



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, MARCH 11, 2019 6:00 P.M., CITY HALL

AGENDA

CALL TO ORDER

FLAG SALUTE

EXCUSED ABSENCE

ANNOUNCEMENTS & INFORMATION

- February Financial Report is on the website

PUBLIC COMMENT PERIOD - For Items Not on the Agenda

APPROVAL OF AGENDA

CONSENT AGENDA

1. Minutes of February 28, 2019 Regular Council Meeting
2. Payroll and Claims Packet Dated March 11, 2019
3. Schedule a Public Hearing on March 25, 2019 for the Comprehensive Land Use Plan Update

BUSINESS ITEMS

1. Presentation on Chelan PUD Service Center
2. Cashmere Food Bank Proposal
3. Interlocal Agreement for Housing Inmates at the Chelan County Regional Justice Center
4. Ordinance No. 1275 amending sections in Chapter 5.04 regarding business licenses
5. Review and discuss proposed amendments to the Comprehensive Land Use Plan

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 FEBRUARY 25, 2019 AT CASHMERE CITY HALL

OPENING

Mayor Jim Fletcher opened the regular City Council meeting at 6:00 p.m. at City Hall. Clerk-Treasurer Kay Jones took minutes.

ATTENDANCE

Present

Not Present

Mayor: Jim Fletcher

Council: Daniel Scott
Chris Carlson (arrived 6:06 pm)
Dave Erickson
Kameon Smith
Derrick Pratt

Staff: Kay Jones, Clerk-Treasurer
Steve Croci, Director of Operations

Chuck Zimmerman, City Attorney

FLAG SALUTE

ANNOUNCEMENTS & INFORMATION

No announcements.

PUBLIC COMMENT PERIOD - For Items Not on the Agenda

No public comments.

APPROVAL OF AGENDA

MOVED by Councilor Scott seconded by Councilor Carlson to approve the revised agenda as presented. Motion carried 5-0.

CONSENT AGENDA

Minutes of February 11, 2019 Regular Council Meeting
Claims Packet Dated February 25, 2019

Claims Direct Pay and Checks #39514 through #39536 totaling \$81,886.08

Affirm Mayor's appointment of Kirk Esmond to the Planning Commission

MOVED by Councilor Scott and seconded by Councilor Smith to approve the items on the consent agenda. Motion carried 5-0.

INTERLOCAL AGREEMENT FOR HOUSING INMATES AT THE CHELAN COUNTY REGIONAL JUSTICE CENTER

The Regional Justice Center Director Bill Larson and Business Manager Nicole Thomson were present to introduce themselves to the City Council and answer any questions or concerns regarding the Interlocal Agreement and the future of the Regional Justice Center (RJC).

One of the concerns of the City Council is that the last few years they have not been informed of the increase in compensation by June 30th as required in the Agreement. If the City receives notification, it's been after the budget is adopted for the year.

Director Bill Larson explained that he was hired in June and Nicole was hired in August of 2018. It took them a few months to get up to speed and figure out what they needed for the contracts. They are however, aware of the past timelines not being met. They are also aware that they are asking all the cities to enter into agreements with a date that is retroactive to January 1, 2019. Both the Director and Manager are committed to meeting the contract notification timeline moving forward.

They are operating at minimum staffing levels and there are no cameras in some of the holding areas. The Director explained that they have an obligation to provide safety and security for the inmates, staff and the surrounding community. They are looking at needed improvements, equipment, and changes in operations, which include staffing levels to meet safety and security requirements. The staffing level at RJC is 6.9 inmates per officer, when the state average is 4.7 inmates per officer.

The RJC is solely dependent on the revenue from housing inmates. They do not receive any money from the County's General Fund. They are operated as an Enterprise fund, so they have to be self-sustaining. The current daily bed rate is \$96, which is \$14 below the states average.

The proposed Interlocal Agreement is a one-year term. They want to determine what it truly cost to house inmates on a per day basis before coming back to the cities for a longer-term contract.

The three-year rolling average for 2019, calculated on the average daily population, is \$30,718.40. The proposed Agreement has a new \$25-dollar processing fee, which is calculated when the inmate is released. The cost for the new fee to the City is \$875 for 2019.

MOVED by Councilor Carlson and seconded by Councilor Pratt to table the Agreement to the following meeting for discussion and action. Motion carried 5-0.

FIRE DEPARTMENT GRANTS REQUIRING A BUDGET AMENDMENT

Fire Chief Cy Sousley has applied for two grants. The FEMA grant for turnout gear washer/extractor/dryer equipment has been granted and will require a budget amendment.

The second grant is with the Department of Natural Resources for the second phase of radio replacement. This grant is a 50/50 match. If the Department is awarded the DNR Grant, the Fire Chief will apply for a 911 Communications Grant for the City's 50% match. These two grants will require a budget amendment if awarded.

MOVED by Councilor Scott and seconded by Councilor Smith to authorize the purchase of the equipment when awarded the grant and approve amendment of the budget. Motion carried 5-0.

PROGRESS REPORTS

Director Steve Croci announced that the Public Works Foreman John Bayne has retired and his last day with the City is February 28, 2019. Public Works employee Paul Clarin has been selected to fill the Foreman position starting March 1, 2019. The City will not be filling Paul's position. The Public Works Department will operate with four employees.

Mayor Fletcher discussed business licenses and whether the City Council wanted to require non-profits to register and pay the business license fee or register and be exempt from the fee. The consensus of the City Council was to exempt non-profits from paying the fee.

ADJOURNMENT

Mayor Fletcher adjourned the meeting at 6:50 p.m.

Collective Bargaining Discussion – Exempt from OPMA, RCW 42.30.140 (4)

The City's Bargaining Consultant Fred Meiner was present to update the City Council on the progress of the new Union Contract and the issues that we were at an impasse on.

Mayor Fletcher closed the meeting at 7:20 p.m.

James Fletcher, Mayor

Attest:

Kay Jones, Clerk-Treasurer



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NOTICE IS HEREBY GIVEN that on Monday, March 25, 2019, at 6:00 p.m. at the Cashmere City Hall, 101 Woodring Street, Cashmere, Washington, the Cashmere City Council will hold a public hearing for taking testimony concerning adoption of a new City comprehensive land use plan. Written comment can be sent to the attention of Director Steve Croci at City Hall.

Publish Cashmere Valley Record: Wednesday, March 13, 2019

Staff Summary

Date: March 5, 2019

To: City Council

From: Jim Fletcher, Mayor

RE: Cashmere Food Bank request to lease City property.

Cashmere Food Bank is requesting to lease City property on Railroad Avenue for purposes of a permanent food bank location. With vision for a permanent home the Food Bank Board has started a fundraising campaign. However, finding a site for the food bank is challenging as few locations are available or affordable for a non-profit organization.

Staff has reviewed several City owned parcels and identified the Railroad Avenue property as a good opportunity to re-task a part of the city's property to a better use for the community. The property in question is about 300 feet in length by 90 feet wide, (0.64 acres; 28,000 sq. ft.) zoned for warehouse/industrial. Cashmere purchased the land in 1996 from Burlington Northern Railroad for use as downtown parking. To date parking is mostly by freight trucks and city public works staff. Thus, parking can still be provided along with space for a food bank. (see attached map)

Prior to executing a lease several issues need to be resolved including amount of space needed by the food bank building and cost to install water and wastewater utilities. Terms of the lease can be like our lease to North Central Regional Library District for the Cashmere library, essentially a nominal maintenance fee.

An agreement with Cashmere Food Bank would be a function of public services to support health and welfare of our citizens. Cities of Wenatchee and Leavenworth provide publicly owned facilities to their respective foodbanks.

Short term option, it will take time for the food bank board to raise funds and then build a warehouse. As an interim it is possible to make available two garage bays located behind City Hall for storage and distribution of foods. The garage space would need some finish work to create a suitable food storage area. Garage bays are presently used to store equipment that could be relocated to the wastewater treatment plant.

Staff Recommendation:

MOVE to Authorize staff to initiate planning with Cashmere Food Bank Board to lease City owned property for a Cashmere food bank.

Letter to Cashmere City Council

Dear City Council Members,

The Cashmere Food Bank is interested in entering into a long-term lease agreement with the City of Cashmere for Property ID # 20940 at 207 Railroad Ave. with the intent of erecting a building with plumbing, electricity, sewer hook up, etc. keeping within all city and county code guidelines to house the Cashmere Food Bank (CFB).

The CFB wants to establish a permanent modern building that is accessible to all, safe and of benefit to the residents of Cashmere and the outlying areas that fall into the boundaries of the Food Bank service area; including Dryden to Monitor.

Currently we are housed in a leased warehouse on Railroad Ave with limited square footage for storage and distribution, let alone future expansion of services. Often, our clients must wait outside in either extremely cold weather or very hot weather in order to receive a box of food. The size of our building also impacts and limits the amount of food we can receive via the state food distribution network. We have also been challenged in the past with leaking ceilings and inadequate outdoor access. And although our lease holder has made efforts to accommodate these issues, the building is old and in need of great repair. And, most notably, currently up for sale.

With the possibility of a new location, the Cashmere Food Bank Board of Directors has also explored how residents of our service area might be served in additional ways. Emergency services, health care referrals, thrift shop...all ideas that have come forth that might benefit Cashmere residents.

In order to build and erect a building, a focused capital campaign will be initiated by the food bank. We will look at writing grants, identifying matching donations, personal and corporate donations and fund raising events.

Our mission as a board of Directors for the Cashmere Food Bank is to ensure no one goes hungry. We are looking to you, the Cashmere City Council, to help us realize that goal. Neighbors helping neighbors.

Thank you for your consideration,

Sherri Wills, Dale Jones, Donna Wynne, Chelsea Evans, Chuck Clarke, Irene Gomes, Mona Lisa Buck, Vicki Hobbs, Jim Buchan, and Director Pam Leighton

Proposed Food Bank Location

Legend



Food Bank Site

City Shop

Railroad Ave

Olive St

Maple St

Staff Summary

Date: 3/7/2019
To: City Council
From: Clerk-Treasurer Kay Jones
RE: Ordinance 1275 amending sections in Ch. 5.04 regarding changes requested by the State Business License Service

The City is working through the 6-month transition period with the State Department of Revenue Business License Services (BLS).

Part of that process is BLS reviews the City's Chapter 5.04 regarding business licenses and makes requested changes or clarifications if the City's code conflicts or contradicts the State's business license process.

The proposed ordinance shows all the requested changes made from BLS to eliminate conflicts. In addition, they are requesting clarification in Section 5.04.050 Businesses exempt from license requirements. (pg. 8-9)

The State is asking for clarify on whether nonprofits will be required to obtain a license or if they will be exempt, and if the City is requiring a license, will the fees apply to nonprofits or will they be exempt? (Section 5.04.050 (C), pg. 9)

The second clarification is regarding rental of real property. Does rental of real property include apartment complexes, hotel/motels and storage rentals? (5.04.050 (A)(5), pg. 9)

The City's attorney has suggested new language to clarify Section 5.04.050 (A)(5) and Section 5.04.050 (C).

Staff Recommendation:

MOVE to adopt Ordinance No. 1275 amending Sections in Chapter 5.04 to adopt changes requested by the Department of Revenue Business License Services.

ORDINANCE NO. 1275

AN ORDINANCE OF THE CITY OF CASHMERE, WASHINGTON, AMENDING SECTIONS IN CHAPTER 5.04 OF THE CASHMERE MUNICIPAL CODE TO ADOPT CHANGES REQUESTED BY THE STATE DEPARTMENT OF REVENUE BUSINESS LICENSING SERVICE IN ANTICIPATION OF FUTURE BUSINESS LICENSING BY SUCH AGENCY; CONTAINING A SEVERABILITY PROVISION; AND, SETTING AN EFFECTIVE DATE

WHEREAS, in 2017 the Washington State Legislature passed Engrossed House Bill 2005 (codified at Chapter 35.90 RCW) requiring all cities with business licenses to administer their business licensing through the State's Business Licensing System ("BLS"); and

WHEREAS, in anticipation of the transfer to licensing through BLS, and as required by RCW 35.90.080 the City of Cashmere ("City") previously adopted amendments to Chapter 5.04 of the Cashmere Municipal Code ("CMC") to incorporate model language regarding engaging in business in the City and associated changes; and

WHEREAS, the City Clerk/Treasurer has subsequently been working with the BLS to set up a revised Business License Registration procedure for the City; and

WHEREAS, as a result of this activity, the State Department of Revenue has recommended additional changes to the provisions of Chapter 5.04 CMC to conform the code to the anticipated terms of an agreement between the City and the State of Washington; and

WHEREAS, City staff recommends adoption of this Ordinance and the Mayor and City Council have reviewed this Ordinance and determined that the provisions in this

Ordinance are in the best interests of the public health, safety and welfare of the citizens of the City of Cashmere; NOW, THEREFORE,

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

Section 1. Chapter 5.04 of the Cashmere Municipal Code is hereby amended to read as follows:

**Chapter 5.04
BUSINESS LICENSES**

Sections:

- 5.04.010 Intent.
- 5.04.020 Rules of interpretation.
- 5.04.030 Definitions.
- 5.04.040 Business license requirement.
- 5.04.050 Businesses exempt from license requirements.
- 5.04.060 License term.
- 5.04.070 License fee.
- 5.04.080 Application procedures.
- 5.04.090 Reasons for application denial.
- 5.04.100 Revocation of a business license.
- 5.04.110 Procedures for revocation.
- 5.04.120 Application, Renewal - Penalties and fines.
- 5.04.130 Appeal to the city council.
- 5.04.140 Judicial appeal.

5.04.010 Intent.

The purpose of this chapter is to provide a means of registering persons or entities engaging in business within the city for informational and economic development purposes and to disseminate information to businesses relating to city policies, regulations, and economic information.

5.04.020 Rules of interpretation.

A. For the purposes of this chapter, all words used shall have their normal and customary meanings, unless specifically defined otherwise in the

code.

- B. Words used in their present tense include the future.
- C. The plural includes the singular and vice versa.
- D. The words “will” and “shall” indicate mandatory action.
- E. The word “may” indicates that discretion is allowed.
- F. The masculine gender includes the feminine and vice versa

5.04.030 Definitions.

The following definitions shall apply to this chapter:

A

“Applicant” means a person seeking a business license.

“Application” means a document, in the form approved by the city clerk-treasurer, for the purpose of collecting information from the applicant to meet the objectives and goals of this chapter.

B

“Building department” means the city of Cashmere building department.

“Business” or “commerce” means “engaging in business” as further set forth herein. “Business” shall also include operation of recreational or amusement enterprises, home occupations, door-to-door business, and child care centers.

“Business Licensing Service” or “BLS” means the office within the Washington State Department of Revenue providing business licensing services to the city.

“Business, minor” means businesses operated or owned by persons under the age of 18 years. Examples of minor businesses are babysitting, newspaper delivery, lawn mowing, refreshment sales, and others conducted by persons under the age of 18.

C

“Certificate” means a city of Cashmere approved business license.

“City” means the city of Cashmere.

“City clerk-treasurer” means the city clerk-treasurer of the city of Cashmere.

“City council” means the city council of the city of Cashmere.

“Code” means the City of Cashmere Municipal Code.

D

“Day care center” means a building used to provide child care services for 12 or more children, including those of the day care center operator.

“Department of Ecology” means the Washington State Department of Ecology.

“Dwelling unit” means a building or portion thereof providing complete housekeeping facilities for one family. “Dwelling unit” does not include recreational vehicles.

E

“Engaging in business” means commencing, conducting, or continuing in business, and also the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.

1. This section further sets forth examples of activities that constitute engaging in business in the city, and establishes safe harbors for certain of those activities so that a person who meets the criteria may engage in de minimus business activities in the city without having to pay a business license fee. The activities listed in this section are illustrative only and are not intended to narrow the definition of “engaging in business” in this section 5.04.030(E). If an activity is not listed, whether it constitutes engaging in business in the city shall be determined by considering all the facts and circumstances and applicable law.

2. Without being all inclusive, any one of the following activities conducted within the city by a person, or its employee, agent, representative, independent contractor, broker or another acting on its behalf constitutes engaging in business and requires a person to register and obtain a business license as further set forth in this chapter.

(a) Owning, renting, leasing, maintaining, or having the right

to use, or using, tangible personal property, intangible personal property, or real property permanently or temporarily located in the city.

(b) Owning, renting, leasing, using, or maintaining, an office, place of business, or other establishment in the city.

(c) Soliciting sales.

(d) Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.

(e) Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf.

(f) Installing, constructing, or supervising installation or construction of, real or tangible personal property.

(g) Soliciting, negotiating, or approving franchise, license, or other similar agreements.

(h) Collecting current or delinquent accounts.

(i) Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.

(j) Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, surveying, and real estate services including the listing of homes and managing real property.

(k) Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, consultants, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, veterinarians.

(l) Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.

(m) Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the city, acting on its behalf, or for customers or potential customers.

(n) Investigating, resolving, or otherwise assisting in resolving customer complaints.

(o) In-store stocking or manipulating products or goods, sold to or owned by a customer, regardless of where sale and delivery of the goods took place.

(p) Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.

3. If a person, or its employee, agent, representative, independent contractor, broker or another acting on the person's behalf, engages in no other activities in or with the city but the following, it need not register and obtain a business license:

(a) Meeting with suppliers of goods and services as a customer.

(b) Meeting government representatives in their official capacity, other than those performing contracting or purchasing functions.

(c) Attending meetings, such as board meetings, retreats, seminars, and conferences, or other meetings wherein the person does not provide training in connection with tangible personal property sold by the person or on its behalf. This provision does not apply to any board of director member or attendee engaging in business such as a member of a board of directors who attends a board meeting.

(d) Renting tangible or intangible property as a customer when the property is not used in the city.

(e) Attending, but not participating in a "trade show" or "multiple vendor events". Persons participating at a trade show shall review the city's trade show or multiple vendor event ordinances.

(f) Conducting advertising through the mail.

(g) Soliciting sales by phone from a location outside the city.

4. A seller located outside the City merely delivering goods into the city by means of common carrier is not required to register and obtain a business license, provided that it engages in no other business activities in the city. Such activities do not include those in subsection (3).

The city expressly intends that engaging in business include any activity sufficient to establish nexus for purposes of applying the license fee under the law and the constitutions of the United States and the State of Washington. Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus generating contract or subsequent contracts.

F

“Fire chief” means the fire chief of the city of Cashmere.

H

“Health district” means Chelan-Douglas Counties health district.

“Home occupation” means an economic enterprise to make and/or sell a product or perform a service that is conducted or operated within a residential dwelling unit or building accessory to a residential dwelling unit, by the resident, occupant, or owner, and which use shall be clearly incidental and secondary to the residential use of the dwelling unit, including by use of the dwelling unit as a business address in a directory or as a business mailing address.

N

“Notice of denial” means a document stating that an application for a business license has not been approved.

“Notice of violation” means a document signed by the mayor’s designee stating the specific code(s) or regulation(s) that is/are being violated, that the violation must cease, the required mitigation to correct the violation, the date by which the violation must cease, and a statement that legal action may be taken that may include penalties or fines.

P

“Person” means any individual, company, partnership, receiver, assignee, trustee in bankruptcy, trust, estate, firm, joint venture, club, corporation, association, society or any individual or group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise.

S

“Stock in trade” means any item or good that: (1) is produced, purchased, processed, finished or fabricated as part of a home occupation, or (2) is incorporated into any such item, or (3) is used to make, manufacture, produce, process, finish or fabricate any such item, or (4) is intended for resale on site; provided, that it does not include samples.

Y

“Yard/garage sale” means a sale of used personal or household items and operated on a temporary basis (no more than two yard/garage sales per calendar year per parcel). Each sale shall last no longer than three days.

5.04.040 Business license requirement.

A business license ~~shall be~~ required for any person engaging in business in the City, except those exempted in CMC 5.04.050. The business license is issued to the business owner or operator at a specific location ~~and not to the business~~. Change of ownership ~~or location shall of the business~~ requires application and approval of a ~~new~~ business license for the new owner. A change of location of a business must be reported to the Business Licensing Service sufficiently prior to relocating the business to allow the city to review and approve the new location prior to commencing business at that location. A change of location may require submitting a new application as provided for in this chapter.

5.04.050 Businesses exempt from license requirements.

A. The following businesses or activities are exempt from the licensing requirements set forth in this chapter:

1. Minor businesses.

~~2. Any fraternal or social corporation or organization whose purpose is charitable and/or nonprofit.~~

~~3. Any religious organization or church, or other religious assemblage.~~

~~4. Any charitable fund raising organization.~~

5. Any municipality or political subdivision of the United States or of the state of Washington.

36. Any public utility companies.

74. Farmers or gardeners selling their own unprocessed farm products raised or grown exclusively upon lands owned or occupied by them.

58. Rental of single family residential real property, by the owner.

96. Yard/garage sales that meet the definition in CMC 5.04.030.

B. For purposes of the license required by this chapter, any person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the city is equal to or less than \$2,000 and who does not maintain a place of business within the city, shall submit a business license registration to the city clerk or designee. However, such business shall be exempt from the requirements to pay a licensing fee. The licensing fee exemption applies only to the basic business license and does not apply to regulatory license requirements or activities that require a specialized permit.

C. Nonprofit, religious, educational, social, fraternal or other charitable organizations or entities engaging in business within the city shall be required to obtain a business license, however, such license shall be exempt from the licensing fee.

5.04.060 License term.

All business licenses ~~shall beare~~ issued annually and ~~shall beare~~ effective for one year or fraction thereof and ~~shall expire on June 30th of each year, unless otherwise provided, and the fee shall not be prorated~~the date established by the Business Licensing Service.

5.04.070 License fees.

A. Unless otherwise exempt from licensing fees, the fee for all new licenses or initial applications for licenses shall be as set forth in a Resolution adopted by the City Council from time to time.

B. All renewal license fees, if applicable, shall be as set forth in a Resolution adopted by the City Council from time to time.

~~C. A late payment fee or penalty shall be added to each business license renewal fee for failure to pay such renewal fee within 15 days after the due date. The due date shall be July 1st for any business in operation on that date. The late fee or penalty shall be as set forth in a Resolution adopted by the City Council from time to time~~

5.04.080 Application procedures.

A. The applicant shall complete ~~the~~an application for a business license ~~provided by the city and submit same along with the appropriate fee (if any) to the city clerk-treasurer~~through the Business Licensing Service. The application must include all information and all fees due for all licenses requested, as well as the handling fee required by RCW 19.02.075.

B. The city clerk-treasurer shall provide information relating to services provided by the city and/or other agencies, applicable regulations, and other information as may be needed for all new applicants. Any changes in services, regulations, and other information, shall be given to applicants renewing their business licenses.

C. The city clerk-treasurer or other designee authorized and appointed by the Mayor (collectively referred to in this chapter as the "city clerk-treasurer") shall review all applications for business licenses. The city clerk-treasurer may refer the application to the fire chief, building department, health district, Department of Ecology, or other agencies or departments he or she deems necessary. The city clerk-treasurer's review and approval or denial shall be completed within 10 days of receipt of the application ~~date information~~ unless additional time is needed by other agencies or a time extension is mutually agreed upon by the city clerk-treasurer and the applicant.

D. Upon approval, the city clerk-treasurer shall ~~provide the applicant with a license certificate~~ allow issuance of a city business license through the Business Licensing Service. In case of application denial, a notice of denial shall be mailed by the city clerk-treasurer.

5.04.090 Reasons for application denial.

The city clerk-treasurer shall review and approve or deny applications in a timely manner. The city clerk-treasurer shall deny applications for only the following reasons:

- A. Incomplete or inaccurate application;
- B. The appropriate fee has not been submitted with the application (if applicable);
- C. The business would violate any code;
- D. The business would violate health district regulations;

E. The business would be illegal or in violation of any state or federal law, ordinance, rule or regulations.

5.04.100 Revocation of a business license.

The city clerk-treasurer shall revoke a business license for the following reasons:

A. The application for the business was falsified; or

~~B. The check or other payment instrument used to pay the fee was returned to the city because insufficient funds were available for the check or payment instrument;~~

~~C.~~ B. The business is in violation of the Cashmere Municipal Code, health district regulations, and/or other state and federal regulations.

5.04.110 Procedures for revocation.

The city clerk-treasurer shall follow the procedures below when revoking a business license.

A. A notice of violation shall be sent or delivered to the business. In the case of imminent danger to the public the notice shall also be posted at the business location.

B. The time for correcting the violation shall be determined by the city clerk-treasurer. The time for correction of the violation shall be reasonable and dependent on the severity of the situation and danger to the public.

C. The city clerk-treasurer may grant an extension in time because of extenuating circumstances, if there is no danger to the public.

D. If the violation(s) are not corrected within the time established by the city clerk-treasurer the business license shall become void and the city clerk-treasurer shall send a notice to the business that the business license has been revoked.

5.04.120 Application, Renewal - Penalties.

A. It shall be unlawful for any person, persons, company, corporation or association to engage in business, either directly or indirectly, for which a

license is hereafter required or a license fee provided without first procuring such license and paying such fee (as applicable). A person who fails to obtain the necessary license or fails to comply with a notice of violation shall be guilty of an infraction and shall be required to pay a penalty of \$250.00, enforced and payable to the city.

B. The business license must be renewed by the expiration date established by the Business Licensing Service in order to continue conducting business in the city. The renewal must include all information and all fees due for all the licenses being renewed, as well as the handling fee required by RCW 19.02.075. Failure to renew the license by the expiration date will incur the late renewal penalty required by RCW 19.02.085 in addition to all other fees due. Failure to renew a delinquent license within 120 days after expiration will result in the cancellation of the license, and will require reapplication for and approval of a new license in order to continue to engage in business in the city.

5.04.130 Appeal to the Mayor.

Any person may appeal a decision to approve or deny an application pertaining to this chapter to the Mayor. Appeals shall be filed in accordance with the timelines and procedures for closed record appeals set forth in CMC 14.11.030.

5.04.140 Judicial appeal.

Any person may appeal the Mayor's decision relating to an appeal of the city clerk-treasurer's decision through the court system. Judicial appeals shall be accomplished in accordance with CMC 14.11.040.

Section 2. Section 5.10.010 of the Cashmere Municipal Code is hereby amended to read as follows:

5.10.010 Notification – Required.

No person, firm or corporation shall engage in or carry on any business, occupation, act or privilege for which a tax is imposed by CMC 5.10.030 without first having notified the office of the city clerk-treasurer in writing of their intent to engage in such business in the city. Payment of the tax does not alleviate the taxpayer from the business license requirement of Chapter 5.04 CMC, when applicable

Section 3. Section 5.12.010 of the Cashmere Municipal Code is hereby amended to read as follows:

5.12.010 Tax Imposed

There is hereby levied upon everyone engaged in the business of operating or conducting a cable television system (CATV), or otherwise providing coaxial or other cable distribution of entertainment or information including television, radio, computer data, or any other electronically transmitted information, a tax equal to six percent of the total gross income from gross subscriber receipts. For purposes of this chapter, "gross subscriber receipts" means and includes those receipts derived from the supplying of subscription service, that is, fees for regular cable benefits including the transmission of broadcast signals and access and origination channels and per-program and per-channel charges. "Gross subscriber receipts" does not include leased channel receipts, advertising receipts, or any other income derived from the system. Payment of the tax does not alleviate the taxpayer from the business license requirement of Chapter 5.04 CMC, when applicable.

Section 4. Section 5.40.010 of the Cashmere Municipal Code is hereby amended to read as follows:

5.40.010 Permit – Required.

A. Vendors shall be authorized to conduct business on public property of the city provided they have first obtained a permit to do so and otherwise comply with the rules and conditions set by the city of Cashmere and all other applicable statutes and ordinances of the city of Cashmere, county of Chelan and state of Washington, including but not limited to the Chelan County health department and State of Washington Department of Revenue. Nonprofit vendors are required to obtain a permit, but are exempt from paying the permit fees. The permit required by this chapter is separate from and in addition to a business license that may be required under Chapter 5.04 CMC.

- B. The following permits may be obtained:
1. Quarterly. This permit is effective for three consecutive months from the issue date of the permit.
 2. Event. This permit is effective for four consecutive days as designated by the permit.
 3. Multiple Vendor Event. This permit is effective for four consecutive days as designated by the permit and is intended for purchase for community events by a sponsoring agency.

C. Permit fees shall be set by resolution of the city council and shall be published in the City of Cashmere General Information and Utility Regulations and Rates booklet, adopted by Resolution ~~No. 11-94 on September 26, 1994, as amended~~ of the City Council from time to time.

D. In addition to the fees charged for the permits, the city may also charge for electricity use and for extra dumpsters or portable toilets in an amount to be established by the city of Cashmere public works director.

Section 5. Severability. 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 constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Effective Date. This Ordinance shall be in full force and effect five days following publication of a summary thereof consisting of its title.

APPROVED:

MAYOR JAMES FLETCHER

ATTEST/AUTHENTICATED:

CITY CLERK KAY JONES

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY: CHARLES D. ZIMMERMAN

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

Staff Summary

Date: 3/7/2019
To: City Council
From: Director Steve Croci
RE: Proposed Updated Comprehensive Land Use Plan

The Updated Comprehensive Land Use Plan is a redlined version showing the Planning Commission's proposed changes. Due to the size of the Comprehensive Plan document, the document will be emailed to you.

At the meeting I will review the minor changes that have been proposed.

If you want a hard copy of the Plan, please call City Hall and one will be provided for you.

Staff Recommendation:

No action needed at this time.
