

MINUTES OF THE CASHMERE CITY COUNCIL MEETING
MONDAY, NOVEMBER 28, 2011 AT CASHMERE CITY HALL

OPENING

Mayor Irle opened the regular city council meeting at 7:02 p.m. at City Hall. Secretary Teresa Prescott took minutes.

ATTENDANCE

	<u>Present</u>	<u>Not Present</u>
Mayor:	Gordon Irle	
Council:	Skip Moore Jim Fletcher Donna Wynne Debbie Knutsen Jeff Gomes	
Staff:	Bob Schmidt, Dir. of Operations Mark Botello, Dir. of Planning/Building Charles Zimmerman, City Attorney from OMW Teresa Prescott, Secretary	Kay Jones, City Clerk-Treasurer

FLAG SALUTE

ANNOUNCEMENTS & INFORMATION

Mayor Gordon Irle stated that the council members had attended the recent Public Facilities District Meeting.

Director Bob Schmidt asked that Item #9 on the agenda be changed to remove the word "mixer" from the Wastewater Treatment Plant equipment pre-selection, and "Real Estate" be removed from the Executive Session. Director Botello asked that progress reports be moved ahead of the Executive Session.

PUBLIC COMMENTS

Marc Spears asked council to report on the Sunset Highway construction project. Spears stated that the businesses near the west end of the project are struggling due to reduced traffic. Spears is concerned that the road has been torn up for so long and no progress seems to be made. The City has a utility easement across Mr. Spears' property and it has been torn up and left muddy and difficult for cars to cross to the businesses. Also construction equipment has been parked blocking the mini storage entrance. Because of the completion date advertised on the road closure signs Mr. Spears was under the impression the project is being completed late. Spears wanted to know if the City is paying extra for the extra time and if the contractor is being penalized for the over-runs.

Director Schmidt explained the construction target for the immediate future. The contractor is working to make the bridge and road passable before winter weather shuts them down. Schmidt explained the contractor has a certain number of working days to complete the project and they still have quite a few days left. Weather shut-downs do not count against the contract

working days. There have been no over-runs on this project so far. The contractor is hoping to pour curb and gutter by Crunch Pak in the next week. Schmidt will have the easement filled and graveled and the equipment moved.

APPROVAL OF AGENDA

MOVED by Councilor Moore and seconded by Councilor Wynne to approve the agenda with the modifications. Motion carried.

CONSENT AGENDA

1. Minutes of November 14, 2011 Regular Study Session Meeting
2. Minutes of November 14, 2011 Regular City Council Meeting
3. Payroll and Claims Packet Dated November 28, 2011
Claims Check Nos. 31551 through 31574 and EFT 10/2011 totaling \$104,365.77

MOVED by Councilor Knutsen and seconded by Councilor Gomes to approve the items on the consent agenda. Motion carried.

PUBLIC HEARING ON FINAL BUDGET FOR 2012

Mayor Irle opened the public hearing at 7:16 to take public comment on the final Budget for 2012. Director Schmidt presented a fund by fund overview of the budget stating that most of the numbers were rolled forward from 2011.

With no questions or comments from the public the hearing was closed at 7:40 p.m.

ORDINANCE 1194 AMENDING THE 2011 BUDGET

MOVED by Councilor Fletcher and seconded by Councilor Wynne to adopt Ordinance 1194 amending the budget for 2011. Motion carried.

ORDINANCE 1195 AUTHORIZING THE GENERAL PROPERTY TAX LEVY

City Attorney Charles Zimmerman commented on some changes he wished to make to the Ordinance due to the new requirement by Chelan County to include the county ordinance form. Zimmerman added a new Section 4 and included the county form as Exhibit A.

Councilor Moore restated that the council is not raising the property tax as allowed by law.

MOVED by Councilor Fletcher and seconded by Councilor Gomes to adopt Ordinance 1195 authorizing the General Property Tax levy. Motion carried.

ORDINANCE 1196 AMENDING TITLE 17 ZONING

Director Botello presented an overview of the changes to Title 17. The most extensive change is to the sign code. Botello stated the sandwich board signs have not changed in the code as requested by some businesses, no billboards will be allowed, but the code does allow for larger signs and the City will provide offsite directional signs to point visitors to the less visible business districts.

MOVED by Councilor Gomes and seconded by Councilor Wynne to approve Ordinance 1196 amending Title 17 Zoning. Motion carried.

OVERHEAD UTILITY EASEMENT BETWEEN CHELAN PUD AND CITY

Director Botello explained the request for an easement for an overhead power line at the south end of the City sewer lagoons. A power line exists in that area, but Chelan PUD wishes to replace the line in a more direct route across City property.

Councilor Moore expressed concern regarding the loss of property which may be used for park or other purposes after the sewer lagoons are decommissioned.

MOVED by Councilor Fletcher and seconded by Councilor Knutsen to table the overhead utility easement with Chelan PUD to negotiate a route for the easement that will have the least impact on City property. Motion carried.

LETTER OF UNDERSTANDING NO. 1 BETWEEN CITY AND IBEW

Director Schmidt explained the Letter of Understanding is to add siblings to the definition of immediate family as it pertains to bereavement leave. Immediate family will not change as it pertains to sick or other leaves.

MOVED by Councilor Fletcher and seconded by Councilor Wynne to approve Letter of Understanding No. 1 between the City and IBEW. Motion carried.

ONE YEAR EXTENSION OF COLLECTIVE BARGAINING AGREEMENT

Director Schmidt explained the intent to make an offer to extend the Collective Bargaining Agreement between IBEW and the City for one year. Councilor Knutsen asked if the City would then pay the same amount on insurance as they did in 2011. Schmidt explained the insurance premium agreement in the contract and stated that the employees were to be presented with a new carrier that would actually reduce premiums while providing better coverage for the employees.

City Attorney Charles Zimmerman stated that typically the employees would first vote on the City's proposal and then the council would approve it.

MOVED by Councilor Knutsen and seconded by Councilor Gomes to extend for one year the Collective Bargaining Agreement between the City and IBEW. Motion carried.

FRANCHISE EXTENSION AGREEMENT-FALCON VIDEO COMMUNICATIONS

MOVED by Councilor Moore and seconded by Councilor Fletcher to extend the Franchise Agreement with Falcon Video Communications until May 31, 2012. Motion carried.

WASTEWATER TREATMENT PLANT EQUIPMENT PRE-SELECTION

In order to complete design of the Wastewater Treatment Plant, certain equipment must be pre-selected so the plant can be designed to accommodate the equipment. Based on lowest cost and other considerations, RH2 has recommended INVENT Environmental Technologies for 10 mechanical mixers and 2 mixer/aerators, Trojan Technologies for UV disinfection equipment, Parkson Corporation for mechanical fine screens and Aeromod Wastewater Process Solutions for the belt filter press.

Director Schmidt asked council to authorize the mayor to sign the awards and purchase agreements, which would freeze the price of the equipment for one year, and all other documents related to the pre-selection of this equipment.

MOVED by Councilor Gomes and seconded by Councilor Knutsen to authorize the Mayor to sign all documents related to the pre-selection of equipment for the design of the Wastewater Treatment Facility. Motion carried.

JOHN BRYANT – CASHMERE RIVERSIDE CENTER PROPOSAL

John Bryant leases the Cashmere Riverside Center from the City of Cashmere. Mr. Bryant has recently been elected to the Cashmere City Council, creating a possible conflict of interest.

Attorney Charles Zimmerman discussed the options regarding the Riverside Center lease agreement with a potential council member. The City's risk management insurance, WCIA, asked Jayne Freeman from Keating, Bucklin & McCormack law firm for an Advisory Legal Opinion. The legal opinion confirms that there will be a financial conflict of interest when John Bryant is sworn into office in January 2012. The opinion further states the council term is a four year term expiring on December 31, 2015 and the lease agreement with Mr. Bryant expires December 31, 2014. One of two things will need to happen: Mr. Bryant would need to resign from the Council if he intended to pursue a new or continued lease agreement with the City, or Mr. Bryant would need to walk away from the lease.

Since the current lease agreement is pre-existing there is no financial conflict of interest for the next three years since the lease was not negotiated by, through, and under the existing office. The conflict occurs when the City Council starts the bid process or renegotiation of the lease before the actual end date.

Attorney Zimmerman presented a memo with 3 options for the council to consider.

Option 1 is to not amend the lease and to commit to a request for proposals process commencing February 15, 2014. This option would not allow Mr. Bryant to enter into contracts beyond the expiration of his current contract. Mr. Bryant would be required to step away from his council position on or near the February 15, 2014 RFP release if he intends to respond to the RFP. The RFP would be created by a committee of council members so Bryant would not be involved before that point. Selection of a leaseholder would hopefully be completed by May 31, 2014.

Option 2 would be to amend the current lease to extend the expiration date to December 31, 2016 and create a new rate schedule for the additional two years. This option would allow Mr. Bryant to fulfill his council term of four years before and RFP process would begin.

Option 3 is to amend the current lease to permit Mr. Bryant to pre-commit the use of the Riverside Center to tenants for dates after expiration of the lease and create a revenue sharing plan with a new leaseholder for those bookings, create standards related to those bookings and provisions related to transfer of deposits for the bookings.

Staff and Attorney Zimmerman recommend either Option 1 or Option 2. Option 3 would be much more difficult for the City to implement.

Council discussed the problems with pre-bookings that extend into a new leaseholders term. Allowing pre-bookings handcuffs future leaseholders. John Bryant stated that when he took over the lease from the City he inherited pre-bookings that he had to deal with.

MOVED by Councilor Moore and seconded by Councilor Knutsen to adopt Option #1 as set forth in the memo from Charles D. Zimmerman, City Attorney, dated November 22, 2011. Motion carried.

PROGRESS REPORTS

Director Botello presented a design for the new business directory signs and the street light pole banners. Council was concerned about using black lettering on dark colored banners, the lettering is difficult to read. Placement of a monument sign at the half roundabout near Rusty's was discussed. The sign will be somewhat visible from the highway. Councilor Moore suggested putting the sign between Titchenal Way and Highway 2 on the "moonscape". Director Botello stated the DOT will not approve a sign there.

Director Schmidt presented a price for the hand dryers the council requested for Riverside Center. Council said to go ahead and purchase 2 hand dryers for approximately \$1600 each.

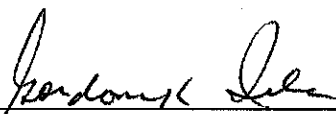
EXECUTIVE SESSION-TO DISCUSS POTENTIAL LITIGATION.

Council entered into an executive session for approximately 15 minutes to discuss potential litigation at 9:10 p.m. No action will be taken when regular session reconvenes.

Regular session was reconvened at 9:25 p.m.

ADJOURNMENT

Meeting adjourned at 9:25 p.m.



Gordon Irle, Mayor

Attest: 

Teresa Prescott, Secretary