

Regular Council meeting of July 1, 2014.

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

Meeting called to order by Mayor Spieth. Pledge of Allegiance given. Copies of the June 3rd meeting minutes were read and approved.

Open Record Pre-Decision Public Hearing- Proposed Dock Revision at Sandalia – ORO-SDP-14-2. Mayor Spieth opened the hearing by stating:

"The purpose of this hearing is to take testimony relevant on an application for a shoreline substantial development permit to revise the approved 164' community dock with 12 slips to a 224' dock with 24 slips, each with a ground based boat lift. Also extend the existing shoreline permit (ORO SDP 08-10) for the remaining upland construction activities. All other approvals and conditions are to remain. The project site is the Sandalia Osoyoos Beach Resort, Sandalia Court, Oroville. File identification number ORO SDP 14-2. "

Mayor then asked if there were any challenges to the Council's jurisdiction in this matter and received no comments.

Mayor asked if any member of the Council wished to excuse themselves for potential conflict of interest or appearance of fairness issues, or to disclose any information that may raise such issues and received no comment.

Mayor inquired 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 received no comment.

He then asked if there was anyone present who wished to challenge any of the Council's membership, or himself as Chairman, for conflicts of interest or appearance of fairness issues in conducting this hearing and received no comments.

Mayor Spieth then opened the testimony portion of the hearing;

Permit Administrator Johnson entered the following documents into the record:

Documents:

1. The application consisting of a completed JARPA and SEPA Checklist and related drawings (Hereafter referred to as the application).
2. Notice of Application for a Shoreline Substantial Development Permit, Issuance of a DNS and a Public Hearing on the Matter, Sandalia Osoyoos Beach Resort Community Dock Revision issued June 6, 2014 (Hereafter referred to as the Notice).
3. Letter of Transmittal noted as Administrator's Analysis, dated June 30, 2014 (Hereafter referred to as the Staff Report).

Exhibits:

- Declaration of Posting and Mailing dated June 13, 2014, regarding the mailing of the Notice and the posting of the Notice various prominent locations in the City and at the subject site and on the City's web page.
- Affidavit of Publication of the Notice on June 12, 2014.

Branch recommended the council make decision on the matter; explained portions of the city and county shoreline regulations; and recommended that because the applications comment period ends the next day, the hearing should be carried over to the next regular meeting.

Mayor Spieth asked the applicant if he would like to make a presentation.

Dennis Wierks stated that he was requesting extension to the existing docks because over a period of time, boats and props are being damaged due to the uneven, shallower areas of the lake near the dock. By August, water levels usually have dropped more. His application is to extend the existing 164' dock to 224', doubling the number of boats slips with lifts. He explained that in their original permit application about five years ago they had applied for a dock reaching out beyond the 200' mark, looking to reach a depth of 5 feet. In wanting to cooperate with the city and the people of Oroville they were willing to try to make it work but explained that it doesn't.

Testimony was generally as follows:

Ford Waterstrat, Lake Osoyoos Association, who referred to his comment sheet and attached picture, finds it is excessive would impact navigability. He said that he went to site on June 30 and measured 4 feet at about 15-20 feet north of the current dock piers, and the Association feels that a 40' extension is adequate. He referred to the picture noting that it appears that given there is adequate depth to accommodate the existing. He went on to note that a common boat, the Mastercraft draws a maximum of 33", and 4' depth 15-20' north of their "current pier". The Association believes a revision of only 40 additional feet is adequate.

Question asked by Linda Schwilke if the parties were considering lake fluctuation. Johnson replied to this question noting that we are looking at their maneuvering areas where the boats need to enter the landward planned boat slips.

Proponent John Boyle he is around the existing dock quite a bit stated that when there are 6 to 8 people with gear in a boat, the prop is down more and props are hitting in August.

Richard Henson reported that, today, July 1st, he had measured the depth of the lake at the estimated distance of 60' from the existing dock and said it was 4'7". He said that he talked with the irrigation company and said they have to keep it between 911 and 912; that it was 911.66 today and that's what "he" has to go on and it will stay that way until Sept. By international treaty, the elevation of the lake must be maintained at a certain level, so he asserts that it doesn't get any lower in August. He emphasized that Osoyoos is a small lake and this application would double the number of boats in the south end, near the mouth of the river, the no wake zone in the river, and near Osoyoos Lake Veteran's Memorial Park. He made some suggestions on redesign. He noted that Sandalia is doubling the amount of boats that they have on that end so indicated that they should try to minimize the impacts.

Ford Waterstrat also stated that an extension of 60' would put the dock in milfoil.

John Neal asked whether or not Sandalia had looked into dredging and that he hoped all other avenues would be explored. Wierks replied that additional permitting was expensive and takes a lot of time, expressing uncertainty on it being allowed.

Diane Henson mentioned that they added a new unit to the Sandalia complex and mentioned that they might expand and asked where is the cutoff on this. She commented that this creates many more boats on the lake. Are we going to set a precedent for the lake to accommodate all these boats on the lake. She feels that this is the time to "get a handle on it".

Johnson commented that the development is capped at 34 units maximum. There are currently 21 units built.

Councilmember Naillon said he was trying to get a handle an accurate depth of the lake. Johnson referred to the illustration pointing out that the current dock at 164' at 3'. Naillon stated he did not have good depth information (copy apparently was faded in his package, however, the presentation copy on

the projector screen showed the topo lines) This was viewed, and Naillon stated he would just get another copy showing the area of the dock planned in the area where 908' elevation area which at 912'.

A question brought up by Richard Hensen about the datum used as reference...Christian attempted to explain what 1929 datum means and explained that this was just the reference used. There was extensive discussion regarding the meaning of the use of the 1929 datum. He noted that using 1929 datum was important because all other depth numbers were reported in that datum.

Ford Waterstrat reiterated that Richard had gone out 60' and measured a depth of 4'7" and he had gone out 20' from the end of the current pier and it was 4', and they felt that there was more than enough depth, and that the water level had to be kept at 911.5 and the International Joint Commission set it out and it couldn't go any down more.

Wierks stated that they have been there for five years but he knows by experience that by August it will drop like it always has, and explained he isn't here just to spend a lot of money for nothing. He stated that being there and seeing it for himself was enough for him.

Naillon talked about maneuvering room

Rod said if you really want the data you can download it on the USGS site for Lake Osoyoos. Branch reported that staff used this site for review.

Branch pointed out that he was with Washington Fish and Wildlife in their boat in the general location of the dock and they had sucked weeds in to their jet prop and had to work their way out of there.

John Boyle mentioned that dock at Boundary Point and the dock length there. Jones commented that it was being installed now. Branch pointed out that comparison of these projects is different and should not be used since interpretation of the rules may be different from the county standpoint.

Naillon says we need all the facts to determine whether we meet the standard of the SMP minimum depth for navigability. Want to make sure they are not sucking up weeds but want to make sure we aren't

Cheryl Lewis asked about whether the 1929 datum compared to 1988 data made us gain or lose depth. Johnson explained it doesn't change the relative depth of the water.

Ford Waterstrat mentioned that a permit was denied for 200' at Boundary Point and they are now putting one in for much less than 200' because of landowner comment. Christian mentioned that is this for a single family dwelling...and noted that this permit application is for a community dock serving 34 dwelling units.

Branch summarized the issues of concern, the proliferation of big docks, and stressed that this issue should be addressed in rulemaking rather than trying to remedy the issue at the permit level. He spoke to the issue with the agencies and their concerns being more relative to vegetation. He attempted to put dock size in a larger context, mostly the cumulative impact of docks.

Diane Hensen stated that the "state park" is impacted – no wake zone will be impacted-rumors of another condominium is not very far away and that we should consider the permanent residents, and the users of the state park and additional proposals for condos and related congestion issues need to be considered.

Boyle says that west of their development he just doesn't see that level of congestion in that area.

Naillon would like a better handle on depths, a cleaner copy of the topo lines.

There was discussion on methods used to establish depths; Branch explained the decision must be made on facts, not conjecture and Naillon stated that those making the decision need as many facts as necessary to make their decision.

Ford asked about factual what part is factual. Branch explained that we can't verify exactly where depth readings were made, they have to be verifiable. Waterstrat questioned whether 1929 datum was actually fact; that it doesn't sound like good information.

Branch explained further that this is a very flat area and small differences in depth can occur beyond what is measured in different locations.

Naillon noted that the decision makers need to be comfortable with the data and he intends to go and collect his own.

Mike Cantwell talked about very shallow areas, and talked about we have to we have to use what is – these boats just don't belong on the lake...setting precedent for what we are doing...people know what they got when they bought the property.

Boyle made reference to economic benefit and jobs related to the development.

Mayor Spieth continued the hearing until the regularly scheduled city council meeting on July 15th and stated that repetitive information would not be heard and only new information could be presented at that time. The Council will consider the final decision at time and everyone was reminded that there should be no further discussion until then.

Monte Langley, from Help U Save, presented information he had sent to Clerk Jones earlier this year regarding Housing Authority exemptions from paying utility taxes. Jones had shared portions of this information with Council and Atty. Howe had reviewed. Langley outlined his presentation packet and Mayor Spieth thanked him and proceeded to the next item on the agenda. Housing Authority member Linda Schwilke interrupted and asked when the council would address the utility tax issue, Mayor Spieth stated that the council needed a chance to review the provided information and to consult with Atty. Howe before they would address the issue. It was agreed that the issue would be placed on the August 19th Agenda.

Supt. Noel reported that the North End Reservoir was on-line and functioning and that there were still a few outstanding items on the punch-list. Noel will be checking with Varela next week in hopes of calculating final costs to share with Customs and Border Protection and final contract figures. The Varela Contract Supplement was tabled again, also to compile final figures.

Noel reported on update from Dan Haller, Aspect Consulting, who has been working on the city's pending water rights application. Contract Change #5, which will extend the contract time from December 2013 to December 31, 2014; increase the amount payable for time and materials by \$4,400 for working with different agencies to find an environmental project that could be paired with the city's application to reduce any potential litigation risk by CELP. Motion by Naillon and seconded by Koepke the Mayor be authorized to sign Contract Change #5. Motion carried.

Update on Central and Cherry Road Improvements and Water Main Replacement Project. Noel reported to Council that the Main Street bump would be fixed before final payment would be made. Motion by Hart and seconded by Koepke Pay Estimate #2 in the amount of \$202,382.54 be paid. Motion carried.

Motion by Koepke and seconded by Neal Tasha Robinson be approved to join the Ambulance Department. Motion carried.

Clerk reported that Atty. Howe had reviewed North Central Regional Library's Building and Use Agreement renewal and approved the Mayor and Clerk signing the agreement. The renewal agreement provides for nearly a 3% annual increase in reimbursement fees and the length of renewal is Jan. 1, 2015 thru December 31, 2023. Motion by Koepke and seconded by Neal the Mayor be authorized to sign renewal agreement. Motion carried.

Branch reported on successful closure to the enforcement actions taken against landowners regarding unpermitted vegetation removal and channel work in the pond at Deep Bay Park.

Branch also discussed Oroville map to be submitted to Okanogan County for consideration to be included in the formation of a mosquito district that will probably be on the November ballot. Map is slightly expanded from the map the city used a couple of years ago when we participated in an aerial spray program for mosquitos. Should voters approve that a mosquito district be formed, it would use integrated pest management practices.

Clerk announced that a Washington State Aeronautics Airport Aid award and acceptance documents had been received in the amount of \$5339.15 as a part local match on the Airport Runway Improvements Project. Motion by Naillon and seconded by Koepke the Mayor be authorized to sign the grant offer. Motion Carried. FAA funding Certifications reviewed, as well as the notice of recommendation of award of the Dorothy Scott Airport 2014 Pavement Preservation Project from Mark Napier, J-U-B Engineers. Two bids were received:

Road Products, Inc., Spokane, WA	\$ 89,323.03
C.R. Contracting, Bend, Oregon	\$224,831.79

Motion by Naillon and seconded by Koepke the Mayor be authorized to award the project to Road Products, Inc., subject to receipt of federal funding and that the Mayor be authorized to execute all certifications and documents to be forwarded to the FAA. Motion carried.

Clerk Jones reported that notice had been received from the Department of Ecology that the City of Oroville Wastewater Treatment Plant would be receiving the 2013 "Wastewater Treatment Plant Outstanding Performance" award.

Council reviewed July 1 Downtown Sidewalk Sale Permit issue by Christian Johnson.

Motion by Naillon and seconded by Koepke Ord. #835, authorizing an interfund loan between Street and Water-Sewer up to \$170,000 to cover the Central and Cherry Street Improvements payments until reimbursement is received from the Dept. of Transportation. Motion carried.

Council received written update on the formation of a council of governance within Okanogan County.

Request for Ambulance Standby at Chesaw Rodeo discussed. There were mixed feelings about whether or not the Rodeo Club should reimburse the city or not for this service, but council authorized the event standby without charge for this year and will discuss future "standby" issues.

City to possibly reconsider adoption of the ATV ordinance.

Motion by Neal and seconded by Naillon the June 15th payroll of \$42,502.70, #17381-17406; the June 17th vouchers #17407-17442, \$157,185.58; the 01/01/14 thru 05/31/14 Em. Aid Write-offs in the amount of \$29,041.33 (the majority are contractual write-offs); the June manual checks #17352, 17380, 17443-17451, totaling \$10,698.83; the June 30th payroll of \$88,146.04, #17452-17511; and the vouchers #17512-17544, \$275,218.25 all be approved and paid and that the meeting be adjourned at 9:09 p.m. Motion carried.

Minutes approved: _____

MAYOR

CLERK