

Regular Council meeting of August 6, 2013.

Present were: Mayor Spieth, Councilmembers Koepke, Naillon, Neal, Hart and Roley.  
Absent: None.

Meeting called to order. The Pledge of Allegiance was given. Copies of the July 12<sup>th</sup> special meeting and the July 16<sup>th</sup> regular council meeting were read and approved with one typo correction.

Mayor Spieth presented City Crew employee with a Certificate of Appreciation of 25 years of service with the City of Oroville and thanked Brad for his service.

Public Hearing - Block 25 Alley Vacation.

Mayor opened the hearing by stating "The purpose of this hearing is to take testimony relevant to petition filed by the abutting property owners to vacate an alley described as that alley in Block 25, Plat of Oroville which abuts and is between Lot 6 and Lots 7, 8, 9, 10 and 11."

Mayor asked if there any challenges to the City Council's jurisdiction in this matter and none were stated.

Mayor asked if any member of the Council wish to excuse themselves for potential conflict of interest or appearance of fairness issues or to disclose any information that may raise such issues and Councilmember Ed Naillon excused himself due to a petitioner being a family relation.

Mayor then asked if any member of the Council wished to disclose any communications they may have had in the community regarding this project that may be seen as affecting their ability to judge this application in a fair and equitable manner and no comments were received.

Spieth inquired as to if there anyone present who wished to challenge any of the Council membership or myself as Chairman, for conflicts of interest or appearance of fairness issues in conducting this hearing and no comments were received.

Mayor Spieth then opened the testimony portion of the hearing by requesting the presentation of the Hearing Packet and Staff Report (by CD Director Branch).

Branch entered the following documents into the record:

Documents:

1. The Petition for Right of Way Vacation with exhibit filed by Victor & Heather Rodriguez, Joan Cool, Justin & Jessica Helm and Mark Hancock on the behalf of Hancock Revocable Trust who are the abutting property owners (Hereafter referred to as the Petitioners).
2. City of Oroville Resolution No. 525 which fixes the date and time of this hearing.
3. Notice of a Public Hearing, Alley Vacation issued July 11, 2013 (Hereafter referred to as the Notice).
4. Letter of Transmittal noted as Staff Report – Block 25 Alley Vacation, dated August 1, 2013 (Hereafter referred to as the Staff Report).
5. Draft Ordinance vacating the right-of-way while retaining a general municipal easement.

Exhibits:

1. Declaration of Posting and Mailing dated July 11, 2013, regarding the mailing of the Notice and the posting of the Notice with map at various prominent locations in the City and at the subject alley site.

Branch also read the August. 1, 2013 Letter of Transmittal from the Community Development Staff.

Mayor Spieth asked if anyone present wished to provide testimony. City Supt. Reported that besides the three existing businesses, there is also one lot where another business could be built. By eliminating the alleyway, we would be eliminating access to the back of all those commercial buildings. Justin Helm (one of the petitioners) commented that Mark Hancock (owner of 823 Central and the adjacent lot) has a documented easement for the adjoining property, although the property has been fenced, it does have a gate.

Note: The following is a summary of the discussion that continued and is not a verbatim record of the hearing. The hearing was recorded and available for detailed record. Discussion included whether or not the easement was in fact recorded and perpetual, not just between the two current property owners; the city's need to keep a 20' easement utility easement; and the reason the petitioners started this action was to keep people from walking through the alley and stealing things. Most of the area is currently fenced to keep people out. Discussion on continuing the hearing until the next meeting to allow additional time to verify a few of the "unknowns" that were brought up during this hearing. Mayor Spieth stated that the public testimony portion of the hearing was now closed and that he would continue the hearing until during the next meeting and with the understanding that no new public testimony would be taken, only verification of certain documents and issues. Hearing was adjourned until 7:00 p.m. Tuesday, August 20, 2013.

Public Hearing on Six Year Transportation Program for the years 2014-2019. Clerk reported that the 2014-2019 plan was simply a roll-over of the 2013-2018 Plan with the Central and Cherry Street Project removed because those project funds have already been committed to by the STP and TIB agencies. Motion by Koepke and seconded by Naillon Resolution #526, adopting the Six Year Transportation Program for the years 2014-2019 as prepared be passed. Motion carried.

Council discussed the ATV Friendly Community information packet Clerk Jones assembled, which included several different ordinances (and highlights of eastern Washington regulations) and Okanogan County notices of hearings on additional roads being approved for ATV use. Also discussed was info that only roads with 35 mph or less being used and that a law suit has been filed in the Methow area against ATV use on roadways. Council to review the sample information and make notes on what they DON'T want to have included if the city adopts an ATV ordinance.

Council reviewed the letter Mayor Spieth sent to School Supt. Steve Quick regarding the removal of the trees along the Main Street side of the grade school. Although the letter was sent July 17<sup>th</sup>, no response has been received, just an inquiry about where he could find right of way information.

Ambulance Coordinator Donahue reported she had met with the Council's Ambulance Committee about the application to the department presented at the last council meeting. Both the committee members and Debra recommend approval. Motion by Hart and seconded by Koepke Tina Mikesell be approved as a member of the Ambulance Department. Motion carried. Clerk reminded Debra that Tina's state Coverage would not be paid until the next meeting, so active involvement would need to wait until a couple of days after Aug. 20<sup>th</sup>.

Donahue and the Ambulance committee also decided that the city will pay between \$65-\$100 per set of training books per student for the upcoming EMR class and that students will be responsible for their own tuition fee of \$450 and that several businesses and organizations have expressed interest in sponsoring students. Janet Allen commented that the training books would only have a value to the student. Noel added that the books could be returned if the student didn't complete the

course or was not approved to become a department member. Donahue working on reimbursement for training agreement, which Atty. Howe will need to approve before Council will approve.

Branch offered preliminary information on new people interested in serving on the tree board and a proposed ordinance revision that will be on the next agenda.

Jones and Branch reported on preliminary discussion that Omak and Okanogan have had with County Commissioners about forming a mosquito district. More information will follow but Council did express their interest in being included.

Resolution from Sault St. Marie, Michigan, voicing their opposition to the Dept. of Homeland Security studying enacting border crossing fees reviewed. Mayor Spieth stated he wants Oroville to adopt a similar resolution to forward to DHS. Council agreed.

Transfer of 2010 FAA Entitlement Funds to the Olympia Port discussed. Clerk reported that Mark Napier, engineer from JUB, who the city selected to assist the city with airport/FAA issues, stated that he had talked with Aeronautic reps and that Olympia Port will not consider a "loan". Oroville has transferred entitlement funds several times but the recipients never want to execute "loan" documents. If the city does not proceed with this transfer, funds most likely will leave the state and then in the future, the state total of federal entitlement funds could be reduced. Motion by Naillon and seconded by Hart the Mayor be authorized to execute the FAA's Transfer of Entitlement funds form. Motion carried.

Supt. Noel reported progress in communications with Corps of Engineers/CBP reps. regarding the NE Reservoir Project. During the staff's conference call earlier today with the reps, there were several indications that reimbursement for the additional funds needed for the reservoir might be possible.

Noel received approval to submit applications to the TIB's Pavement Preservation Program (2014/15 project) and the Surface Transportation Program (STP) (a project about 5 years out). The STP application would probably be for sidewalk installation on one side of 12<sup>th</sup> to the Similkameen River Bridge. The STP program requires a 13.5% match, which frequently the TIB (Transportation Board) provides. Noel given approval to submit both grant applications.

Meeting temporarily adjourned at 8:27 for a 15 min. executive session re: personnel as requested by Clerk Jones.

Meeting reconvened at 8:39. No action needed as a result of the executive session.

Motion by Koepke and seconded by Neal that the July 2013 manual checks of \$1480.00, #1555, #15647-15655 and the July 31<sup>st</sup> payroll of \$81,330.95, #15656-15720 be approved; that the vouchers #15721-15763, \$39,201.30 be paid and the meeting be adjourned at 8:41 p.m. Motion carried.

Minutes approved \_\_\_\_\_  
Mayor

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Clerk