REGULAR COUNCIL MEETING  June 20, 2018

Officials in Attendance: Mayor Dorothy Knauss; Councilmen Payton Norvell, John May, Evan Schalock, and John Wight; Councilwomen Nicole Norvell and Cori Wuesthoff and Carra Nupp

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

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

Audience Comments: None

Approval of/Changes to Proposed Agenda:
Councilwoman Wuesthoff requested that Mike and Alyssa Bellevue be added under “Presentation” regarding sidewalks at Lovejoy division. Motion by Councilman Norvell to approve agenda as amended, seconded by Councilman May. Roll call vote taken with all in favor. Motion carried.

Announcements/Appointments, including:
- Governor Jay Inslee was at City Hall on June 14th to meet with members of the Stevens County and Spokane Tribe Broadband Action Team (BAT) to discuss the difficulties of broadband internet connectivity in the area as part of a 3-day statewide tour to discuss rural broadband needs and solutions.

Presentation:
Mike and Alyssa Bellevue questioned the reasoning behind a mandate for sidewalks along 3rd Street East and 4th Street East as it relates to their Lovejoy subdivision when there are no sidewalks anywhere in either direction. They also referenced the bonding requirement and its two-year time limit, with no provision for extension. The cost of the sidewalks, and the short timeliness of the bond make the project financially impracticable. They referenced portions of the City code that they interpreted as allowing for alternatives to sidewalks, curbs, and gutters and for secure methods other than bonding. They requested that the Council look at the existing language of the City code and allow for final plat approval of the subdivision, without requiring the construction of sidewalks or a performance bond – if sidewalks were absolutely required, they would be open to tying that requirement to the Certificate of Occupancy rather than a bond.

City Administrator Mike Frizzell stated that a preliminary plat is used for the division of 5 or more lots and that is what Bellevue applied for – the division of that property into 5 lots. A preliminary plat is first because it initiates a review of that process and allows four years for the construction of whatever is required. It gives the City and its planners a chance to review and suggest what needs to be done according to City code. It gives the applicant a 4-year period to complete those improvements -- most of the time it’s additional water, sewer, sidewalks, or streets. In this case, all of those were in place except for sidewalks. Once these items are completed, then they can apply for a final plat. The City reviews and determines that everything is done appropriately and we sign off. Once we sign off, they become legal lots that can be sold and built on.

Currently sidewalks exist on three sides – not necessarily on this property but on the block that this property sets within -- on Lincoln, Washington and on the west side of N 3rd St E next to the bowling alley. (There are areas in town that were developed without sidewalks according to the city code at the time of development).
The Preliminary Plat Application/staff report was given to the Hearing Examiner who set up a public hearing and wrote his recommendation to the City Council. The Council reviewed the Hearing Examiner’s Summary of Proposal and Decision and based on his recommendations the Council approved SUB-01-2017 on February 7, 2018. Council does not have to accept a recommendation of the Hearing Examiner -- it can come up with its own recommendations and then look at those -- but Council would have had to do so at that time. The fact is that the recommendation of the Hearing Examiner was accepted by Council on February 7th and so at that point it was official with the exception of the ability to appeal -- it would have had to have been appealed to the Superior Court within 21 days the deadline for that was February 28th. So as far as changing the requirements upon the developer, it can’t be done at this point -- at this point the decision is final and we are well past the appeal deadline. It does however open for future discussion what we want to require as a city of future developers. Some of their concerns are legitimate.

Their request for the option to tie the sidewalk requirement to the Certificate of Occupancy -- this is not an option for us because it is not in our city code. But IF that were the case, the issue would be that if any of those lots were sold down the road and the developer did not want to carry through with building homes on them, the responsibility would be shifted from the developer to the persons who then own the lot and in order to get a Certificate of Occupancy the new owners would have to bear the cost of constructing sidewalks in front of their lot -- a requirement that they probably would not be aware of when they purchase the lot -- that would be the downfall.

Bellevue mentions the bond and we agreed that bonding it made more sense because to put in sidewalks and then drive over them with heavy equipment is not ideal -- so we agreed from the very beginning that bonding was appropriate as long as the City had a guarantee that the sidewalks would be in place at the end and ready for final plat. The bonding, according to MRSC and our planner, was a two-year limitation. Bellevue had previously asked whether at the end of the initial two-year bond it could be re-bonded for an additional two-year extension. MRSC said ‘absolutely not’ as the RCW states that it is from the time of final plat -- at the signature of the final plat you have a two-year term. The question that came up after that, and which I talked to Bellevue about a few days ago, was that we think that it can be interpreted differently -- that it might be strictly the operation and construction could be separate. So, we have asked MRSC again and when we have final answers we will bring those back to you -- that will be within two weeks. So, there is a chance we can do a longer-term bond, but as it sits now the answers we have limit it to two years. That chance may possibly provide more time for them to get the construction done -- beyond that there isn’t really any other room without changing the code completely.

The existing code clearly states that it is 100% the responsibility of the developer to put these things in place. Tying it to the Certificate of Occupancy would shift that, so we can’t allow that unless the code is changed. So even if we wanted to change the code and expectations and whether we wanted sidewalks or not, it would mean a code amendment -- we’d have to do that. It still wouldn’t affect Bellevue because his has already been approved and accepted UNLESS he wanted to reapply after that code amendment was completed. As it sits tonight there isn’t a decision to be made but good questions have been brought up. One question that has to be answered is what standards do we require with regard to sidewalks and in what areas. Currently the code says that you will construct a safe place for people to walk.
This has nothing to do with Bellevue and his development but we have been burned in the past with bonds that we didn’t collect -- one of those was the fiasco on Chewelah Crest the last 3 years. There were lots that were signed off on a final plat and nothing had been done to finish the project -- we had to hold up all building permits until they finished their development.

**Committee/Commission Reports:**

- **Finance, Councilman Norvell:** The committee recommends purchase of Long Term Care Insurance for the City’s LEOFF I retiree – a 25-month base policy ($3,875 monthly benefit) with an Unlimited Continuation of Benefits (COB) rider and an Unlimited Lifetime COB Inflation Option of 3%. Motion by Councilman Schalock to purchase LEOFF I Long Term Care Insurance as recommended by Finance Committee, seconded by Councilman Norvell. Roll call vote taken with all in favor. Motion carried.

**City Administrator Report, including:**

- Police Department has requested that hours of operation be set for Reebok Court/Central Park due to increased evidence of drug/alcohol activity. The main park hours of operation are 6AM – 11PM. Motion by Councilman May to apply same hours of operation at Reebok Court/Central Park as the main park, seconded by Councilman Schalock. During discussion Council talked about perhaps having both parks hours end at 10PM which would take a code amendment. Roll call vote taken with none in favor. Motion failed. Matter referred to Committee.

**City Attorney Report:** None

**Old Business:** None

**New Business:**

- The C/A talked about the possibility of a 20-year lease for the pool property. Consensus for the C/A to work with the Finance Committee on the draft lease for review at a subsequent meeting.
- The Mayor stated that some of the pilots have requested that our airport be renamed. WSDOT Aviation lists our airport as local – Colville is listed as Colville Municipal Airport, Deer Park is listed as Deer Park Regional Airport – it makes ours seem like a private little thing. Motion by Councilman Schalock to rename Sand Canyon Airport as Chewelah Municipal Airport, seconded by Councilman May. Roll call vote taken with all in favor. Motion carried. The Mayor stated that the appropriate paperwork would be prepared and presented to Council.

**Adjournment:**

At 7:51 PM, motion by Councilman Norvell to adjourn, seconded by Councilman Wight. Roll call vote taken with all in favor. Motion carried.

Mayor Dorothy L. Knauss

Clerk/Treasurer Pamela McCart

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