

Town of Twisp Council Minutes – 08/07/19

Mayor Pro-Tem Smith called the meeting to order at 5:30 p.m.

Council Members present: Alan Caswell
Aaron Studen
Hans Smith
Mark Easton

Council Members absent: Hannah Cordes

Pledge of Allegiance:

Council Member Studen led the Pledge of Allegiance.

Additions/Deletions to the Agenda:

N/A

Public Comment:

Before public comment was asked for, Mark Edson requested of the Council that the entire assembly stands in a minute of silence for the victims of the El Paso and Ohio shootings. Mayor Pro-Tem Smith consulted the Council about this request and agreed. All in attendance rose and silently reflected for sixty seconds.

Mark Edson brought up a perceived conflict between accepting federal funds and following federal law. This comment is made regard to the Council discussing accepting federal funds for the Civic Building, but also allowing a marijuana shop to operate in Twisp. Mark stated that Leavenworth has not allowed marijuana shops specifically to comply with federal law and to keep lines of federal funding open. Mark feels that the Judge who made the decision to allow the marijuana shop in Twisp had no choice but to follow state law, but that the Town of Twisp should have done more to prevent this decision. Mayor Pro-Tem Smith stated that the Town had no direct involvement in the lawsuit that was decided in favor of the marijuana shop.

Dennis Doyle suggested that the Town of Twisp is very lax on minutes for Council meetings, and that he'd like to see public comment changed to the end of meetings so participants could be more aware of the issues presented. Mr. Doyle stated that the most recent Council minutes available online are from 07/09/19. Mayor Pro-Tem Smith stated that the reason for the delay in minutes is because of the legal process for approving them. For minutes to be finalized, the Council must approve them by vote. This gives the Mayor and Council a chance to review minutes for accuracy. Since a vote is only taken at a Council meeting, the earliest official minutes can be posted is the day after the subsequent Council meeting. Mayor Pro-Tem Smith noted that the missing minutes for 7/23/19 were to be voted on tonight and couldn't possibly be available in advance of that. Smith also noted that the public comments are in advance of the discussion and action to give citizens a chance to comment before action is taken. If the comments are after the action, it's likely that the comments would have no effect on the action. Smith

commented that the matter of meeting minutes, packets, and public comment has come up repeatedly in recent weeks and that the Council plans to discuss its procedures in these matters soon. Mr. Doyle suggested that a comment period before and after Council sessions might be effective.

Mayor's Report:

Mayor Pro-Tem Smith reported that Mayor Ing-Moody will be back in the Valley next week and will lead the next Council meeting, scheduled for 8/27/19. Since the last Council meeting, Smith and Council Member Easton had a chance to meet with Amanda Mott regarding the proposed Creative Arts District. They are in the process of drafting a memorandum of understanding which will layout leadership, timing, and cost responsibilities as Methow Arts and the Town of Twisp work together on this. There had been a mis-understanding about whether the Town of Twisp would pay for the Methow Art's administrative costs and time to pursue this Creative Arts District. The Town had not been previously considering paying Methow Art's expenses for the Creative Arts District, so more communication between Twisp, Methow Arts, and the Twisp Chamber of Commerce will be required to formalize roles and responsibilities on this project.

Staff Reports:

Director Denham brought to the table for discussion two applications for grant funds from TIB (Transportation Improvement Board). These applications do not require that the Town provide matching funds, but after extensive meetings with the project engineer, it was recommended that the Town offer some matching funds to make the applications "more competitive". Director Denham provided a current position report of the Town's Street Fund which documented that Twisp has more than enough funds available from Transportation Benefit District (TBD) revenue to pay for the presented matching funds. He also stated that part of the reason why the TBD was created was for funds to be available for grant application matches. The first application would be for the North town project, with a 10% match of Town funds. The second application is for Cascade Loop, with a 5% match of funds. These applications need to be submitted by 08/15/19 so Denham is seeking a "nod of approval" to continue with this. The Council will vote on the grant acceptance if, indeed, the grants are offered. Denham also notes that this is the first time the Town will voluntarily offer matching funds, which shows great commitment to the infrastructure improvements of the Town and to the town's greater future as a whole. Mayor Pro-Tem Smith complemented Director Denham on his commitment and great leadership in spearheading these projects in getting funding and expressed the Council's "nod of approval" to submit these applications. Council Member Caswell asked about the cost difference between the two projects, as the North Town is a lengthier stretch of road, but a projected lower cost. Director Denham explained that the North Town project is chip sealing, and the Cascade Loop is a full-depth reclamation which is much more invasive and extensive. Because Cascade Loop is squarely in Twisp's industrial zone, it will get high usage from heavy machinery and commercial vehicles, thus requiring full depth reclamation.

Director Denham updated Council on the Canyon St. project. The new water main is all installed. In the process of construction, it was discovered that all of the lateral sewer lines are at the same elevation. This discovery comes at an estimated cost of \$25,000 in a change order to work around. The sewer lines have also been installed, and the contractor is working on installing water service meters and lines. The next step will be pressure and bacteria testing. All new service meters are the modern "radio-read" style. Denham also reported that the Twisp Pool will be staying open for an extra week beyond its original close date. The new shut down date will be 08/24/19. This change was made due to the availability of lifeguarding staff, and room in the budget to cover additional operating costs.

Commission/Committee/Board Reports:

N/A

OLD/NEW BUSINESS:

Discussion/Action: CDBG Contract Acceptance (Civic Building):

Council Member Caswell asked about the date on the contract being 2017. Mayor Pro-Tem Smith responded that this is the actual contract for the grant funding from CDBG's 2017-19 cycle. Smith pointed out that there were a few contract clauses that he'd like to have the lawyer review regarding encumbrance of funded equipment and property, but that it wasn't any reason to delay acceptance of the contract.

Council Member Studen moved to accept the grant contract as presented. The motion was seconded by Council Member Easton and passed with Mayor Pro-Tem abstaining.

Discussion/Action: Water Bill Forgiveness:

Council Member Studen asked where the leak was and how did no one notice. Director Denham responded that the leak was to an unused building that occurred during the winter. The pipes may have frozen and caused a leak, but the leak was not noticed until meter reads were conducted in the spring. Studen asked if there had been any negligence by the homeowner, and Denham clearly responded "no" that the homeowners were not. Denham continued that the amount of monetary forgiveness was beyond his capacity as Public Works Director. Denham noted that the homeowners want to disconnect and close their account. They've been warned that if they do this, anyone who wants to reconnect to Town service in the future will have to pay a significant development fee, around \$5,000. Council Member Easton questioned if the homeowners were notified of the large overage fee before the bill went out. Clerk/Treasurer Randy Kilmer responded that to the best of his knowledge that there was no additional notification in advance of the bill being sent. Council Member Studen asked Director Denham if the newer radio read meters have alerts for leaks. Denham confirmed that they do.

Council Member Studen moved to forgive the whole of the overage charge, minus one month of base rate water/sewer bill. The motion was seconded by Council Member Caswell and passed with Mayor Pro-Tem abstaining.

Discussion: WSDOT Aviation Grant Acceptance (\$500,000):

Director Denham noted that no documents regarding the WSDOT grant were included because at this point Twisp had only been provided with a verbal congratulation. He continued that this is the largest Aviation Grant that WSDOT has ever awarded. The project had originally bid at \$595,000 and even with the user funds added, they'd come up short. In talks with the Town attorney, it was made clear that the Town has the option to request of the contractor to revise the scope of the project with the given unit costs to meet the funding available and begin the project this year. WSDOT requires that the project be bid and awarded before grant funds are awarded. Both the engineer, T&O Engineering, and WSDOT Aviation want to work with the Town to make sure this happens. Although this project would be less than originally presented, it's the opinion of Director Denham that the airport users will still be satisfied with

the work proposed under a reduction of scope. If the contractor agrees, the Town will soon have a formal grant offer for the Council to vote on. Airport Manager Bob Wagner confirmed Denham's assumption that the airport users would see this as a huge improvement for use and safety and would be satisfied with the reduced scope. Director Denham noted that the other option would be to entirely rebid the project with the existing funds, which would definitely push the project into next year. Mr. Wagner responded that the winning contractor was significantly below the other bidders and the most likely won't be able to do better than that with a rebid. Mr. Wagner voiced his full support in going with a reduction of scope. Director Denham was granted verbal support from the Council to proceed with the WSDOT grant and talk to the contractor regarding the reduction of the project scope.

Discussion/Action: TIB Contract Completion – Updated Cost Estimate (Twisp Ave, 2nd Ave, 3rd Ave, Lincoln St., East End Central Business District):

Clerk/Treasurer Kilmer noted that he's not sure if this is a document the Council would typically see or approve, but that he included it based on the request of the engineer. He went on that he'd be looking into State RCW and Town policy to get a better grasp on which documents in a construction project should be approved by Council action. Director Denham confirmed that this project did run over budget due to the discovery of a vault and unknown irrigation lines. He noted that USDA RD and TIB covered these overages.

Council Member Easton moved to approve the Updated Cost Estimate as presented. The motion was seconded by Council Member Studen and passed with Mayor Pro-Tem abstaining.

Discussion/Action: Pay Estimate Approval (Canyon Street and Water Main Improvement Project):

The discussion on what documents the Council would typically see or approve continued with this pay estimate. Director Denham confirmed that many municipalities do have Council vote to approve pay estimates and that this made the agenda at the request of the engineer. Denham explained that at the end of a month that he and a project coordinator will do a walkthrough of the project to measure and agree on what to pay out. This pay estimate is then reviewed and approved by the engineer firm. Mayor Pro-Tem Smith mentioned that this is not a document he's ever seen Twisp Council approve and that he'd prefer not to have them brought to Council in the future if they're a document staff or the Mayor has authority to approve.

Council Member Caswell moved to approve the Pay Estimate as presented. The motion was seconded by Council Member Studen and passed with Mayor Pro-Tem abstaining.

Consent Agenda:

- Accounts Payable/Payroll
- Minutes 7/23/2019

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 7th day of August 2019.

Accounts Payable	EFT# 1865-1867	1146.42	08/07/19
Accounts Payable	Warrants #34923-34950	33325.21	08/07/19
Payroll	EFT# 1745, 1747, 1750-1751, 1753, 1755-1760, 1762-1766, 1772-1776, 1862 Warrants # 14430-14439	76713.02	07/31/19

Council Member Caswell moved to approve the consent agenda as presented. The motion was seconded by Council Member Easton and passed with Mayor Pro-Tem Smith abstaining.

Adjournment:

There being no further business to come before the Council, Mayor Pro-Tem Smith adjourned the meeting at 6:41 pm.

APPROVED:

Mayor Pro-Tem Smith

ATTEST:

Clerk/Treasurer Randy Kilmer