

Town of Twisp

Council Minutes – 02/28/23

Mayor Ing-Moody called the meeting to order at 5:32 pm.

Council Members present: Aaron Studen
 Alan Caswell - Remote
 Katrin Auburn
 Hans Smith
 Mark Easton

Council Member absent:

Pledge of Allegiance

Council Member Studen led the Pledge of Allegiance.

Request for Additions or Deletions to the Agenda

N/A

Public Comment:

Mr. Edson, identified himself as Director of MVID provided Council with a printout of the following questions, and asked that they be considered before a decision is made on the Auvil Fruit – Trust Water Rights Temporary Lease Agreement.

1. What water is proposed to being leased – what is the water right number?
2. Is this a seasonal irrigation water right or a year-round municipal water right?
 - a. If it is a municipal water right, can it be leased as a seasonal irrigation water right?
3. How did the Town determine the lease amount (i.e. dollar figure)?
4. Did the Town consider first leasing the water to local entities? If not, why not?
5. Has the Town had communications with Ecology or the Water Conservancy Board?
 - a. If so, what were those communications about?
 - b. Consider filing public records request with Ecology, Water Conservancy Board, and/or Town
6. Why does Twisp think it can issue a “Term Permit” authorizing the use of the leased water by April 30, 2023?
7. What happens if the Lessee doesn’t use all of the Leased Water – will that cause the Town of Twisp to relinquish that portion of the water right?
 - a. If so, is that risk worth \$23,750?
8. Who else does Aspect represent in this deal? Given that Aspect represents so many other local interest in related water right transactions, how do they handle conflicts of interest on each of the transactions? What is their policy on conflict of interest, recusals, information sharing within Aspect?

Mr. Roger Rowatt introduced himself as president of the Chewuch Canal Company and noted that he is involved with MVID and is present to get information on the proposed water rights lease.

Mayor's Report

Mayor Ing-Moody reported that the recent Council Retreat was a great success and very productive. She thanked Council members for their dedication and diligence in serving the Town's citizens.

Staff Reports

Public Works Director, Andrew Denham, reported that two of his operators are away for training associated with their Wastewater certifications, specifically an exam review class. Value engineering on the WWTP expansion will soon commence as the 60% plans have been sent out to various state and consultants for review and comment. Meetings will be held with the Department of Ecology to continue discussions on funding packages, with the Town's efforts focused on minimizing impacts to Twisp ratepayers and to maximize grant funding.

Commission/Committee/Board Reports

Council Member Easton reported on the USDA housing solutions webinar which provided Towns resources to encourage appropriate housing.

Council Member Caswell reported on the Tree Board meeting. Arbor day is scheduled for April 15th, and the Tree Board will continue to look for options for removing some of the older trees.

Council Member Studen encouraged Twisp residents to participate in the TranGo survey, looking to identify and address gaps in their service schedule.

OLD/NEW BUSINESS

Discussion/Action: MWC Appointees Interview – George Schneider, Lorah Super

Mayor Ing-Moody gave an overview of the process. The candidates have already been appointed by the Methow Watershed Council (MWC), and are present at the Town council meeting to be ratified by the members of the initiating governments.

George Schneider introduced himself as a resident of the Methow Valley in the Balky Hill area. His background includes work with water for the City of Seattle as a water resource manager. Upon moving to the Methow Valley, he got involved in the MWC volunteering as a mediator, which sparked his interest in serving on the MWC.

Council Member Easton asked Schneider what he believes is the most important item facing the MWC. George responded that he believes water banking is the largest item facing the MWC at this time. The MWC will be heavily involved with a facilitation, outreach, and education of water resources for the Methow Valley.

Council Member Smith asked Schneider his opinion on the relevance of the Methow Watershed Plan. He responded that he is not very familiar with the plan but being that it is 20 years old it may be out of date in some ways and contain aspirations that may never have come to fruition. He would like to see an update to represent modern priorities.

Council Member Smith asked if Schneider feels that he represents any specific entities in his role on the MWC. Schneider responded that he represents the Middle Methow Reach, and no specific entity's interests.

Council Member Smith asked Schneider for his position regarding water for the Towns in the Methow Valley. Schneider responded that MWC represents interests for Towns, agricultural use, and instream flow. He does not feel aligned to any one of these interests more than any other.

The Council thanked Schneider for his time and responses.

Lorah Super introduced herself as a resident of the Methow Valley since 2001. She is employed as the program director for the Methow Valley Citizen's Council (MVCC). She also works with the Okanogan Conservation District, who are engaged with the development of water banking in the Methow.

Council Member Easton asked her what she believes are the two biggest priorities/issues for the MWC. Super responded that first would be relevancy, and the MWC's ability to accomplish real goals. She is optimistic for the future of the MWC which prompted her to run for the position. She feels the second priority would be issues regarding subdivision and bringing matters to public attention.

Council Member Auburn questioned if Super's employment and work with these other groups would allow her to participate without conflict. Super responded that her involvement with these groups is relevant to her appointment, and that it wouldn't make sense to ask for her opinion divorced from her affiliations.

Council Member Smith asked Super her opinion on the relevancy of the Methow Watershed Plan. She responded that it is on her to-do list to look at. She believes it still may be relevant to weigh policy against, but is likely out of date in some areas and should be brought up to date with modern priorities.

Council Member Smith asked her how she feels she will represent as it relates to her other affiliated agencies/organizations' interests as a member of the MWC. She responded that she will always be clear which "hat she is wearing", and be transparent. She does not believe any other agencies she's engaged with have motives or interests contrary to the MWC's interests.

Council Member Easton made a motion to ratify George Schneider and Lorah Super's appointments to the Methow Watershed Council. Council Member Auburn seconded the motion. Council Member Smith abstained from voting, and Council Member Caswell was disconnected from the meeting during the vote. The motion was passed by a majority vote.

Discussion/Action: Milltown Pre-Annexation Agreement

Mayor Ing-Moody recapped the negotiations that have taken place between the Town and the Milltown group, resulting in the Pre-Annexation Agreement as presented, outlining the following:

1. The Town has conducted a final review of the pre-annexation agreement for consistency with negotiations.
2. Per RCW 35.13.125, the Milltown group has provided a letter entitled “ Petition For Annexation to the City of Twisp, Washington” dated December 10, 2021, which can be considered “notice” under RCW 35.13.125
3. The Town Council is then to determine if the Town is going to accept the proposed annexation, and whether the Town will require the simultaneous adoption of the comprehensive plan and assumption of existing indebtedness for the area to be annexed. These determinations must be recorded in the Council meeting minutes.
 - a. Will the Town Council accept the proposed annexation. By accepting, the Council is not committing to annexing the area, but rather that the annexation will go forward.
 - b. Whether there will be the simultaneous adoption of the Comprehensive Plan. (This is an agreed provision of the Agreement as presented).
 - c. Whether the Town will require the assumption of indebtedness for the area to be annexed. (This is also an agreed provision of the Agreement as presented.)
 - d. Approve the Agreement and authorize the Mayor to sign the Agreement on behalf of the Town. As per the Agreement, executing it does not require the Town to annex the property, but rather sets the terms of the Annexation, which become enforceable upon completion of the annexation.
4. Once the above steps in paragraph 3 are completed, the Konrads are to prepare a Petition for annexation that meets the requirements of RCW 35.13.130.
 - a. It must contain the fact that the Council is requiring the simultaneous adoption of the Comprehensive Plan and assumption of indebtedness for the area to be annexed, and reference the Council meeting date of adoption of these requirements. It must also comply with the rules for Petitions in RCW 35.21.005.
5. Once the Petition is completed and filed with the Town of Twisp, the Town will transmit the document to the Okanogan County Assessor’s Office for a determination of sufficiency under RCW 35.21.005.
6. The Council then must set a date for a public hearing, and provide notice of the hearing by publishing notice in one issue of the Town’s official newspaper and posting the notice in 3 public places within the property sought to be annexed.
7. The Konrads are responsible for the expenses of publication and posting. The notice must specify the time and place of the hearing and invite interested parties to appear and testify regarding the Petition.
8. After the hearing, the Council will decide if they are going to approve the annexation. If approved, it must be done by ordinance.
9. Once it is adopted, the ordinance is recorded. The Agreement becomes effective and enforceable, and will be recorded at the same time as the ordinance. The Milltown group is responsible for the recording costs.

Council Member Smith made a motion to approve the Milltown Pre-Annexation Agreement as presented with the requirement to adopt the Comprehensive plan, assume the debt for the area to be annexed, and authorize the Mayor to execute the agreement. Council Member Easton seconded the motion. Council Member Caswell abstained from voting. The motion was passed by a majority vote.

Discussion/Action: Aspect Consulting Agreement

Mayor Ing-Moody introduced the agreement, stating that with the proposed growth and the water rights lease request to be presented later in the agenda, the Town finds it pertinent to contract Aspect Consulting for a review and update on its water inventory.

Council Member Smith made a motion to approve the Aspect Consulting Agreement as presented Council Member Studen seconded the motion. The motion passed unanimously.

Discussion/Action: Auvil Fruit – Trust Water Rights Temporary Lease Agreement

Dan Haller of Aspect Consulting introduced himself, stating that Aspect Consulting works with many government and private agencies in the area regarding water and water-related transactions. He stated they work to provide facts and mediation and not push the interests or agendas of a specific group. As a consultant for Auvil Fruit, who have a short term need for water rights lease, he identified Twisp as a potential vendor. In his review of the Town’s water rights and inventory, it has been determined that the Town does have adequate water rights to entertain the lease agreement with adequate water remaining for projected growth. He shared that this is a lease and not sale of water and that the water would remain instream and be of benefit for purposes beneficial for the Methow Valley. Council discussed multiple factors related to the lease agreement but ultimately opted to make no decision directing the Finance Committee to further review the proposal and make a recommendation.

Discussion/Action: Okanogan County ARPA Funds Agreement

Council Member Studen made a motion to approve the ARPA funds agreement as presented. Council Member Smith seconded. The motion passed unanimously.

Discussion/Action: Okanogan County Letter of Support

Council Member Smith made a motion to approve the Letter of Support with a change to a spelling mistake. Council Member Easton seconded. The motion passed unanimously.

Discussion/Action: Dept. of Ecology – Air Monitoring Agreement

Council Member Easton made a motion to approve the agreement as presented. Council Member Smith seconded. The motion passed unanimously.

Discussion/Action: T-O Engineers – Task Order – TIB Overlay Design

Council Member Smith made a motion to approve the task order as presented. Council Member Caswell seconded. The motion passed unanimously.

Discussion/Action: Resolution #23-702 – Personnel Policy Revision

Council Member Smith made a motion to approve Resolution #23-702 as presented. Council Member Easton seconded. The motion 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 28th day of February 2023.

Accounts Payable	Checks #37633-37679 EFTs #365,391,392	\$317,158.35	02/28/23
Payroll	EFT Trans #322-330	\$11,178.47	02/28/23

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

Adjournment

There being no further business to come before the Council, Mayor Ing-Moody adjourned the meeting at 7:18 pm.

APPROVED:



Mayor Soo Ing-Moody

ATTEST:



Clerk/Treasurer Randy Kilmer