Name	Signature of Petitioner	Date
-------------	--------------------------------	-------------

Stephen Keife: _____

Cheri Keife: _____

Tax Parcel No.
23-19-05-120-150

Property address:
5755 Evergreen Drive
Cashmere, WA. 98815

“Exhibit A”

LOT 1, SHORT PLAT NO. 2009-066, CHELAN COUNTY, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED UNDER AUDITOR'S FILE NO. 2325380.

EXCEPT THAT PORTION OF SAID LOT 1 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 2, SECTION 5, TOWNSHIP 23 NORTH RANGE 19 EAST OF THE WILLAMETTE MERIDIAN, FROM WHICH THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT 2 BEARS SOUTH 02°32'26" EAST A DISTANCE OF 1,380.66 FEET; THENCE SOUTH 02°32'26" EAST ALONG THE WEST LINE OF SAID GOVERNMENT LOT 2 A DISTANCE OF 639.60 FEET; THENCE NORTH 87°26'39" EAST A DISTANCE OF 40.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 2, SHORT PLAT NO. 2009-066; THENCE NORTH 87°26'39" EAST ALONG THE NORTH LINE OF SAID LOT 2 A DISTANCE OF 164.96 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 02°32'24" EAST ALONG THE EAST LINE OF SAID LOT 2 A DISTANCE OF 248.99 FEET TO THE NORTHEAST CORNER OF SAID LOT 1 AND THE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE SOUTH 87°27'34" WEST ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 23.61 FEET; THENCE SOUTH 03°09'10" EAST A DISTANCE OF 115.54 FEET TO THE SOUTHEAST CORNER OF THAT 10 FOOT WIDE WATERLINE EASEMENT RECORDED AFN 2309505 AND SHOWN ON SHORT PLAT NO. 2009-066; THENCE SOUTH 06°03'14" EAST A DISTANCE OF 171.25 FEET TO THE SOUTHEAST CORNER OF THAT 10 FOOT WIDE SEWER EASEMENT CREATED AND SHOWN ON SHORT PLAT NO. 2009-066; THENCE SOUTH 04°38'34" EAST A DISTANCE OF 64.98 FEET MORE OR LESS TO A POINT ON THE SOUTH LINE SAID LOT 1 THAT BEARS SOUTH 69°09'14" WEST 10.00 FEET FROM THE SOUTHEAST CORNER SAID LOT 1; THENCE NORTH 69°09'14" EAST ALONG SAID SOUTH LINE A DISTANCE OF 10.00 FEET TO THE SOUTHEAST CORNER SAID LOT 1; THENCE NORTH 02°32'24" WEST ALONG THE EAST LINE SAID LOT 1 A DISTANCE OF 348.26 FEET TO THE NORTHEAST CORNER SAID LOT 1 AND END OF THIS DESCRIPTION.

Exhibit "B"

