

## **LEAVENWORTH CITY COUNCIL MINUTES**

### **March 22, 2016**

Mayor Farivar called the March 22, 2016 Leavenworth City Council meeting to order at 6:30 PM and Larsen led the City Council in the Flag Salute.

### **ROLL CALL**

Council Present: Mayor Cheryl K. Farivar, Robert Francis, Elmer Larsen, Carolyn Wilson, Gretchen Wearne, Mia Bretz, and Margaret Neighbors.

Staff Present: City Administrator Joel Walinski, City Attorney Tom Graafstra, Chantell Steiner, Nathan Pate, Herb Amick, and Sue Cragun.

Mayor Farivar stated that Councilmember Michael Molohon was excused from the meeting.

### **APPROVAL OF THE CONSENT AGENDA**

#### Consent Agenda:

1. Approval of Agenda
2. Approval of March 4, 2016 Annual Retreat Minutes
3. Approval of March 8, 2016 Study Session Minutes
4. Approval of March 8, 2016 Regular Meeting Minutes
5. 2016 Claims \$350,910.49

Councilmember Bretz noted that there were some corrections to be made to the March 8, 2016 Study Session Minutes. She stated those corrections to Finance Director Chantell Steiner.

Councilmember Wilson motioned to add discussion item number 1 to the agenda regarding a complaint by a Council Member against the Mayor and City Administrator. The motion was seconded by Councilmember Larsen and passed unanimously.

Councilmember Larsen motioned to approve the consent agenda as amended. The motion was seconded by Councilmember Francis and passed unanimously.

City Attorney Graafstra briefly explained the rules regarding the confidentiality of discussion items in executive session versus regular session.

### **COMMENTS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA**

Mayor Farivar recognized the students who were in attendance for their "Citizens of Washington in a Contemporary World" class criteria at Cascade High School. She asked the students to introduce themselves to the Council and state what they accomplished for their Senior Project. Mr. Joshua Wolfman introduced himself and stated that he will be restoring a 1977 Toyota engine; Luis Fonseca introduced himself and stated that he took Senior Pictures for kids in low income families; Cesar Oyos introduced himself and stated that he did landscape work for Our Lady of the Snows Catholic Church; Miranda Wessman introduced herself and stated that she job shadowed the elephant keeper at the zoo; Princesa Alvarado introduced herself and stated that she held a food drive at Osborne Elementary School; Carlos Lopez introduced himself and stated that he organized a soccer camp to raise money for the team; Carlos Ybarra introduced himself and stated that he donated school supplies from area businesses to the Community Cupboard; two additional students were in attendance who worked with

soccer teams for their Senior Projects. Mayor Farivar and the City Council thanked the students for attending the meeting and the Mayor presented each of them with a City of Leavenworth lapel pin.

Chuck Reppas, 12620 Ranger Road, Leavenworth; Mr. Reppas, representing Upper Valley MEND (MEND) confirmed that MEND has decided to cease activity on developing the Meadowlark project, primarily because the home construction costs came in substantially higher than the estimates and the developers couldn't figure out how to bridge that gap. He said that people have questioned what MEND would do differently and he said that MEND and the City could never fully get on the same page, although we all agree that there is an affordable housing issue in this town. He said that MEND's mission includes several things, one of which is to create affordable housing, and that MEND is more than willing to participate in a process along with the City and the Community to create affordable housing. He went on to say that MEND serves important programs that aren't related to affordable housing here in town; the Board of Directors has always recognized that with Meadowlark being such a large project, other programs could be in jeopardy if something went wrong with Meadowlark. He said that the organization is in good financial condition right now and that they know they are going to have to make some changes within the organization because they are no longer working on a large project. On a final note, Mr. Reppas stated that he has received two phone calls from affordable rental property developers, Catholic Charities and Community Frameworks who are interested in exploring these possibilities. Councilmember Bretz thanked Mr. Reppas for their mission and stated that she is looking forward to working with MEND in the future.

Nancy Smith, 12685 Wilson Street, Leavenworth; Ms. Smith requested that the Council consider adding an item to the agenda prior to the Maifest festival regarding the potential of a beer garden near Front Street Park during the festival. She said that Maifest is one of the more "Bavarian" festivals that is put on by the Chamber of Commerce and that this year the Chamber will be hosting PBS in America narrated by James Earl Jones. She added that with the City and Projekt Bayern erecting a new Maipole in town, the Chamber staff has researched what a typical ceremony would look like, and although they will not be raising the Maipole by hand, a beer tent is traditionally hosted at Maifest events along with old world craftsman booths. She noted that the beer tent would only be open from noon to 4:00 PM, and although she knows that the community is sensitive to beer events, the Chambers survey results were favorable toward the idea. She said that she doesn't think that the Chamber will want to do this every year, but feels this is the appropriate year for such a thing. She went on to explain that the Chamber Board has yet to approve of the idea and that the idea is in early development stages right now. There was a brief discussion of using local beers for the event; Ms. Smith stated that the Chamber would be proud to serve local beer. Administrator Walinski stated that the Council will discuss this further at the April Study Session.

Josh Wolfman, 260 Benton Street, Leavenworth; Mr. Wolfman stated that he is a student at Cascade High School and stated his concern regarding the proposed removal of the local skate park due to the new construction at the High School. He said that he would like to keep the park as it would save a great deal of money. He said that he is working with a group from Wenatchee who is working on either maintaining the skate park or building a new one. Administrator Walinski confirmed that the City has been working with the School District and have met with the Recreation Conservation Office (RCO) who provided partial funding for the current skate park, unfortunately the way that the remodel is taking place, the skate park is going to need to be moved. He noted that the discussion will move forward to the April Study Session so that the Council may provide the direction they would like to move toward. Councilmember Bretz noted that the Skate Park has been discussed by the Parks Committee and that the Committee members are in full support of building another skate park. Councilmember Wearne also noted her support as she is a skateboarder herself.

## **COUNCILMEMBER AND COMMITTEE REPORTS**

Councilmember Neighbors reported that she attended the Festhalle Oversight Committee meeting and stated that the Committee received a tour of the facility and reviewed the Community Day policy. She said that she attended the Meadowlark Work Group and the Finance Committee meeting and noted that she was sorry she missed the Ribbon Cutting Ceremony for Commercial Street.

Councilmember Bretz reported that she attended the Link Transit Board meeting and had a meeting with the City of Twisp Mayor who is also the City's representative on the Association of Washington Cities (AWC) Board. She then reported on the Economic Development Committee meeting and stated that the Committee discussed funding ideas with the Port of Chelan County for parking, Leavenworth Winter Sports Club, and live/work units. She said that there was further discussion about parking and various passes for employee, local, festival, and land use in the area.

Councilmember Wearne reported that she has been out of town and was unable to attend the Downtown Steering Committee meeting and the Ribbon Cutting Ceremony, although she did attend the Economic Development Committee meeting today.

Councilmember Wilson reported that she attended the Meadowlark Work Group, Ribbon Cutting Ceremony, Upper Valley Museum Board meeting, and the Finance Committee meeting. She reported on the Finance Committee meeting and stated that the Committee reviewed the most cost efficient way to do utility billing and reviewed revenue, expenditure, and investment reports. She noted that the Committee will also be reviewing the City's Financial Policy for amendments.

Councilmember Larsen reported that he attended the Leavenworth Area Promotion (LAP) Committee meeting and stated that the Committee discussed the installation of Wi-Fi in the downtown area and are currently determining the cost and the coverage which may be approximately \$12,000 - \$15,000. He reported that the Committee is considering the addition of two webcams to be installed at the Festhalle and Front Street Park; this item will be brought to the Council for consideration. He said that the Committee had a conversation with Mr. Bill Forhan who has addressed the value of advertising in small town newspapers and he provided cost estimates. On a final note he stated that the Ski & Stay promotion with Stevens Pass is looking positive and has been a good return on the investment.

Councilmember Francis reported that he attended the Downtown Steering Committee meeting and stated that the Committee discussed the Downtown Park Plaza, reviewed the cost estimates and have directed the City Administrator to negotiate the price on the items that the City's Staff is able to complete. He said that recycling was addressed and one of the recommendations is to put out more recycling cans downtown and continue to slowly increase the number of cans as well as redesign the cans for separation. He said that he also attended the Economic Development Committee meeting and was unable to attend the Festhalle Oversight Committee meeting.

## **MAYOR/ADMINISTRATION REPORTS**

Mayor Farivar reported that she attended the Chelan Douglas Transportation Council (CDTC) meeting, two Meadowlark Work Group meetings, and met with Port Commissioner J.C. Baldwin and Manager Mark Urdahl from the Chelan County Port District in order to keep the lines of communication open regarding potential funding for industrial projects. She reported on the Ribbon Cutting Ceremony for the Commercial Street 3<sup>rd</sup> – 8<sup>th</sup> Street Reconstruction project and confirmed that it was well attended and included 12 members of the Transportation Improvement Board (TIB) in attendance.

City Administrator Walinski reported that he made a presentation to the TIB at their Annual Board Meeting in Leavenworth in preparation for a funding request for the Pine Street Reconstruction project.

City Attorney Tom Graafstra reported that there will be an Executive Session toward the end of the Council meeting.

Development Services Manager Nathan Pate reported that he and Administrator Walinski attended a workshop with the Chelan County Port District; each jurisdiction was asked to attend and present their planning efforts so that the Port may begin their strategic plan. He noted that the meeting was very well attended and included all jurisdictions. He said that tomorrow he will be participating in a planning exercise with the City of Wenatchee for their strategic fire plan. He noted that after competing with the City of Leavenworth, the City of Wenatchee was awarded the grant for fire prevention.

## **RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS**

### **1. Discussion: Complaint from a Councilmember regarding the Mayor and City Administrator**

Mayor Farivar began the discussion by explaining that the City has received a letter written by Councilmember Mia Bretz; Mayor Farivar went on to read the letter into the record. Mayor Farivar said that Councilmember Bretz has requested an Executive Session of the City Council and also requests that City Administrator Joel Walinski and herself be excluded from the Executive Session. She said that Mayor Pro-Tempore Carolyn Wilson has properly received the letter and has spoken with City Attorney Tom Graafstra regarding further action. Attorney Graafstra had responded that there are three options available to the respondents; 1) to allow the Executive Session to occur as requested, excluding the Mayor and City Administrator; 2) to request mediation; or 3) to have an open, public discussion of the issue. She noted that by law, all matters discussed in an Executive Session are confidential and cannot be discussed with any party not present at the Executive Session. She said that because of the confidentiality, she and Administrator Walinski could not later be informed of any of the issues brought forth in the discussion, and she believes that any communication issue could not be resolved by use of the Executive Session. She said that Councilmember Bretz has not spoken to Administrator Walinski or herself regarding the specific issues and that it is important that they both be present to hear her grievance and the Council's discussion. On a final note she stated that she believes in the public process, therefore has chosen to discuss the issue in the regular public meeting; this is not an action item and no comment will be taken from the public. She asked that the Council hear and discuss Councilmember Bretz's complaint in an open and forthright manner with all Councilmembers encouraged to speak to the issue. She then turned the gavel over to Mayor Pro-Tem Wilson who will run this portion of the meeting with the assistance of City Attorney Graafstra.

Mayor Pro-Tem Wilson began by asking Councilmember Bretz to begin the discussion and state her concerns for the record. Councilmember Bretz stated that she feels that the Mayor may lose her role as a moderator, answer questions first rather than give those to staff, and will deliberate with Council rather than having the Council deliberate and she feels that the deliberation can steer the meeting in a different direction, rather than allowing the Council to examine their thoughts. She said that the second item of concern is that during Committee meetings and Study Session, the Mayor sometimes presents new ideas in a way of action rather than an open discussion, as if her mind is already made up. She stated that her solution to these issues is to have a discussion and bring the issues to light as she would like the Mayor to be self-aware of these concerns. She suggested that the full Council review the Council rules and procedures once again and to also consider having additional Council Retreats each year, separate from the Budget Retreat, in order to work on team building and goal setting.

In response, many of the Council Members are favorable to additional Retreats as long as they are feasible within the budget. There was discussion of the Council being a new group and although the new members appreciate the knowledge of the long standing members, the new members are still learning. It was stated that all members should strive to have their voices heard, not to be afraid to ask questions, and that the Council makes better decisions when hearing from all seven members. There were many statements suggesting team building, communication, asking questions, disagreements, respect for all members, and working with different management styles. The long standing Councilmembers agreed that they need to continue discussions on previously discussed items as they come up again, as the new Council has not heard the discussion yet.

Mayor Pro-Tem Wilson asked Councilmember Bretz to state her concern with City Administrator Walinski. Councilmember Bretz stated that Administrator Walinski tends to present things from a point of view of being very risk averse, and even though they are facts, they are facts that lean toward aversion of risk rather than representing a spectrum of pros and cons that can show various levels of risk so that the Council can decide how much risk they are willing to take on.

The Council discussion continued regarding taking individual responsibility to get the answers needed, the new Council members balancing the idea of pushing for information without being “pushy”, growing into their roles and asking for information when they need it, and using staff to gain knowledge and information when necessary. In regard to taking risk, it was stated that the previous Council was very conservative and that they did not want to take financial risks. On a final note, it was stated that there was a time that they were all new members and didn’t understand everything right away. Councilmember Bretz apologized for any heartache and thanked everyone for a good discussion. In closing, Mayor Pro-Tem Wilson stated that we all have different experiences because we are different people with different personalities. She said that from her perspective, both the City Administrator and the Mayor have been very respectful and professional with her, always listened to her opinion even if they didn’t agree. She reiterated that it is okay to disagree.

Mayor Farivar called for a five minute recess at 7:55 PM.

## **2. Resolution 5-2016: Autumn Leaf Festival Funding Request**

City Administrator Walinski stated that the City Council is being asked to consider additional funding for the Autumn Leaf Festival and reminded the Council that this funding request was discussed at the March 8, 2016 Study Session meeting. He confirmed that the City provides the festival an annual payment of \$15,300 to create a revenue stream that will help offset the costs for the attendees traveling with the float. He said that Autumn Leaf Festival Association (ALFA) President Mr. Bill Forhan has asked the City to follow the same procedure as last year which will provide an additional \$15,000; \$10,000 to assist with advertising and festival support, and \$5,000 that will be reimbursable dependent upon proof of 100% matched dollars from another agency and/or the business community in actual cash donations. There was a brief discussion of the term “one time only” in regard to the funding provided. Finance Director Steiner confirmed that the Resolution is worded as such to ensure that ALFA would need to ask for the additional funding on an annual basis as the funds are not allocated within the City’s budget. The Council discussed the festival, where they travel, and how they promote the City from outside of the City. Councilmember Bretz questioned the balance of the lodging tax fund after granting this additional funding and Director Steiner confirmed the fund balance and explained how the fund is allocated. Director Steiner recommended that the Council pass the Resolution as it is written and stated that when it comes time to develop the 2017 – 2018 budget, the City can meet with ALFA regarding annual funding rather than passing a resolution every year.

Councilmember Wilson motioned to approve Resolution 5-2016 authorizing additional Lodging Tax funding for the Autumn Leaf Association with one-time and grant match requirements as prescribed within Resolution 5-2016. The motion was seconded by Councilmember Neighbors and passed 5/1 with Councilmember Francis opposed.

## **3. Mayor Reappoint Andy Lane to the Planning Commission – Expires April 2016**

Development Services Manager Nathan Pate stated that the Leavenworth City Council is being asked to confirm the Mayoral reappointment of Andy Lane to the Planning Commission. He said that Mr. Lane has been a Planning Commission member since 2008, he is a land use attorney with both private and municipal clients, and his background continues to offer an additional perspective to the Leavenworth Planning Commission. Manager Pate confirmed that Mr. Lane has agreed to participate for another 4 year term.

Councilmember Wearne motioned to confirm the Mayoral reappointment of Andy Lane to Planning Commissioner Position No. 3 for a four (4) year term. The motion was seconded by Councilmember Bretz and passed unanimously.

#### **4. IntegriTech General Contract Agreement**

Councilmember Larsen recused himself from the discussion and the vote.

Public Works Director Herb Amick stated that the City Council is being asked to review and approve a Professional Services Agreement (PSA) with IntegriTech for on-call engineering consultant services. He said that IntegriTech is a local engineering firm represented by Mr. Bill Schmidt and Mr. Aaron Schmidt and they are contracted by the City for small engineering projects when necessary. He noted that this is the third year that the City has contracted with IntegriTech and that any consultant services for larger projects would require a scope of work and a contract amendment. He confirmed that the annual agreement is capped at \$10,000, includes the cost of insurance at \$2,403, and the invoicing is based on an hourly rate fee.

Councilmember Neighbors motioned to approve and authorizes the Mayor to sign the Professional Services Agreement with IntegriTech for on-call consulting engineer services. The motion was seconded by Councilmember Wearne and passed 5/0/1 with Councilmember Larsen recused.

#### **5. Authorization – Equipment Purchase for Loader**

Public Works Director Herb Amick stated that the City Council is being asked to authorize the expenditure of funds for the purchase of a used large loader, similar to the 2003 Caterpillar loader now owned by the City, in an amount not to exceed \$100,000. He said that staff has discussed long term savings with the Public Works Committee regarding a purchase versus the lease cost for the current loader. He explained that the City currently expends \$16,000 - \$22,000 per year to rent the loader for snow removal, and to purchase a loader will allow the City to use the loader year round. He noted that the Council is not approving the purchase of a specific loader, but allowing the purchase of a loader when one becomes available at a price not to exceed \$100,000 with the approval of the City Administrator. He went on to say that this purchase will allow for the sale of the 1991 Caterpillar 416 Backhoe as surplus equipment; its present value is approximately \$10,000. Councilmember Larsen noted that this item was reviewed by the Public Works Committee and that the Committee recommends the purchase.

Councilmember Larsen motioned to approve a not to exceed purchase amount of \$100,000.00 plus tax and shipping for a used loader to be identified by the Public Works staff and authorizes the City Administrator to approve the expenditure. The motion was seconded by Councilmember Wilson and passed unanimously.

Councilmember Larsen motioned to declare the 1991 Caterpillar 416 Backhoe, VIN # 5PC13091 as surplus equipment and approves selling the backhoe on the Public Surplus online auction site. The motion was seconded by Councilmember Neighbors and passed unanimously.

#### **6. Authorization – Equipment Replacement of 1999 Ford F-350 XL Super Duty 4x4**

Public Works Director Herb Amick stated that the City Council is being asked to authorize the expenditure of funds for the purchase of a 2016 Ford F-350 1 Ton 4WD pick-up truck and Tool Box Bed in the amount of \$35,131 excluding tax and license. He said that the City's Equipment Rental & Revolving (ER&R) schedule identifies the replacement of the 1999 Ford F-350 XL 4WD in the 2016 budget; the 2016 budget includes a replacement cost of \$34,000. He confirmed that the vehicle has been selected from the Washington State Contract Request System (CARS), and by doing so does not require

the City to obtain three bids. He noted that the system is extremely competitive; staff has researched dealers in the local area and were not able to find any comparable prices. He said that the approval of this purchase also includes the declaration to surplus the 1999 Ford F-350 1 Ton 4WD pick-up truck and approves selling the truck on the Public Surplus online auction site. He noted the value of the surplus truck to be approximately \$10,000.

Councilmember Wilson motioned to approve the purchase of a 2016 Ford F-350 1 ton 4WD pick-up truck and tool box bed in the amount of \$35,131.00 excluding tax and licensing. The motion was seconded by Councilmember Wearne and passed unanimously.

Councilmember Wilson motioned to declare the 1999 Ford F-350XL 4WD 1 Ton pick-up truck, VIN # 1FDSF35F1XEB11557 as surplus equipment and approves selling the truck on the Public Surplus online auction site. The motion was seconded by Councilmember Larsen and passed unanimously.

**7. Ordinance 1523: Accessory Dwelling Unit Amendments LMC (Leavenworth Municipal Code) 18.20.020 (B)(3)**

Development Services Manager Nathan Pate stated that the City Council is being asked to adopt Ordinance No. 1523 which will update the rules, regulations, standards and specifications for Accessory Dwelling Units (ADU). He confirmed that the Council studied the Ordinance on March 8, 2016 and that the Planning Commission has had discussions, deliberations, and a public hearing. He noted that this is phase one to an overall broader amendment cycle. He explained that ADU's are secondary units to a primary residence, and the code amendment provides additional flexibility, more opportunities for people to move away from the regulations as a barrier, and come into compliance with existing conversions and/or create new ADU's as additional housing stock and variety in housing for the community. He said that housing has been a central Council topic today and will continue into the future. He noted that this amendment is a quick fix in order to provide some regulations to allow for a greater size ADU at 1200 SF, which is consistent with the County's regulation, so that those in the UGA won't have any conflicts between the County's and City's regulations. He added that the provision for access onto the alley has also been changed and is now allowed and the amendment removes the requirement for the occupant of the primary structure or ADU to be a part of the process. The Council reviewed and studied utility connections into the water and sewer system for ADU's and a new amendment reflects the Council's desire to have a threshold, whereby if a small ADU under 900 SF desires to connect to the existing house, they can, and greater than 900 SF is mandatory that they have a separate connection into the main line to the property. He said that the overall desire was to add some flexibility, build the housing stock, and bring people into compliance.

Councilmember Larsen questioned if existing ADU's will have to be converted to the current standards in order to fall within compliance. Manager Pate explained that the Planning Commission and Council have determined that if a structure is legally established and isn't conforming, there is some deference, although if the structure was never permitted then it doesn't receive that deference. He went on to address the life safety issues related to a residence versus that of a non-conforming structure being used as a garage. Councilmember Larsen stated that the code is counterproductive in not allowing older non-conforming structures the ability to come into compliance based on setbacks and old code. There was discussion of non-permitted structures and Manager Pate stated that those structures must comply with the law first, followed by the necessary rules for the conversion; an illegal building receives no rights so the City can force its removal. He noted that this is something that the Council may amend as a group by sending it back to the Planning Commission for further study, or by holding their own public hearing, or by voting as a group. Further discussions included how to address non-conforming units and the number of allowed ADU's per lot. City Attorney Graafstra explained to the Council that their options are to continue the item to a "date certain" in order to further the discussion, hold a public hearing by allowing the appropriate time frame for noticing the public or passing the ordinance as presented. Councilmember Bretz stated that coming into development season, she prefers to see residents have the ability to start

constructing ADU's right away, and the non-conforming existing structures can be addressed at a later time. Councilmember Francis stated that by passing this ordinance now, it will allow for people in the UGA to get started on ADU construction now, without waiting for the City to update its code.

Leavenworth Planning Commissioner Chuck Reppas stated that he attended the meeting to explain how the Planning Commission came to these particular decisions regarding Accessory Dwelling Units. He said that the Planning Commission spent nearly four months discussing every issue they could come up with. He said that the Commissioners knew that they needed to make something that makes sense that can get passed. He noted that the Planning Commission discussed the same scenarios that the Council is asking tonight; the Planning Commission worked on a course of action that could be undertaken quickly and easily as the first portion of a wider range of changes that will take place in the LMC regarding ADU's. He urged the Council to pass the Ordinance as it is. On a final note he stated that regarding the one unit per lot, the Planning Commission discussed and decided to leave the code the way that it is written.

City Administrator Joel Walinski read a letter from Mr. Andy Barber of 12762 Shore Street, Leavenworth into the record requesting that his non-conforming structure be permissible with its current setbacks.

Councilmember Larsen asked that the Council continue the discussion regarding non-conforming structures and change of use issues at an upcoming Study Session meeting.

Councilmember Wilson motioned to adopt Ordinance 1523 Accessory Dwelling Unit Amendments to Leavenworth Municipal Code Section 18.20.020 (B)(3). The motion was seconded by Councilmember Bretz and passed 5/1 with Councilmember Larsen opposed.

#### **8. Contract Amendment/Varela & Associates: Waste Treatment Facility Planning**

City Administrator Joel Walinski stated that the City Council is being asked to approve an amendment to a Professional Services Agreement with Varela & Associates to provide consultant services for the Waste Treatment Facility Plan and General Sewer Plan. He noted that the Council chose Varela in 2014 to begin this project. He explained that in 2014, the City wanted to start the process of looking at the Waste Treatment Plant and how to address the phosphorus limitations that the City will need to come into compliance with by 2020. He said that part of the project was to also identify and request funding through the Department of Ecology for the Facility Plan and the General Sewer Plan; as a result the City received a 50/50 low interest loan and forgivable loan totaling \$197,060. He said that the contract is a not to exceed amount of \$193,988. He noted that Varela & Associates has had a long relationship with the City of Leavenworth; Varela has done a number of projects at the Waste Treatment Plant and water projects for the City. On a final note, Administrator Walinski stated that included within the scope of work, Varela has been asked to study the use of reclaimed water in order to see what the options may be.

Councilmember Francis motioned to approve the amendment to the Professional Services Agreement (PSA) with Varela & Associates for consulting services associated with the Wastewater Facility Plan for a not to exceed amount of One Hundred and Ninety Three Thousand, Nine Hundred and Eighty Eight dollars (\$193,988) and authorizes the Mayor to sign the contract amendment. The motion was seconded by Councilmember Neighbors and passed unanimously.

#### **9. WA DOT VMS Maintenance Agreement – Variable Message Sign**

Development Services Manager Nathan Pate stated that the City Council is being asked to review, approve, and authorize the Mayor to sign a Maintenance Agreement with Washington State Department of Transportation for the installation and operation of a Variable Message Sign within the Leavenworth city limits. He explained that this is something that the City has wanted for quite some time; it is an

emergency warning sign and its purpose is to notify passing vehicles in advance of a highway closure or detour. He said that as a requirement of the placement of the sign, the City will ensure that there is an unobscured line of visibility for a specific distance leading up to the sign. He noted that some of the City's street trees may need to be evaluated and removed. On a final note he said that it was important to the City that the structure of the message board be "Bavarian" even though it contains a lighted message board, and he confirmed that the DOT complied with that request.

Councilmember Wearne motioned to approve and authorize the Mayor to sign the Maintenance Agreement with Washington State Department of Transportation for the installation and operation of a Variable Message Sign (VMS). The motion was seconded by Councilmember Neighbors and passed unanimously.

### **10. Resolution 6-2016: Supporting Municipal Research Services Center State Funding**

Finance Director Chantell Steiner stated that the City Council is being asked to support the Municipal Research Services Center (MRSC) State provided funding for assisting cities and counties. She said that during the current State's budget process, funding had been taken away from MRSC, later restored, but they continue to be at risk of losing funding again in years to come. She went on to explain the excellent resource that MRSC has become to cities and counties across Washington. The City was asked to provide the resolution to the State Legislature to show that the City of Leavenworth supports the full funding of MRSC.

Councilmember Wilson motioned to approve Resolution 6-2016 supporting the Municipal Research Services Center State funding. The motion was seconded by Councilmember Bretz and passed unanimously.

Councilmember Wilson read a letter of resignation into the record by Councilmember Michael Molohon effective March 20, 2016. Mayor Farivar expressed her thanks to Councilmember Molohon for his 9 years of dedicated service to the City of Leavenworth. She went on to say that the process of replacing Councilmember Molohon will be laid out at the next Study Session meeting and the entire process can take roughly six weeks. Administrator Walinski stated that an advertisement will run in the Leavenworth Echo and on the City's website; the City will accept letters of interest for a three week period.

### **ITEMS FOR FUTURE CONSIDERATION**

Mayor Farivar reminded the Council that the Public Disclosure Commission filing deadline is April 15, 2016

### **EXECUTIVE SESSION: RCW 42.30.110 (1)(i)(ii) POTENTIAL LITIGATION**

Mayor Farivar stated that the Council will enter into Executive Session at 9:21 PM to discuss potential litigation for 15 minutes with no action to be taken.

1. Councilmember Francis motioned to enter into Executive Session at 9:21 PM for approximately 15 minutes to discuss potential litigation with no action to be taken. The motion was seconded by Councilmember Wilson and passed unanimously.
2. Councilmember Larsen motioned to reconvene the Regular Council meeting at 9:36 PM. The motion was seconded by Councilmember Wilson and passed unanimously.

### **ADJOURNMENT**

Seeing no other business, Councilmember Larsen motioned to adjourn the March 22, 2016 meeting of the Leavenworth City Council. The motion was seconded by Councilmember Francis and passed unanimously.

The meeting adjourned at 9:39 PM.

**APPROVED**



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**Cheryl K. Farivar**  
**Mayor**

**ATTEST**



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**Chantell Steiner**  
**Finance Director / City Clerk**