

# Town of Twisp

## Council Minutes – 06/13/23

Mayor Ing-Moody called the meeting to order at 5:34 pm.

Council Members present: Mayor Ing-Moody  
Mark Easton  
Alan Caswell  
Katrina Auburn  
Hans Smith  
Aaron Studen

Council Members absent:

### **Pledge of Allegiance**

Council Member Easton led the Pledge of Allegiance.

### **Request for Additions or Deletions to the Agenda**

Additions:

- **Discussion/Action: Contract Award – Collection System Improvements**
- **Discussion/Action: WA Arts Commission Grant**

### **Public Comment Period: Up to Three Minutes**

Mr. Tom Doran requested that Town find a solution to speeders in Town. Specifically on W 2<sup>nd</sup> Ave. He stated that it is not safe, and he understands that resources are limited but the speeding is progressively getting worse. He also stated that if there is anything that he or his neighbors can do to please ask them.

Mrs. Leone Edson commented on Orchard Hills Planned Development and how the Planning Commission deliberated recusal. She stated her belief that recusal is done due to the potential of personal bias or interest. Mrs. Edson stated that Council Member Auburn has made ex parte communications as well as Council Member Easton and Council Member Caswell. She stated that Mayor Ing-Moody and Council Member Smith live in the neighborhood and she is not sure that they can be impartial. She said that they should let everyone know of those things and to recuse themselves.

Mr. Mark Edson commented on Orchard Hills Planned Development and the Planning Commission's recommendation of adding another road in the development. He said that the Town should investigate the lay of the land and whose property would be taken using eminent domain. He stated that the property owners are not interested in a new road. He said that Town should limit the number of houses to thirty which would eliminate the need for a new road. He urged the Town to think about what he has said and to go out and talk to the community members.

Mr. Doug Irvine commented that he has read through the planned development code and stated that he wonders if he is reading it wrong as he believes there is a loophole being used with the Orchard Hills Planned Development, namely that the proponent has asked that the wording be changed from footprints to envelopes which deviates even further from being a planned development per the code. He asked the council to not change it from what the Town Code states.

Ms. Erin commented on her concern for the abundance of speeders in Town. Specifically on Twisp River Road. She said that she has a child that plays on that road and there are others as well. She stated that while she does not have a solution right now, she wanted to bring it to the Council's attention that it has been getting worse year after year.

**Public Hearing:**

- **Resolution #23-708 – Capital Facilities Plan 2024-2029**

The public hearing opened at 5:47PM. The public was asked for comment and none were presented. The public hearing closed at 5:49PM. The public hearing was recorded and is available on request at Town Hall

Council Member Smith asked if the grant priorities are driving the changes in this version of the Capital Facilities Plan. He also asked if the changes to the Parks and Recreation portion were made after a review with the Parks and Recreation Commission. Council Member Smith asked if there have been any requests for turning the pool into a skate park.

Director Denham responded that grant priorities drove the changes specifically pertaining to the transportation element. He also said that the changes were made after taking into consideration the commissions top six priorities, with the exception of one. Director Denham stated that at the moment there is too much unknown about the future of the pool so it did not make sense to put it into the Capital Facilities Plan, but stated that since it is annually updated changes can always be added at a later time.

Council Member Auburn asked about the emergency exit at the end of Riverside next to the Public Works shop. She inquired as to the status of the connector trail with the County and the Methow Housing Trust. She voiced concern about moving the SR 20 and Glover Street roundabout project from sixth priority to being ninth.

Director Denham responded that as the development progresses a road can be made into an emergency egress. Regarding the trail, he stated that the county is not in agreement yet but Methow Housing Trust has been talking to them about designating a five foot area and that the County would also add five feet to make a ten foot wide trail; a fence would be part of the requirement. Director Denham said that there is a grant available for a trail and fence. Director Denham stated that while the construction of the roundabout was moved to ninth place, the engineering and design phase of the roundabout is in

seventh place; he noted that the year for construction of the roundabout has not changed, but the priorities listed before it did.

Council Member Studen asked about the emergency egress consideration from May Street down to Twisp Carlton Road.

Director Denham responded that construction is set for 2025-2026 due to the Public Works Board grant now being open. He stated that by putting in for the grant money now the Town can figure out the details of the route as there are currently three potential options.

Council Member Smith made a motion to adopt Resolution #23-708 – Capital Facilities Plan 2024-2029 as presented. Council Member Easton seconded the motion. The motion passed unanimously.

- **Resolution #23-709 – Transportation Improvement Plan 2024-2029**

The public hearing was opened at 6:01PM. The public hearing was closed at 6:02PM. The public hearing was recorded and is available upon request at Town Hall.

Council Member Smith made a motion to adopt Resolution #23-709 -Transportation Improvement Plan 2024-2029 as presented. Council Member Auburn seconded the motion. The motion passed unanimously.

### **Mayor's Report**

Mayor Ing-Moody reported that Town has been very busy. She stated that the Town has talked to Washington Association of Sheriffs and Police Chiefs (WASPC) who has offered to assist us if needed in hiring a police chief. She shared that there is a cost associated with their services, depending on the extent of help required from them. She had a meeting with Clerk Treasurer Kilmer and Police Clerk Ruggiero to discuss the process of communicating with the Sheriff's office regarding any law enforcement needs.

Council Member Easton asked Mayor Ing-Moody if the Town has considered doing a dry run of switching the council room to an emergency operations center.

Mayor Ing-Moody responded that Town has scheduled a walkthrough with the county sheriff as well as Fire District 6 staff and Okanogan County Emergency Management to review procedures and needs to activate an Emergency Operating Center. Avidex will also be contacted as they are our technical provider.

### **Staff Reports**

Clerk Kilmer reported that there will be an open house on Monday the 26<sup>th</sup> for the housing action plan. He also reported that the annual report has been submitted and the Town will have a federal audit in August due to having federal expenses. They will be doing the regular bi-annual audit at the same time.

Director Denham reported that the crack seal project wrapped up two days early and they used less product than ordered; Winthrop used five pallets and Twisp used five. There was a total of seven miles in Twisp and three miles in Winthrop sealed. TIB paid for everything. Per TIB requirements the crack sealing had to be done a year prior to applying for maintenance on roads. He also reported that the Town had a contractor cut open the pool deck and repair a line that was broken and flooded the deck. He shared that the pool is now leaking as much as it was before the shell was replaced. Director Denham stated that he believes the underground drainage system to be the issue. Public Works will be inspecting the area every day to ensure its safety. Director Denham also reported that he looked at the band shell and believes that it's repair would most likely be a successful project for the RCO grant.

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

Council Member Caswell attended the Okanogan Council of Governments (OCOG) meeting. He shared that there is a county wide burn ban from June 15<sup>th</sup> through October 15<sup>th</sup>. There was a fire in Okanogan by the airport that was caused by a roof that was blown off a hanger and hit a power line. The fire reached fourteen acres in size. He also reported that they approved the 2040 Transportation Plan which will be submitted to WSDOT. OCOG also approved the purchasing and contracting policy. Their part-time RTPD administrative position was filled. More TranGo drivers will also be hired for the public transportation system.

Council Member Studen added that TranGo did hire more drivers and increased their hours of operation. He clarified that the burn ban is for outdoor burn piles, while campfires and BBQs are still allowed.

Council Member Auburn asked what the hours of the public restrooms are in Twisp as she said someone camped out in the bathrooms overnight, stating he was waiting on the bus. Director Denham responded that the hours are 7:00AM to just before 3:00PM as the crew will be working until 4:00PM now.

Council Member Smith reported that the finance committee met to discuss the annexation for the Milltown project. After the discussion, it is believed that an agreement with Okanogan County is necessary to have approval from the County pending town SEPA review of the project, since the projects is located outside of Town's jurisdiction. The review will be completed once the planned development proposal is presented. The committee talked about the impact on the Town's budget if a rec district were to be created. Additionally, the recommendation is to do a RFQ and interview contractors to potentially hire a planner.

Council Member Easton said that there is an online survey available for the housing action plan and that he hopes a lot of people turn out for the open house. He asked when the Town's fireworks ban is on; Mayor Ing-Moody answered that they are only allowed at New Years and banned at all other times.

## **OLD/NEW BUSINESS**

### **Discussion/Action: Orchard Hills Planned Development**

Mayor Ing-Moody said that this meeting, the Council is to acknowledge receipt of the recommendations by Planning Commission and set a date for deciding on the Orchard Hills Planned Development. The Town will follow all legal requirements and Town codes during the process. The date that has been set for deliberations and a possible action is June 27<sup>th</sup>.

Commissioner Battle commented that for the last five months, the Twisp Planning Commission has evaluated the application from Palm Investments North LLC for the Orchard Hills planned development permit. One public hearing was held on February 8<sup>th</sup> and continued to March 8<sup>th</sup> and April 12<sup>th</sup>, followed by the commissioner's discussions in public meetings on April 26<sup>th</sup>, May 10<sup>th</sup>, and May 17<sup>th</sup>; a total of six public meetings. He said that over this period, dozens of written comments were received, and dozens of citizens gave public testimony with these letters and comments being overwhelmingly negative with several notable repeated major concerns. He began to briefly summarize each concern along with conditions that the planning commission recommends to mitigate these concerns.

He stated the following:

But before I begin, let me explain the codes involved and how the SEPA process influences the commission's review. I think this will address some of the questions that have repeatedly come up. Within the municipal code, there is the comprehensive plan that sets out goals and provides the guidelines for the zoning code. The comprehensive plan is visionary, and the zoning code is specific, and in the event of conflicts between the two, the zoning code governs.

This planned development meets many, but not all of the comprehensive plan's goals, but seldom does any project meet all these goals. This planned development application could potentially meet all the zoning codes if it were properly developed in the application process. However, the SEPA process identifies conditions in a development which are or could have a significant adverse impact on the environment, and if these conditions are 'findings of fact', the town council may add conditions to the permit approval in order to mitigate these dangers, regardless if these conditions are not within the zoning code.

1. Overwhelmingly, the greatest public concerns were related to fire danger, in 2 specific areas: 1. Fire spread between houses and 2. A second road inhabitants to flee and access for the fire department in the event of a fire. a. In response to the concerns of fire spread, the commission supports the fire marshal's recommendation that structures are spaced at least 30' apart and a 100' wide defensible space of limited vegetation is installed in the proposed open space along the west edge of the development and the planned open space south of Harrison be subject to a fuels reduction project. The

applicant has voluntarily agreed to meeting building code requirements that meet or exceed new Washington State Urban Wildland Interface codes that all exterior building materials are fire-resistant.

b. In response to the concerns for egress and access, the commission recommends that a secondary emergency access, meeting IFC requirements is installed before the final permit approval (which would be before any building permits were issued). This road could not be barricaded and would be maintained. This egress path would extend to May Street, and prior to final approval, the developer and town must develop an amendment to the adopted Emergency Response Plan that sets forth a plan for traffic.

These public's concerns were supported by the recommendations from the Chelan County Fire Marshal, who reviewed the plans and the site.

control and evacuation from the May Street neighborhood. Additionally, the commission recommends that the town amend its Capital Facilities Plan and 6-year transportation improvement plan with the intent of completing a link from the May street neighborhood to the Twisp Carlton road within 5 years.

2. Another repeated concern was that of density. The commission believes that the recommendation of 30' between structures, the 100' defensible space and fuels reduction project will reduce the density materially.

3. Another repeated concern was that of wood-fire smoke. For this, the commission recommends that fireplaces be prohibited, and only 1 wood burning device (per EPA standards) be allowed per home.

4. There were concerns over increased traffic. The developers' engineers have determined that the increase in traffic is within the allowable limits for the roads and intersections involved.

5. There were concerns over storm water run-off, which is currently a problem in the down-slope residents. The developer will be required to provide adequate flood control and infiltration to prevent run-off from this property contributing to this existing problem. For both the traffic and storm water engineering, the town will rely on licensed engineer's evaluation, and the town will have it's engineering firm review and provide comments on the developer's plans and calculations at the developer's expense. The Town cannot grant final approval until all public improvements are built or bonded.

6. There were concerns for access to some lots as well as snow storage and removal, a condition which will be alleviated by the increased house spacing and the defensible space.

7. There were concerns over quality, inspections, and the potential for the construction to not comply with the codes or these additional measures. The commission recommends that the town hire licensed 3rd party inspectors at the developer's expense to supplement the town's inspections to assure construction compliance for the utilities, roads, and drainage.

8. There were concerns that the application did not meet the form and substance of the planned development codes. The commissioners believe that these codes will be met as the application

proceeds. Not much information is required at this point in the process, but there are many more requirements to be met as the application proceeds.

9. The commission recommends that the town take ownership of the 40% open space in order that this space will always be open to the public. The developer would improve the space to meet town standards.

10. Lastly, there were appeals and remaining concerns about the way the SEPA process was conducted. The staff report addresses the process and how certain steps were repeated in order to ultimately comply with this code. At the end of the day, I understand that the town attorney believes the process met the spirit of the SEPA statutes.

I would add that during the public hearing process the developer's designers provided timely and thorough written responses to the public's concerns. There has been a strong, healthy dialogue and significant refinements during the application review. If the town incorporates these recommendations in its approvals, we hope that the developer will move forward and modify the plans and designs accordingly to create a development that is safe, vibrant and enjoyed by its inhabitants, and generally acceptable to the neighbors and the town community.

We know that housing is urgently needed in the valley, and this is a large and exciting opportunity for the town of Twisp. The developer initially asserted that the housing was affordable, and although that could not be substantiated, housing that does not qualify as "affordable" is not a bad thing. In fact, it is a very good thing for Twisp commerce and property tax receipts.

In my personal view, small towns like Twisp are either growing or dying. Growth requires change, which is difficult but if managed well, it is healthy. It is my personal hope that the town and developer can work together to make this project an example of healthy growth for Twisp.

Mayor Soo-Ing Moody thanked Commissioner Battle and the Planning commission for all the hard work they have done; she also thanked community members for commenting and being present at the meetings and acknowledged that there is currently a vacant position on the Planning Commission.

Council Member Smith asked if Commissioner Battle would be able to attend the next council meeting on June 27<sup>th</sup>. Commissioner Battle stated that he will be present.

Council Member Smith made a motion to add Orchard Hills Planned Development and any SEPA items to the agenda for the June 27<sup>th</sup> council meeting. Council Member Auburn seconded the motion. The motion passed unanimously.

### **Discussion/Action: Contract Award – Collection System Improvements**

Director Denham stated that though this item was expected to be on the agenda for the next council meeting, the Town did get the award this afternoon. If approved, this would allow the contractor to start a couple weeks earlier. He stated that the funding is from USDA and two motions are needed: the first is a motion that the Council agrees with the engineer's recommendations to award the bid, the second is a motion to award the collections system improvement project contingent on funding. The funding package comes with \$1.6 million in grant monies and \$734,000 in a loan which comes out to \$18,000 annually that would be added to the sewer debt.

Council Member Smith made a motion to accept the engineer's recommendation to award the Collection System Improvements contract. Council Member Easton seconded the motion and it passed unanimously.

Council Member Smith made a motion to award the Collection System Improvements contract to POW Contracting in the amount of \$1,928,283.65 contingent upon the execution of the funding Letter of Conditions through USDA RD. Council Member Easton seconded the motion and it passed unanimously.

#### **Discussion/Action: 4<sup>th</sup> of July Parade**

Mayor Ing-Moody stated that there has been one major change to this year's 4<sup>th</sup> of July parade and that is the route is going backwards this year due to the ArtsFest taking place at TwispWorks instead of at the park. For this reason, staging will happen at the park and the route will end at TwispWorks. This will cause tighter parking and the Mayor recommended carpooling or walking to the parade, if possible. Council participation is requested, but they are not required to stay for the function after the parade.

Council Members Studen, Smith, Auburn, and Caswell stated they would be there. Council Member Easton stated that he was not certain that he could attend.

#### **Discussion/Action: TranGo Ground Lease Agreement**

Mayor Ing-Moody stated that at the last Council meeting there was a request to increase the lease rate for TranGo and that TranGo's executive director was in attendance stating that he did not have the authority to approve the increase to \$335 a month and would need to bring it to the board. In anticipation that they may accept the proposal, this item has been added to preemptively have the council approve the increase prior to sending it to the TranGo Board.

Council Member Smith made a motion to approve the TranGo Ground Lease Agreement. Council Member Easton seconded the motion. Council Member Studen abstained from voting. The motion was passed.

#### **Discussion/Action: AWC Voting Delegate Appointment**



Mayor Ing-Moody stated that the AWC conference is next week, and this would be her last one conference as Twisp Mayor. She stated that the Town is needing to have up to three voting delegates appointed before going to the conference to enable participation at the annual business meeting in which new officials are elected into leadership positions for the Association. Mayor Ing-Moody, Council Member Auburn, and Clerk Treasurer Kilmer will be present and can be those delegates.

Council Member Studen made a motion to have Mayor Ing-Moody, Council Member Auburn, and Clerk Treasurer Kilmer be the voting delegates at the AWC conference. Council Member Auburn seconded the motion. The motion passed unanimously.

**Discussion/Action: WA Arts Commission Grant**

Mayor Ing-Moody said that there is a \$3,000 grant that requires Council approval in order to have ArtsFest expenditures be reimbursed.

Council Member Smith made a motion to accept the WA Arts Commission Grant. Council Member Auburn seconded the motion. 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 23<sup>rd</sup> day of May 2023.

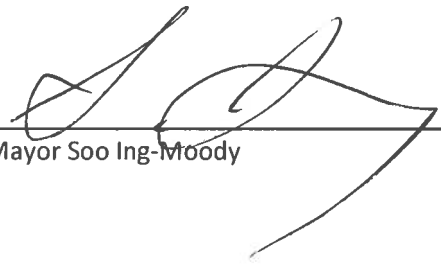
Accounts Payable	EFT Trans 1150	\$21,955.90	06/13/23
Accounts Payable	Checks #37863-37901	\$88,874.92	06/13/23
Payroll	EFT Trans 1094-1107, 1109-1113	\$36,479.88	06/13/23
Payroll	Checks #37862	\$103.00	06/13/23

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

**Adjournment**

There being no further business to come before the Council, Mayor Ing-Moody adjourned the meeting at 7:15 pm.

**APPROVED:**



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Mayor Soo Ing-Moody

**ATTEST:**



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Clerk/Treasurer Randy Kilmer