

**Town of Twisp
Council Minutes
02-27-2007
Executive Session (legal) - 7:00 PM
Regular Session – 7:45 PM**

Regular meeting was called to order at 7:04 p.m. Mayor Nations announced the first order of business was an executive session with Attorney Scott DeTro attending that would last approximately 45 minutes. Regular meeting was adjourned and Executive Session was convened at 7:04 p.m.

Regular session was reconvened at 7:50 PM by Mayor Nations -- Adjourned at 9:15 PM

Council Members Present: Mayor Vern Nations
Jackie Moriarty
Clint Estes
Stephanie Hickman
Shari Brown

Council members absent: Sam Hanan

Request for additions or changes:

Change:

Additions: Old Business:

New Business: *Add a presentation by Gina Montaverde on the metal drive*

Council Member Brown led everyone in the Pledge of Allegiance.

Meeting Minutes:

Council Member Moriarty moved and Council Member Hickman seconded a motion to approve the minutes of the 2/13/07 meeting as amended. None opposed; motion passed.

Mayor Nation's Update to Council:

- He has had the flu the past week and doesn't have anything to report.

Department Heads & Committee Reports:

➤ **Gary McConnell, Public Works Superintendent**

- He needs an additional Council member to participate in reviewing the qualifications of engineers and consultants who want to be added to our roster. Stephanie Hickman said she would participate. She asked when the review would be and was told that it was at 5:00 p.m. the next Monday. She will need to review eight lengthy proposals before the meeting. Vern Nations asked how many local engineers applied and Gary responded that there were two local firms.
- They have their Cross Connection Control plan done, at no cost, with the help of Evergreen Rural Water Association. Our engineer had wanted \$35,000 to do this plan, so he is pleased to report they did it at no cost and the health department has approved it.

- Gary reported that they had a sewer camera in Town to check out the sewer lines. He said there were some immediate problems seen that they have already taken care of. There are some bigger problems that will require more costly work and he will be getting back to the Council on that at a later date.
- **Don Willson, Planning** He did not have anything specific. He has had a lot of people asking about subdividing their property and how the moratorium affects their plans. He said that there seems to be a lot of interest in development in town.
- **Colleen Storms, Clerk/Treasurer**
 - She presented a year-end (2006) statement of cash position with the reconciled bank statement balance. She pointed out the net change in cash of approximately \$120,000 over 2006.
 - She asked the Council how much effort and cost they wanted to see staff put into identifying unlicensed dogs. She said they are up to about 48 licenses in town, but this is probably just a fraction of the town's dogs. She explained they've had more complaints of late about marauding dogs around town that are a nuisance. Council indicated they feel people have had the opportunity to comply and that they would like to see us enforce our ordinance. They encouraged us to have Lori work on this during the winter when her time is not taken up with park work. Janice Timbers asked if she could get a list of the people in the mobile home park who have licensed to date.

Public Comments: No one commented at this time.

Old Business:

- Leanne Leifer from Okanogan County Transportation and Nutrition
 - o She said that their organization provides bus service around the County and passed out a ridership report to the Council. The bus based in Twisp has a high volume of riders, mostly seniors and disabled persons. It is the fourth highest ridership city in the County.
 - o She explained they also have a senior nutrition program where the elderly residents of Town can get meals three times a week at the Community Center and they also handle home-delivered meals for people who are unable to make it to the center.
 - o She explained further that they always have a funding shortage. Participants are asked to contribute money to cover the cost of the services, approximately \$3 per meal. She said that the seniors they are serving are the most vulnerable financially, however, and the contributions fall short of their costs. They have provided these services since 1978.
 - o They receive grant monies from the federal and state governments and local match is sought to fill the gap. Winthrop has contributed this year already. She asked that Twisp contribute to these services in an amount similar to other Towns of our size in the County.
 - o The Council asked Clerk/Treasurer Storms if this was something that was in our budget. She explained that this information was not available when we were working on the budget and she had not been here the previous year when they brought a request to Town, but the Town was unable to assist. She said that the General Fund budget would need to be revised to include this expenditure and that a revision is already planned. Since we budget at the fund level, we have

- legal authority to expend the money, but will need to determine if something else is decreased or if the money will be added in the revision.
- o Council Member Moriarty moved and Council Member Hickman seconded a motion to sponsor \$1,000 of the unmet cost of services of the Okanogan County Transportation and Nutrition organization that provides critical meals and transportation for our most vulnerable citizens. Motion passed unanimously.
 - Council approval of draft land use component of the new Comprehensive Plan
 - o Mayor Nations announced that the Council would now take Public Comment about the land use component presented by the Planning Commission.
 - o **Public Comment**
 - **Bob Ulrich** – He has looked at this plan and thinks the committee has done a really good job on this. He feels it addresses public concern and has a lot to offer our community and he would like Council to approve it because it will be a real asset to the Town of Twisp.
 - **Mark Edson** – He encouraged the Council to consider the problems in Chelan because of a loose interpretation of how the minimum lot size would affect Wal Mart’s plans. Chelan is now spending a lot of money on legal defense as the public has challenged their actions. Mark gave an example of how the Town might respond if someone wanted to put an industrial purpose in the middle of a residential neighborhood. He felt that the same consideration should be given for turning an area around an industrial zone into a residential zone. He said that people would object in the first case, but also in the latter. He said he feels it is spot zoning. He read several legal interpretations, one written by ex-Attorney General Slade Gorton, about spot zoning. He said what is proposed is to change the land around him and three other industrial lots to commercial riverfront property, which would allow residential and commercial building. He feels that this will create future conflict and may meet the criteria of spot zoning. He then presented Washington Administrative Code (WAC 173.60.010), which designates Environmentally Designated Noise Areas and sets them out in classes. He explained how the industrial noise is in a class that should not be adjacent to residential Class A property without appropriate buffers. He said that he would suggest one of a couple solutions. The Town could make the land adjacent to the industrial land commercial as a transition to the residential. Alternatively, the Town could create a buffer zone requirement around the industrial property, making the 40 ft roadway an actual road easement on the one side.
 - **Bob Lloyd** - He agrees with Bob Ulrich that the Comp. Plan is good and that public input has been incorporated. He said, while Mark’s comments are good and should probably be part of the zoning ordinance discussion, he would like to see the Council approve the land use portion of the Comp Plan now so that the Commission can move forward.
 - **Kurt Danison (Contract Planner)** – Kurt said that the Town is not required to take public comment at this time as the whole plan will be subject to a public comment period before adoption. However, he said because of the history of the discussions in town the Planning Commission wanted an indication from the Council whether their work to date was acceptable since the balance of the work is predicated on the land use element. He said the exact details of what takes place on

people's property and zoning decisions are not to be part of the Comp Plan. The Comp Plan is supposed to be a broad vision of the community for their Town's future, and he feels the Planning Commission has brought that to the Council. The water plan requires this information as well. He feels that some of Mark's concerns, the specifics of the zones, should be addressed in the Zoning Ordinance discussions. The Comp Plan is not supposed to define the zones in this kind of detail.

o Council Approval

- Council Member Moriarty expressed that she has worked with Kurt for over 15 years and she is confident in his recommendations to the Town. She also participated in two of the public comment sessions on the Comp Plan and felt the Commission listened and incorporated the public's wishes in this Plan. She also said she can attest to the fact all scenarios cannot be foreseen and the Council and Commission can only do their best to lay out a plan.
- Council Member Hickman said she still has concerns about the possible spot zoning issue and that comes from her experience on the Planning Commission. She said that they would not be the people sitting at this table 20 years down the road and she has some real concerns about setting up conflicts for the Council and Staff in the future. She asked why the Commission needed their approval of this part of the Plan at this time.
- Council Members Estes and Moriarty recalled that the Council had asked the Planning Commission to bring back a section of the plan as it was completed so that they didn't do all the work without Council input. Council Member Estes said he believed Council Member Hanan had several concerns he'd voiced to the Mayor and asked if they needed to wait to make a decision.
- Mayor Nations said he did not believe they had to wait for Sam's return to make a decision because it all seems to come down to the buffering issue and that could be addressed in the zoning ordinance, if he understood the process correctly. Kurt Danison spoke up and said that there are definitely some valid concerns that were voiced by Mark Edson and the appropriate place to address those concerns was in the zoning ordinance. He said the Commission's plan, after completing the Comp Plan, was to prepare the Zoning Ordinance changes and bring it all back together for adoption so those concerns can still be addressed.
- Council Member Brown said that she is comfortable with the work the Planning Commission has done on this and she would like the Council to give their preliminary approval to the land use element.
- Council Member Hickman asked again about the zoning issues Mark voiced and Planner Kurt Danison explained more about the zoning ordinance process versus the Comprehensive Plan process and how those specifics would be addressed in the former.
- Council Member Estes moved and Council Member Brown seconded a motion to approve the work done to date on the land use element of the Comprehensive Plan and directed the Planning Commission to move forward on the other elements. Motion passed unanimously.

New Business:

- Highlands Associates 2007 Agreement No. 2
 - The Planning Commission has asked that Highlands be contracted to assist them with the completion of the Comprehensive Plan.
 - Clerk/Treasurer Storms explained that we had anticipated having the Comp Plan complete by the end of 2006. However, there is still work to be done. Approximately \$3,549 of the prior year's appropriation for the contract was not spent in 2006. She gave them a report that showed the expenditures to date.
 - Highlands had prepared an estimate of what it would take to complete the plan in 2007. They have the ability to do the secretarial work on the Plan and the mapmaking that is required as well as advising the Commission on the legal issues associated with their actions. The proposal is for \$10,530 to complete the elements on the schedule attached to their proposal. Along with the \$3,549 remaining from the prior year's appropriation, we are able to draw another \$1,650 from a Growth Management Act grant to assist in this effort, so we will actually affect the current year's budget by a net of about \$5,000.
 - Council Member Hickman asked whether the Highlands contract they passed in the previous meeting was affected by this change. Clerk/Treasurer Storms explained that the earlier contract, Highlands contract 2007 No. 1, was for general planning services, not the Comp Plan work.
 - Council Member Moriarty moved and Council Member Hickman seconded a motion to approve the Agreement No. 2 for 2007 with Highlands Associates in an amount not to exceed \$10,530. Motion passed unanimously.
- Police Contract Action
 - Council Member Estes moved that the Council authorize Mayor Nations to negotiate a resolution to the police contract issues with the Okanogan County Sheriff's Office. Council Member Moriarty seconded the motion. Motion passed unanimously.
- Gina Montaverde representing Methow Recycles, our local recycling center, as they request permission to use the Town of Twisp's land near the airport for a metal recycling drive.
 - The metal drive has been held three times before on this same site behind the airport.
 - They anticipate it will all be completed between the end of April and the end of June, as volume and weather allow. They are going to try and shorten it up as much as possible.
 - They have had discussions with Paul Herget, the neighbor who came to Council a few months ago with concerns about the drive locating in that vicinity. She said that they will work with Paul to try and mitigate the noise from the crusher and also to set hours and try and locate the car crushing in a way that respects his need for peace and quiet. They said Paul understands the importance of the event and gave them the nod. They also told him that they would be working on acquiring a different site before the next drive 2-3 years from now.
 - They will provide fencing, the metal crushing contractor, and will work on dust control during and after the event. They feel it is more important to put down the dust coating after the event.
 - They feel this is a community service and people are in support and asking about this event. Bob Lloyd had been contacted about an alternate site on his property, but his company had concerns that metal debris could cause damage to their tires.
 - Gina said she also talked with Rob Crandall from Methow Natives about seeding the area in the fall to help retain the soil.

- o Mayor Nations asked whether the setbacks from the airport runway were an issue. Council Member Estes said to his understanding the height requirement is under 17 ft. within that zone and he is not sure if the site would even be within the zone.
- o The Town Council's consensus was that they would again let the drive locate on the property adjacent to the airport with the provision that Methow Recycles address noise and dust control issues for the satisfaction of nearby residents.

Public Comment

- Jackie Moriarty regarding the Airport Layout Plan
 - o She said she understood that the Airport Layout Plan comments were to go to Colleen for input back to the plan development contractor.
 - o She asked about the acreage that is named in the plan and whether that included the adjacent land that the Town did not want to be identified as part of the airport. Council Member Estes and Mayor Nations said that they did not believe the description included the adjacent land.
 - o Council Member Moriarty also noted that the financial data for the previous three years on the airport showed that hangar space leases were not covering the operating costs of the airport. She said that she felt the airport fees should pay for these costs so that the Town is not subsidizing the airport. She wanted to have that considered in the future.
 - o Mayor Nations said he had asked the airport group to prepare an accounting for the improvements that they contribute so the Town can capture their contribution in its numbers.

Routine Approvals:

The bills were briefly discussed. The Council commented on how high the PUD bills are running on the buildings the Town owns. Clerk/Treasurer mentioned that the Fire Department electric bill has been especially high and Vern and she have both been working with Fire Chief Hutson to get the thermostat set down. The Council talked about putting a locked cover on the thermostat as the building is used by more than just our force.

Motion to approve the current accounts payable and disburse payment was made by Council Member Brown and seconded by Council Member Moriarty. Motion passed unanimously.

Council Member Brown moved and Council Member Estes seconded a motion to adjourn. Motion passed unanimously.

Meeting adjourned at 9:15 p.m.

Attest: _____

Clerk/Treasurer Colleen Storms

Mayor Vern Nations