REGULAR COUNCIL MEETING

August 2, 2017

Officials in Attendance: Mayor Dorothy Knauss; Councilmen John May, Payton Norvell and John Wight; Councilwomen Sharon Ludwig, Dee Henderson and Carra Nupp

Staff Present: City Administrator Mike Frizzell, City Attorney Mike Waters, Clerk/Treasurer Pamela McCart

Vacant: Council Position #6

The Mayor called the meeting to order at 6:30 PM.

Audience Comments:
- Ray Watson requested to be placed on the agenda.
- Lee Dorrance requested to be placed on the agenda.
- Evan Schloock, update on latest activities of Chamber of Commerce.

Approval of/Changes to Proposed Agenda:
- Motion by Councilman May to add discussion regarding Airport/Richmond Lane to agenda and to allow Ray Watson and Lee Dorrance to address the Council at that time (New Business), seconded by Councilwoman Nupp. Roll call vote taken with all in favor. Motion carried.
- Motion by Councilman Wight to add discussion regarding pool to the agenda (Old Business), seconded by Councilman May. Roll call vote taken with all in favor. Motion carried.
- Motion by Councilwoman Ludwig to delegate to the Mayor the authority to place items on the agenda if requested (but not the authority to deny such requests), seconded by Councilman May. Roll call vote taken with all in favor. Motion carried.
- Motion by Councilman Norvell to approve agenda as amended, seconded by Councilwoman Nupp. Roll call vote taken with all in favor. Motion carried.

Announcements/Appointments, including:
- Mayor’s Youth Award – Alissa Ebert
- The Mayor stated that she had received six letters of interest for the vacant council position. Motion by Councilwoman Ludwig to invite and interview applicants in open session at the September 6th meeting, seconded by Councilman Norvell. Roll call vote taken with all in favor. Motion carried.
- The Mayor stated that the individual she intended to appoint to the Civil Service Commission did not meet the three year City residency requirement. Hope to bring forth a name at some point.
- Mayor and C/A met with Bryan Raines from Senator Cantwell’s office and relayed the need for a grant for a license plate reader ($60,000) to benefit the drug enforcement program.

Presentations: None.

Consent Agenda:
Motion by Councilwoman Ludwig approving Consent Agenda consisting of:
> July 5th and 19th Regular Minutes
> July Payroll and Claim Vouchers
Seconded by Councilwoman Nupp. Roll call vote taken with all in favor. Motion carried.

Committee/Commission Reports: None

City Administrator Report: None
City Attorney Report: None

Old Business:
- The Mayor stated that when the former C/A was here, we had a shovel ready project for the fire station at the golf course – the cost at that time (2011) was $225,000. We asked the original architect to update the cost and now for the same building it is estimated at $479,000. A USDA loan at 3.25% interest doesn’t make any sense for us. HUD does have Community Block Development Grants for fire stations but they must service low to moderate income. This is a really interesting situation because Chewelah as a whole would qualify, but because the fire station is in a neighborhood that does not qualify as low to moderate income, the project is not eligible. I don’t know where to go with it – we’ll see if something comes up. We’re still working on some other options but we’re not at the point where we are ready to give them to you – maybe at the September meeting.

- Councilman Wight expressed concern regarding Bob Belknap’s letter in which he requested “unfettered access” to the pool – that’s pretty much for anybody to go on the premises. I have an issue with allowing access to untrained people – it’s a hazardous environment. I’m wondering if there shouldn’t be more questions asked of him before we just turn the “foundation” loose on this pool. I wonder if Mike has more questions for him as to how we’re going to proceed on the pool.

The C/A stated that he had been in contact with Bob in trying to prepare for how the foundation might test out the pool – what were the options for fixing it. I haven’t received any answers yet. When he first made the request I think I brought this to the Council’s attention – what did you want -- did you want unfettered access or supervised access so that I could be there to help make sure the right things got turned on. The elective service panels are so rusted from the chlorine that they’re falling off -- so there are a lot of hazards at the pool. I expressed that I was more comfortable being present when the testing was done and I got the impression at that point that you did not want unfettered access. Since then, Colby Dollar and I spent an entire day draining the pool down so that just pond muck was left. Then John brought his sons down and we all shoveled the muck out. So it is at the point where it is ready to be tested and I let Bob know that. At this point, we’ve done our part.

Councilman Wight added that he didn’t think there was a person on this council who did not want the pool to be saved. We’d like this to work out but we need to proceed with a little bit of caution. Councilman May stated that it all boils down to dollars and cents.

The Mayor stated that she had calls from Cathy McMorris’ office and from the State Recreation and Conservation Office (RCO). Bob was asking for access to RCO and Cathy McMorris had been approached for a grant. Any grant that is for the pool has to come through the City and your vote was just to give two years for somebody to see if it is viable. So I said the City is not interested in applying for a grant. Now correct me if that’s not your interest but your vote was simply to let the thing lie for two years. As I reported before, Kyle Guzman was here from RCO and he looked around the pool -- he came back and told Mike and I that there is money to repair pools but with their limited funding he didn’t think ours would ever make it far enough up the chain because it is on a hill -- that makes handicap accessibility an issue. Any grant would require that the entire facility be made handicap accessible and that would have to be done with prevailing wage and not volunteer labor. So I just wanted to pass that along to you and if I’m not reflecting your wishes, you need to tell me that.

New Business:
- Airport – Richmond Lane
  - Ray Watson expressed his concerns involving impediments (trees/branches/vegetation) to the right-of-way access on Richmond Lane for a number of residences, including his, for
the intended direct access to the airport and requested City Council to take appropriate actions for both short and long term resolution of these difficulties. He acknowledged that the existing 60 foot right-of-way was sufficient -- the issue is preserving it. A number of the residents are willing to invest their time and effort to identify survey markers and also be involved with chain saws and equipment in order to mitigate those expenses.

Lee Dorrance stated that he had planted trees along his property on the 60 foot line/30 feet from the center line 25 years ago and the branches are now overlapping so there is no longer 60 feet there. He is willing to cut one pine tree down and trim others in order to allow sufficient clearance for Mr. Watson to taxi his plane. He felt that 45 to 50 feet is sufficient for resident airplanes to taxi. The entire 60 feet is not necessary to do so. He added that a plane does not need to be taxied with the engine running -- it could be towed. He also felt that if trees on his property would be required to be removed then it would only be fair that all obstructions along Richmond Lane be removed (by rough visual survey, he cited 92 offending large trees, over 100 small trees, numerous bushes, a fence and 13 mailboxes).

The C/A stated that neither party had any ill intentions. Mr. Watson had brought the matter to my attention about a month ago at which time I encouraged both parties to work it out amongst themselves. Attempts were made but it's at a point now where the City is going to have to make to make some decisions ... and I say the City meaning we view this as more of an administrative decision based on recommendations from legal. It has come before you so you know why I am going to ask the question I'm about to ask. The 60 foot right-of-way was plotted as a 60 foot public right-of-way -- on the parcel maps it's coded as "5555551" (that's City of Chewelah public right-of-ways). We have 40, 60, 75 foot right-of-ways all over town that aren't maintained to the full extent. Our responsibility down here is to provide safe roads, clear sidewalks, clear view triangles, etc. It's a little different on Richmond Lane -- there are other issues because we did allow people to taxi so it goes beyond just our normal maintenance of roads. When Lee planted those trees I believe he measured off of the center line -- but the road on Richmond Lane is very similar to the roads down here. You have a 60 foot right-of-way but the travelled way on Richmond Lane is not in the center of that 60 foot right-of-way in all places, so though you may measure 30 feet out it may not be from the center of the right-of-way. There definitely are a lot of limbs and very likely some trees on the Dorrance's property that are in the right-of-way, but it is impossible for me to say for sure without locating every survey pin. The reason it came before you is because in order to do that we have to have a professional come up (and I appreciate everyone who has offered to help locate those pins). When I talked to the surveyor this morning I said my best guess is that 90%+ of those pins are in place and easy to find. I know some are buried and will need to be located so we can make the determination of what is and what is not in the right-of-way. He said, based on my description, it would cost about $3,000. The issue is before you tonight because we have not budgeted $3,000 to do that. I need the authorization to spend that money. Lee and Sharon did agree to take down one pine tree and limb up one fir tree -- from what Ray has told me this will solve the immediate problem and would allow him to get his plane home for now. But it could become a bigger issue -- I can see it being more difficult to maneuver in the winter with the snow berms (which at best are 20 feet apart by the end of the winter).

City Attorney Waters stated that facts are needed in order to evaluate the dispute and whether there is liability for the City. From a legal perspective, it would be a mistake not to learn those facts to evaluate the situation. I'm not saying there's liability -- I don't want to go into potential possibilities but without having the chance to evaluate exactly what is going on here, where the right-of-way lies, what's infringing upon it, what the City's obligations are with maintaining the right-of-way with respect not only to the initial
dedication but to the subsequent conversion to use as a taxiway. We just can’t evaluate what potential exposure the City has. A survey that would allow the evaluation of these facts is highly recommended.

- Motion by Councilwoman Nupp authorizing administration to look further into seeking details and facts and to work with Finance to determine if funding is available for the survey, seconded by Councilwoman Ludwig. The Mayor asked Councilwoman Nupp if she was approving the $3,000 or just directing administration to determine whether the funds were available and then relay that to Council in September. Councilwoman Nupp confirmed the latter. Under discussion, Councilwoman Ludwig stated that if we can find a way to finance the survey we should approve it now so Mike can have the surveyor start. Motion by Councilwoman Nupp to amend her previous motion to include approval of payment of up to $3,000 for surveyor services if finance determines funding is available, seconded by Councilwoman Ludwig. Roll call vote taken with all in favor. Motion carried. Motion by Councilwoman Nupp to pass initial motion as amended, seconded by Councilwoman Ludwig. Roll call vote taken on motion as amended with all in favor. Motion carried.

- Due to Police Chief Burrows absence, the Mayor read his report which included 1) department was awarded WASPC grant of $1,000 toward purchase of Laser Radar unit (budget amendment required); 2) department was awarded $5,200 grant from Border Patrol for overtime/mileage for participation in “Operation Stonegarden” (budget amendment required); 3) will continue to work with Tribe toward mutual aid agreement to reduce drug-related crimes at Casino, hopefully including use of their K-9 vehicle; 4) will continue to look for other options for a K-9 vehicle if agreement with Tribe does not come together. Noted need to purchase new patrol vehicle within the next year; and 5) Sheriff’s Office has asked if they can occasionally borrow our speed board trailer.

- Fire Chief DeVeeu stated that he thought a simple situation was being made complicated. For a fire station at the golf course, all that is needed is a two-bay heated building with bathroom/shower that could house two fire trucks. He made some inquiries/research and the estimated cost for materials for a basic 36’ x 60’ x 14’ building is under $19,000 - still need to address costs of slab, heat, electric, bathroom/shower, and wall insulation -- I would be shocked if the whole thing couldn’t be brought together for $100,000. The C/A said that as noted with other projects, prevailing wage would approximately double the costs. The Mayor stated that a firm price was needed and so plans were required in order to put it out to bid. So let’s get a price and then we can talk about how to get there from here -- Mike will be working with you on that.

Adjournment:
Motion at 7:53 PM by Councilman Wight to adjourn, seconded by Councilwoman Nupp. Roll call vote taken with all in favor. Motion carried.