

CITY ADMINISTRATOR
ROBERT OMANS

CITY CLERK
DEBBIE LEE

CITY TREASURER
ROBIN NEWCOMB

PUBLIC WORKS

POLICE CHIEF
RICH ALBO

FIRE CHIEF
ED MILLS

PLANNER

Special Meeting
Agenda
March 14, 2024
6:00 PM



119 W FIRST STREET
CLE ELUM, WA 9922

MAYOR
MATTHEW LUNDH


MAYOR PRO TEM
STEVEN HARPER

CITY COUNCIL
JOHN GLONDO
BETH WILLIAMS
JERRED WEIS
KEN RATLIFF
STEVEN COOK
AUDREY MALEK

CITY ATTORNEY
ALEXANDRA KENYON

Join Virtually with Zoom: <https://zoom.us/j/7573184018?pwd=dERndjBJVC9GdVQ1d2ISRExwZFhXZz09>
Meeting ID: 757 318 4018 Passcode: 98922

Join by Phone: 1-(253)215-8782, Meeting ID: 757 318 4018, Passcode:98922

 Receive city text alert notifications: text CLEELUM to 91896

DISCLAIMER: The City does not guarantee that virtual or telephonic access to the City Council meeting will be available and the City does not warrant audio quality. Attendees are encouraged to attend in-person.

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1. **Call to Order**
 2. **Public Comment - Limited To 5 Minutes**
 3. **New Business**
 - a. Discussion of Stafford Avenue Improvements - Mayor Lundh
 4. **Adjourn**

Upcoming Meetings:

Next General Government Committee Meeting: March 27, 2024 @ 8:00 a.m.

Regular Council Meeting: March 26, 2024 @ 6:00 p.m.

Planning Commission Meeting: March 27, 2024 @ 6:00 p.m.

Lodging Tax & Events Committee Meeting: April 8, 2024 @ 8:30 a.m.

Public Safety & Health Committee Meeting: TBD

Public Works & Community Development Committee Meeting: April 4, 2024 @ 12:00 p.m.

City of Cle Elum Special Session Council Meeting

March 14, 2024, 2024 6:00 p.m.

If you wish to address the Mayor and Council, please sign in below.

Please sign in:

Name	Address	PLEASE PROVIDE EMAIL ADDRESS IF YOU WANT COUNCIL'S RECOMMENDATION MAILED TO YOU
Denis Hernandez	dhg@treetailsidegroup.com	
Steve Hays	116 W 2nd St	

Date: March 8, 2024

Project No.: 24010G

To: City of Cle Elum
119 West First Street
Cle Elum, WA 98922

Attention: Cle Elum City Council

From: Benjamin A. Annen, PE

Re: Cle Elum Stafford Avenue Improvements

This Memorandum has been prepared and is provided to the City Council per direction from the City Attorney (Kenyon Disend, PLLC).

Background

The Stafford Avenue corridor from Second Street to Fifth Street is the primary access to the “7 Hill” neighborhood, approximately 50 homes, as well as access to the City’s reservoirs. The Stafford Avenue corridor is one of four access points to the City Heights development, as identified in the City Heights Annexation and Development Agreement (DA). Phase 1 of the City Heights development is located just north of the Stafford Avenue corridor and utilizes the corridor as its primary access, including use as a haul route for construction.

Development Agreement

The DA was executed on November 11, 2011, and included provisions for improvements to Stafford Avenue. The DA requires City Heights to widen the roadway at the corner of Stafford Avenue, just north of Fourth Street (Stafford Corner), improve the guardrail, and resurface the pavement to a minimum level to allow for adequate lane travel for two passenger vehicles. There are also haul route considerations, but those affect only the timing of these improvements, with the exception that the corner must allow construction trucks to safely pass each other. Due to the existing right-of-way geometry limitations, the DA included provisions for right-of-way acquisition for these Stafford Avenue improvements. The DA placed the right-of-way acquisition responsibility on City Heights. The DA also states that the City “shall cooperate” with City Heights “in any efforts to acquire the right of way necessary, including without limit the City’s exercise of its eminent domain authority as allowed by law; and to obtain, on behalf of the City, grant money or bond financing to fund all or part of the Stafford Improvements contemplated herein.” The DA confirms that City Heights is “solely responsible for and shall hold the City harmless from and indemnify it against all fees and costs, including without limit the cost of the additional right of way and legal fees reasonably incurred by the City in exercising its rights to acquire such right of way.”

The Stafford Avenue corridor includes deficiencies beyond those stated in the DA including but not limited to: Profile grade exceedances, inadequate road base, and an asbestos-cement water main that is approximately 80 years old. The DA did not address these deficiencies, though the deficiencies impact current residents and future residents in the City Heights development.

CDBG Grant

With a mutual desire to correct these deficiencies, the City and City Heights teamed up on preparation of a Community Development Block Grant (CDBG) grant application to improve the Stafford Avenue corridor, including reconstruction of the roadway and replacement of the degrading water main. These Stafford Avenue improvements were estimated to cost approximately \$1,200,000 in the funding application, with a funding request from CDBG of \$800,000, and City Heights committing to the balance of \$400,000. The CDBG grant was awarded to the City in September 2021 in the amount of \$800,000. The CDBG grant expires on January 31, 2026. It is likely that these estimates have increased since 2021.

Phase 1 Settlement Agreement

The Phase 1 Preliminary Plat Application SEPA Compliance Determination and Consistency Review, Decision and Conditions as Approved in Settlement of Applicant's Appeal (Phase 1 Settlement Agreement) was approved on July 21, 2021. Provisions 36 through 38 of the Phase 1 Settlement Agreement address the Stafford Avenue improvements, sections copied below.

36. *The Project Sponsor and the City agree that the primary access to the Phase 1 Preliminary Plat, and the Phase 2 Preliminary Plat shall be the Stafford Street Corridor. This shall include improvements to Reed Street starting at the intersection with W Sixth Street, then onto W Fifth Street, and then Stafford Street to the intersection with W Second Street. This shall include improvements to the corner of Stafford Street north of Fourth Street, in accordance with the provisions of the City Heights Development Agreement Appendix I and City standards in accordance with the following provisions:*
- a. *The road base, depth of pavement, and the width of the paved area shall be consistent with the standards for the construction of Summit View Drive as a collector road, unless otherwise approved by the City.*
 - b. *The improvements shall be designed and constructed to accommodate entering and exiting grades not to exceed 11%.*
 - c. *At the City's election, replacement of a City water main.*
 - d. *Pedestrian improvements may be excluded where topography or right-of-way limitations do not reasonably permit their inclusion.*
 - e. *Guardrails, striping, and other safety measures shall be designed consistent with City standards.*
 - f. *Drainage towards a collection system such as pipes, ditch, or bio-filtration swales.*
 - g. *Design features shall reasonably accommodate City snowplowing.*
 - h. *The Project Sponsor shall be responsible for the acquisition of such additional property as may be necessary to design and construct these improvements in accordance with the provisions of the City Heights Development Agreement.*
37. *The City has submitted a CDBG grant application dated June 2, 2021, that includes a financial contribution from the Project Sponsor. If this project is selected for full CDBG funding, then the City shall be responsible for the design and construction of the improvements identified in Condition #36 improvements no later than October 31, 2022, subject to the availability of funds, provided that:*

- a. *This project does not include any improvements to Reed Street south of Sixth Street. As a result, seasonal weight restrictions and access limitations shall apply to this segment.*
 - b. *This completion date may be reasonably extended due to unforeseen circumstances.*
38. *In the event that the City is not awarded CDBG funding in 2021, then the Project Sponsor shall design and construct improvements to Stafford Street as specified in #36 above no later than October 31, 2022, provided that:*
- a. *The Project Sponsor may request, and the City shall not unreasonably deny, the extension of the completion date due to unforeseen circumstances.*
 - b. *The City shall be responsible for the costs associated with the design and construction of the replacement of the water main in the Stafford Street Corridor, provided that construction drawings shall be provided by the City no later December 1, 2021.*
 - c. *The Project Sponsor may collect a latecomer fee for each ERU from benefiting property owners.*

Under Provision 37, the City is responsible for the design and construction of the Stafford Avenue improvements identified in Provision 36. However, the City has been unable to advance the Stafford Avenue improvements design as the right-of-way footprint has not been finalized, as the property acquisition by City Heights, expressed in Provision 36(h), has not occurred.

June 2022 MOU

A Memorandum of Understanding was executed by the City and City Heights on June 1, 2022, and "Provision L. Roads" addressed Stafford Avenue. At the time of execution, the City and City Heights anticipated property acquisition of a portion of the Grace Baptist Church (Church), as part of a three-party MOU with the Church, titled Stafford MOU, as a result of meetings and discussions among all three parties. The Stafford MOU was signed by the City and City Heights but was not signed by the Church and remains unsigned. As a result, property acquisition did not occur, and has not yet occurred to date.

In light of the Church property acquisition challenges, other alignment options were explored, including acquisition of portions of two easterly properties. City Heights advised in April 2023 that City Heights communicated with the easterly property owners but no property acquisition by City Heights has yet occurred.

With the passing of time and consideration of CDBG funding expiration in January 2026, I requested a meeting in December 2023 with the City's review team including legal counsel, to discuss options on how to move the Stafford Avenue improvements forward. On February 22, 2024, the City's review team and legal counsel met with the City Heights development team and their counsel, to discuss options on how to move the Stafford Avenue improvements forward, and the schedule driving the need for a decision.

Proposed Project Schedule with Respect to CDBG Funding

As mentioned previously, the CDBG funding expires on January 31, 2026. This is the final date all expenditures must be incurred, and reimbursement requests submitted to the CDBG

program (final closeout). Working backward from the CDBG funding expiration date, the proposed schedule is as follows:

Confirm Design Direction (Right-of-way Footprint Finalized)	April 1, 2024
Begin Environmental Review Record (ERR)	April 1, 2024
Publish ERR and Notice to the Public	June 27, 2024
30% Submittal to City	July 5, 2024
60% Submittal to City	November 1, 2024
90% Submittal to City	February 14, 2025
Final Bid Documents to CDBG and City	April 16, 2025
Bid Advertisement 1	May 7, 2025
Bid Advertisement 2	May 14, 2025
Bid Opening	May 28, 2025
City Council Award of Construction Contract	June 10, 2025
Notice to Proceed (Begin Construction)	July 14, 2025
Construction Physical Completion	October 7, 2025
City Council Acceptance of Construction Project	October 14, 2025
Process Notice of Completion	October 7, 2025
Receipt of 3 State Agency Releases	January 6, 2026
Final Public Hearing	January 13, 2026
CDBG Contract Closeout	January 30, 2026

Design Direction Options to Establish Right-of-way Footprint

Option 1. Design Speed Variance (Construct Improvements In Existing Right-of-way)

Option 2. Revert to Development Agreement (Property Acquisition, CDBG funds withdrawn)

