

# Town of Twisp

## Council Minutes – 9/14/2021

Mayor Ing-Moody called the video conference meeting to order at 5:33 pm.

Council Members present via phone/video:      Hans Smith  
Mark Easton  
Hannah Cordes  
Aaron Studen  
Alan Caswell

**Pledge of Allegiance:**

Council Member Smith led the Pledge of Allegiance.

**Additions/Deletions to the Agenda:**

N/A

**Public Comment:**

Mayor Ing-Moody read the following Public Comments out loud.

Please read this for Public Comment at council:

This response in regard to the application for the Art Walk by the Confluence. It is not my opinion whether it's a valued public event or not, the issue is health concerns during this very difficult time of COVID and it should not be approved. We should not risk exposure with promoting this public event. It also concerns me that this application form needs to be revisited. The area of request for the applicants asks whether public safety personnel are needed, and they declined. This should not be an option for an applicant, the average person has no knowledge of what is needed when it pertains to public safety. On a regular basis when the town has an event there is not adequate personnel on duty. I realize that we are short staffed with our police department and do not have adequate coverage which poses additional problems. Normally in this situation other police agencies are contacted for contract work and whoever needs the coverage pays for the staffing as part of the permitting cost and process. Then pertaining to Public Works in the application they are already requesting additional work with street closures, signage, garbage and restrooms, which contradicts the request, in addition EMS also should be standing by.

Thank you,  
Leone Edson  
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Dear Mayor Ing-Moody and Town Council:

I am a property owner on Methow Street, bordering the east side of the TwispWorks campus. TwispWorks has recently requested that the PDA be dissolved, and I fully support this, along with the corollary action of having TwispWorks' zoning revert to C-1 by dissolving the PDA Overlay. When the Overlay was created, its purpose was to allow the fledgling campus reasonable latitude with respect to zoning, specifically: "The public development overlay creates special requirements and provisions meant to achieve a balance between performance standards set forth within the Twisp zoning code and the underlying C-1 zone." (Emphasis mine; Twisp Municipal Code 18.40.060[4])

And “all uses and activities must be approved by the town of Twisp planning administrator and PDA management for compliance with the district use for the C-1 zoning district and this PDA overlay.” (18.40.070[6]) Clearly, the intention was that a case-by-case balance should be sought between the C-1 zoning and the PDA Overlay. The intention was not that all proposed projects should be green lighted, or that the more lax PDA Overlay zoning always take precedence over the underlying C-1 zoning. In practice, however, that is exactly what has occurred. Under the lax PDA Overlay zoning, with limited intervention by the Town, TwispWorks has had a profoundly negative impact on its residential neighbors, including, but not limited to:

- improperly secured trash and recycling that has repeatedly blown into neighbors’ yards, and is visible from nearby residences
- noxious blue smoke pouring into nearby yards
- excessive noise from: the Tap Room, concerts extending beyond quiet hours, and heavy machinery/exhaust fans
- open containers throughout the campus, where children play and go to school
- greatly increased vehicle traffic and dust through a driveway that is not intended as a primary entrance or exit to the property
- installing a bar 30 feet from the nearest residential neighbor, resulting in excessive noise, smoking within 25 feet of neighboring businesses, and drunken patrons urinating and defecating in full view of the adjacent residential properties
- a parking lot drainage basin that has failed on at least two occasions, draining sludge and parking lot runoff across the neighboring property
- jackhammering for parking lot construction which resulted in cracks in the foundations of neighboring properties
- outdoor lighting without adequate screening
- limited to no setback of structures from the Eastern boundary
- concentration of all the light industrial uses on the campus against the nearest residential boundary, with a recently proposed intention to expand these buildings even further, rather than elsewhere on the 6.4 acre campus

Now that the TwispWorks property is fully developed, and ownership of all buildings has transferred to TwispWorks, there is no need for either the PDA or PDA Overlay. TwispWorks is no longer a fledgling organization in need of special accommodations to become a reality; they are a million-dollar organization that is well established, on a property that is fully developed. It is only right that they be held to the same standards as all other businesses in Twisp. I respectfully request that you dissolve the PDA and PDA Overlay and change TwispWorks’ zoning to C-1.

Sincerely,  
LaShelle Easton

P.S. Although I am married to a town council member, I would hope that my point of view is not conflated with his.

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Hello there, I would like to make a public comment regarding some development that is going on in my neighborhood. I live directly adjacent to the Twisp works campus, where a proposed mechanics shop is going in soon. In the past, I have noticed that Twisp Works doesn’t necessarily have the same development oversight as other commercial businesses in town because of the Public Development Authority structure. I strongly want to urge Mayor Moody and the City Council to revert Twisp Works to standard C-1 zoning, so that it would abide by the same oversight and laws as other commercial businesses in town. Putting industrial businesses in the middle of a residential neighborhood has its challenges, and I would hope that residents’ quality of life are not further harmed by future impacts of these mechanics and welding shops.

Thank you,  
Heidi Dunn

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Dear Town of Twisp,

It is my understanding that the council is voting on whether or not to dissolve the TwispWorks Public Development Authority (PDA).

Based on its loose interpretation of the Twisp Municipal Code as well as Appendix A-District Use Chart and the resulting negative effects on bordering private properties, I strongly request that the council move forward with the PDA's dissolution.

I also ask that TwispWorks be strictly held to a C-1 standard including but not limited to all projects both currently awaiting permit approval and also continuing into the future.

Thank you

Barbara Maygers  
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Subject: 3rd Notification and Public Comment about Public Restrooms

Mayor Soo & Twisp Town Council,

Yesterday evening at 6:45 the public restrooms were still unlocked. This is the third time since June 22nd that we have notified the town that they are not getting locked on the routine schedule that was published in the newspaper. Section 5.1 of the lease agreement states that Twisp shall be responsible for locking the public restroom facility on the Premises each night at the conclusion of the established hours of operation. We insist that the town follow this agreement and provide clear hours of operation and adhere to them by locking and unlocking the doors on schedule. The security of our building is at risk.

Additionally, this letter serves as notice that the restrooms are not being maintained in a clean and sanitary manner. We note that the trash is the one aspect of the restrooms that is being maintained. Other than that, there is no cleaning schedule for mopping and/or sweeping, cleaning sinks, counters, and toilets, and wiping high touch surfaces like the entryway doors. There remains a leak on the left urinal that we notified you of on Aug 14th. (Video attached in email copy). When Missi asked a Public Works staff member what the cleaning schedule is, he said there isn't one.

Section 8 of the lease agreement states: REPAIRS. Twisp agrees to maintain in a clean, orderly, and sanitary condition and keep in good repair the Premises ordinary wear and tear excepted. Such maintenance and repair shall be at the sole cost of Twisp. In the event Twisp fails to keep the premises in clean, orderly, and sanitary condition, despite ten (10) days written notice of problems in that regard from The Mere, The Mere may arrange for and undertake appropriate cleaning, maintenance, and/or repair, and bill Twisp for the expense thereof.

We will be opening our building next month to patrons and the condition of the restrooms right now is unacceptable. We have had inquiries from organizations who would like to rent our building, which is one way we earn income, but they are reluctant to use our facility with the state of the restrooms as they are. As you know, our business has been closed for a year and a half and we have had no earned income. It comes as a disappointment and hardship that we will suffer continued lack of income if the state of the restrooms does not improve. As per the contract, beginning 10 days from today, September 10, if conditions aren't greatly improved and we aren't made aware of a routine cleaning schedule, we will arrange for cleaning and bill Twisp. We will also arrange to have the urinal repaired.

We turn to the lease agreement a final time. Section 13.1.b states that a default occurs when: Failure by Twisp to observe or perform any of the covenants, conditions, or provisions of this Lease, if such failure shall continue for a period of 30 days after written notice from The Mere. This letter stands as that notice. Thank you,

The Merc Playhouse Board of Directors

Anne Andersen, Jane Orme, Barb Gohl, Linda Reese, Pasty Rowland, Sol Gutierrez, Christine Kendall

Mayor Ing-Moody asked Clerk Treasurer Kilmer and Deputy Clerk Grennell if any other public comment had been received prior to the meeting. They both verified that nothing else had been received.

### **Public Hearing: Appeal - McCrea Boundary Line Adjustment Denial:**

Mayor Ing-Moody opened the Public Hearing at 5:55pm. She asked Planner Kurt Danison to read his staff report. Danison read the staff report detailing the communications between the town and BLA parties throughout the application process. He stated that the application was denied based on the easement not being sufficient enough as the town is requiring a 20'x50' easement that goes with the land and not the lease holder. Mayor Ing-Moody then requested that Mary McCrea and her party give their verbal appeal of the denial. McCrea stated that parcel A is owned by Christina McCrea and Eric VonderReith and parcel B is owned by herself, but Laura Karcher is planning to purchase. She stated that while waiting for the town to comment on the size of the easement, she had already recorded it with the county. McCrea is asking that the Council make a decision tonight on the denial of the easement access as well as allowing access to parcel B off of Methow St. McCrea invited Laura Karcher to speak next as she is the intended purchaser of parcel B. Karcher explained that since the property is zoned R3, she would like to build a duplex/triplex on that parcel. She stated that by doing so would provide more residential space to that area; it wouldn't make sense to have them use 4<sup>th</sup> as it is a dead-end street and would add more traffic. She would like to have access to the property be provided off of Methow St as it is in her opinion that there would be more room for vehicle access. Eric VonderReith spoke next and wanted to respond to the 4 points that were given by PW Director Denham. 1. He said that the power pole/guywire that is adjacent to the fence is in the way of access to the property - VonderReith disagreed showing a photo of what in his opinion is the same setup at another location in town. 2. He said that the garage access off of 4<sup>th</sup> - VonderReith stated his opinion that it shouldn't be an issue because the garage on that parcel has been converted and isn't a garage anymore so that shouldn't matter. 3. He said that the access off of Methow St is not equivalent to a street for public access – VonderReith stated that they would pay to have the road graded to provide access to the property. 4. He said that the reason for not allowing access is due to snow removal storage – VonderReith stated his opinion that this Public works could push the snow further back on Methow St towards the dead end; he also stated his opinion that only one side of the roadway would need to be cleared for vehicle access to the property.

Mayor Ing-Moody asked the Council if they wished to comment on the appeal.

Council Member Smith clarified that the easement would run with the land and the easement is the reason for the denial. He said that the denial is not based on the Methow access request and that he is not comfortable granting access to Methow Street tonight as that would be another separate issue and request. He is looking at the concerns expressed regarding the easement requirement. Council Member Studen said he could see the argument from both sides and said that allowing Methow Street access is more of a bigger project that needs further investigation on cost and proper engineering of a town street, etc. He is concerned that that may be too much of a burden for the town to take on for just one property.

Council Member Studen moved to uphold the Administrator's decision. The motion was seconded by Council Member Cordes and passed unanimously.

### **Mayor's Report:**

Mayor Ing Moody stated she did not have anything new to report at this time.

### **Staff Reports:**

Chief Budrow reported that the Police Department is working on a big theft case that involves someone stealing packages out of the FedEx and UPS drop boxes in front of Hanks Market. He said they were able to obtain a search warrant and make an arrest where the suspect spent a few days in jail. He said they have over 134 pieces of evidence. He encouraged everyone to reach out to anyone they know to inform them there is an active case and they need as many "victims" to come forward.

Director Denham reported that the SR 20/Canyon Street Crossing is expected to be reground and paved September 28<sup>th</sup> which should wrap that project up. He said the Sports Complex has been planted so there is grass starting to grow. He said there is a little bit of work left on the Twisp Ave project as the utilities are in but will need to continue with hookups and other details.

### **Committee/Commission/Board Reports:**

Council Member Caswell attended the Planning Commission meeting last week where they discussed the latest red line edits for the Sign Code. He said that Planner Danison has more work to do prior to approval.

Council Member Cordes attended the Friends of the Pool (FOP) meeting where they continue discussions of the feasibility study with Ballard King. She said on September 22<sup>nd</sup> they are having a virtual kickoff meeting and then an in person meeting on October 14.

Council Member Smith said that the Public Safety meeting took place earlier in the day where they continued the discussion on the Police Department Collective Bargaining Agreement and also discussed renewing the contract with Fire District 6.

Council Member Studen reported that he attended a special meeting with TranGo. He said they voted to not renew the contract with the General Manager Kelly Scalf. He said they have someone working on the job description for the position. He said that Jackie Gleason accepted the position of Financial Officer/HR and they will be working together on the budget.

Mayor Ing-Moody reported that she attended the recent Okanogan Council of Governments meeting. She said the committee has established they will be hiring a secretary for the RTPO/OCOG. She said that the Sheriff and Emergency Management were in attendance, and they discussed the ongoing surge of Covid in the county and that it has disrupted all local hospitals.

### **OLD/NEW BUSINESS:**

#### **Discussion/Action: Public Event – Twisp Fall Art Walk:**

Clerk/Treasurer Kilmer advised the Council that the organizers of the Fall Art Walk were requesting the use of LTAC funds to pay for porta-potties in town during the event. He said it would be approximately \$209 for the rental cost.

Council Member Easton moved to approve the use of LTAC funds for the intended use if application is approved. The motion was seconded by Council Member Cordes and passed unanimously.

Clerk/Treasurer Kilmer asked about the request for the street closure also included on the application.

Council Member Smith moved to approve the temporary closure of Glover Street between 2<sup>nd</sup> and 3<sup>rd</sup> Avenue as requested. The motion was seconded by Council Member Easton and passed unanimously.

#### **Discussion/Action: ARPA Funds Request:**

Clerk/Treasurer Kilmer stated that the chart in the packet shows the requested funds for the Springbrook Cloud upgrade and the requested funds for the new website. Council Member Smith stated that the Finance Committee is in support of the use of these ARPA funds.

Council Member Smith moved to approve the requested use of 2021 ARPA funds as presented. The motion was seconded by Council Member Easton and passed unanimously.

**Discussion/Action: Resolution #21-681 – Twisp Public Development Authority:**

Mayor Ing-Moody opened the discussion about the PDA dissolution saying that this is a carryover from a previous discussion at a recent Council Meeting. Clerk/Treasurer Kilmer stated that the town received a letter signed by David Gottula, Chairman of the PDA today as well as a petition signed by several Twisp residents in support of the dissolution of the PDA.

Council Member Smith said he has a concern over dissolving the PDA prior to resolving some unspecified project impacts including a paving project. He feels that the Town needs time to resolve those issues before moving forward with the dissolution. Council Member Easton said that he is an adjoining landowner whose property abuts the TwispWorks Campus. He stated that after hearing the public comments, there are obvious concerns from Methow Street area residents that are being impacted by the development at TwispWorks. He thinks that any building permits going forward should be subject to the C1 zoning. He asked Council Member Smith what unspecified concerns he has that would need to be addressed prior to dissolving the PDA. Council Member Smith said that the code is clear that while there is a PDA overlay, the C1 zoning regulations should not be ignored by prolonging the PDA dissolution. Council Member Cordes said she is in favor of moving forward with the dissolution but is not sure how to do that. John Battle, PDA Board Member and Twisp Planning Commission Chairman liked the suggestion of moving PDA discussions into a committee meeting where members of the PDA could be in attendance.

Council Member Smith would like to move the PDA dissolution discussions to committee level to ensure that unspecified projects are rectified prior to moving forward. The motion was seconded by Council Member Caswell and passed with Council Member Easton abstaining. Council Member Easton would like it on record that he feels the Council is clearly divided on the dissolution and that he feels the interpretation of the code for all pending permits should be C1 until the PDA is dissolved.

**Discussion/Action: USDA Water Bulletin Subsequent Funding:**

Council Member Caswell moved to approve the acceptance of the USDA Water Bulletin Subsequent Funding as presented. The motion was seconded by Council Member Smith and passed unanimously.

**Discussion/Action: OCTA Interlocal Extension – SR20/Canyon Street Bus Stop & Crossing:**

Council Member Smith moved to approve the Extension to the Local Agreement between Okanogan County Transit Authority and the Town of Twisp as presented. The motion was seconded by Council Member Caswell and passed unanimously.

**Consent Agenda:**

- Accounts Payable/Payroll

Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing, which has been made available to the Town Council. The following voucher/checks are approved for payment by a majority vote on this 14<sup>th</sup> day of September 2021.

Payroll	EFT# 1793-1797, 1799-1808, 1843-1847	63884.26	8/31/21
Accounts Payable	EFT# 1870-1871	751.68	9/14/21

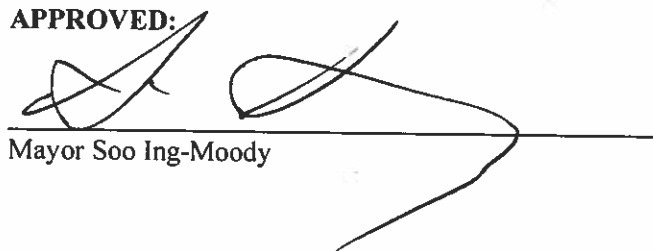
Accounts Payable	Warrant# 36986-36991	14825.18	9/14/21
Accounts Payable	Warrant # 36944-36985	91446.48	9/14/21

Council Member Caswell moved to approve the consent agenda as amended. The motion was seconded by Council Member Cordes and passed unanimously.

**Adjournment:**

There being no further business to come before the Council, Mayor Ing – Moody adjourned the meeting at 7:49 pm.

**APPROVED:**



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Mayor Soo Ing-Moody

**ATTEST:**



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Clerk/Treasurer Randy Kilmer