

LEAVENWORTH CITY COUNCIL STUDY SESSION MINUTES

April 12, 2016

Mayor Cheryl Kelley Farivar called the April 12, 2016 Study Session to order at 9:00 AM.

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

Staff Present: Joel Walinski, Herb Amick, Nathan Pate and Chantell Steiner.

1. Chamber Report

A. Chamber Report

Chamber Director Nancy Smith updated the Council on the April Sensations celebrating locally sourced food and drinks throughout the month. She noted that this year the increased visitors were excellent; however, the number of guests exceeded the 200 passports that are available which offer discounts and coupons for local businesses so the Board will be looking at changes for next year. She then updated the Council on the festivities underway for Maifest with the excitement this year around the rising of the new Maibaum. She talked about Washington's Playground and The Best of the Northwest voting that is currently underway; she encouraged members to go online to King5.com and vote. She stated some additional campaigns that are underway with various agencies noting that the second quarter of each year is when the Chamber does a bulk of the advertising for Leavenworth. Discussion ensued on the process for the rising of the Maibaum.

B. Special Use Permit – Maifest Bier Garten

City Administrator Joel Walinski reviewed for the Council the current code language regarding the prohibition of alcohol within the City's parks; however, he stated that there are some allowances within another section of the code for the Bavarian specific events. He added that State laws also identify no public consumption of alcohol. He talked about the options to further clarify the City's codes to either address the allowance of alcohol for Bavarian specific items or to consider amending the park code to include some or all parks for alcoholic consumption. He stated that other event organizers and the Farmer's Market would be interested in seeing park regulation amendments for this. Council members discussed the history of no alcohol in the City's parks and the community perspective to retain the parks as alcohol free due to the parks being a family and children oriented location. Councilmember Larsen expressed the support for certain events that alcohol might be acceptable; therefore, creating regulations that can be selective based on the events themselves rather than allowing open public consumption of alcohol he could support. Council discussed some ideas for creating parameters for future code language and noted the need to move cautiously when accepting requests that require the Council to make exceptions to the rules and regulations; Council members were open to future dialog to look at code amendments for alcohol in the parks.

Director Smith encouraged the Council to consider this request from the Chamber for a bier tent during the Maifest celebrations as this is one of two major events that the Chamber sponsors that is truly a Bavarian celebration. Council continued to discuss risks of open allowance of alcohol

in the parks in general; Councilmember Francis reiterated his concerns for allowing a deviation from the code language without enough time to address the issues fully.

2. Update on School District Project Regarding the Skatepark

Development Services Manager Nathan Pate stated that there are two agreements in place regarding the skate park that will require amendments. The first agreement is a 25-year contract between the City and the School District for the placement and maintenance of the Skatepark on the school property. He stated that the second agreement is with the City and the Recreation Conservation Office (RCO) for the grant dollars received to assist in building the Skatepark. He explained how the RCO agreement has specifications on use, maintenance and location of the Skatepark that is going to need an amendment in order to accommodate the new design of the School District Property and the ultimate removal of the Skatepark. He stated that the RCO rejected the City's request to just remove the Skatepark; however, there is the option to possibly mitigate the Skatepark removal through a new contract that replaces the Skatepark with the new tennis courts that the School District will be building. He added that the RCO will require that the agreement be restarted with a 25-year term for the tennis courts and other specific maintenance and operation requirements similar to those that were incorporated on the Skatepark will need to be included. The Council had a brief discussion on the hours of operations and constraints by the School District on the Skatepark.

Councilmember Larsen voiced some concern at removal of the Skatepark with the replacement of a tennis court that would have been rebuilt anyway by the School District; he would like to see a new facility be created to offset the outgoing facility. Councilmember Wearne concurred that this suggestion of replacing a Skatepark with a tennis court is not favorable from the local skateboarders in our community. Several other Council members agreed that the School District needs to look at taking a stronger lead on mitigating this and ensuring a positive resolution for all members of the community.

3. Ad Hoc Housing Affordability Committee

Mayor Farivar updated the Council on suggestions that she has received to create a task force that will study housing affordability in Leavenworth. She explained to the Council her ideas of how to begin a new ad hoc committee to be charged with the research of the housing market and to come up with potential regulations for implementation to consider what needs are found from the data collected by the committee. She talked about the need to explore housing incentives for development that could help stimulate more affordable housing. Administrator Walinski clarified that workforce housing will be a broader term to address those that currently work in Leavenworth and not just be focused on affordable or low income housing definitions. Mayor Farivar said that she would like to see this committee come up with the code language needed to assist developers to create more options for housing development that will address many different income levels. Even though the buildable land (approximately 1.4 square miles) is a small footprint for Leavenworth, Mayor Farivar stated that this review is critical to start looking at for future generations. Councilmember Larsen talked about the historical perception to "protect" the land from growth to the current needs to address more people and affordability of the land and homes. He stated that he would like to see a focus on what the City can do to encourage creativity and remove obstacles through incentives and code changes. Council members briefly reviewed the difference of setback requirements versus zero lot line setbacks that are quite popular in other communities and specifically in Wenatchee. Discussion ensued on

other areas to look at such as tiny homes, preservation of neighborhoods, and supply and demand. Mayor Farivar stated that creating supply through code language is one of the main focuses that she would like to see the committee work on. She asked council members to let her know if they are interested in serving on the committee.

4. Council Selection for Filling Vacancy

Administrator Walinski updated the Council on the five applications that have been received so far noting that the deadline is at 5:00 PM today. He then reviewed the past process used by the Council to appoint a person to the vacancy. He explained that the candidates are interviewed in a public interview and suggested setting a special meeting for the interviews as it will take several hours to complete the process. He explained the process of using Executive Session for council members to discuss the candidates only; voting for an applicant to fill the vacancy must occur within the open session portion of the meeting per state regulations. Mayor Farivar explained how the voting could occur by paper voting that will be tallied by the City Clerk and announced rather than going directly to a motion on the floor. This process will allow for a multi-step procedure to bring the final decision down to the top applicants of choice by a majority of the Council first. She noted that all voting will be public record and recorded as such once provided to the City Clerk. Mayor Farivar then reviewed how the process occurs with the candidates noting that all candidates will get the exact same questions and that the Council will participate in announcing each of the questions. Council members discussed the process further of voting (polling) that will occur to tally the votes first and then having a final motion being presented to make the official appointment. The Council would first do one round of polling with their top two candidates being identified; if needed, a second round of polling would occur prior to a motion to fill the vacancy. It was noted that if a tie occurs in the final stage of voting that the Mayor will have the authority to vote and split the tie. Council asked staff to set the candidate interviews on Wednesday, April 20, 2016 from 1:00 to 5:00 PM.

5. Discussion Site Development Permits

Manager Pate explained to the Council that this item is a new permit tool for the Council to consider. He stated that the City Code currently has a Grade Excavation Permit that covers a wide spectrum of requirements, including geotechnical studies, which are set by the International Building Code. He gave a brief review of the requirements within the code language revolving around grading in particular. This new Site Development Permit would focus on just the grading requirements of the Grade Excavation Permit to allow for a developer to begin site prep work without all of the requirements that may not be needed for grading only. Manager Pate provided an example of where this could have been beneficial for the Meadowlark Project and stated that there are several others that will be coming soon. Administrator Walinski further explained that this new permit would allow for grading only and will not permit the preparation of the site for development of a building foundation. Manager Pate clarified that this was deliberated on by the Planning Commission to ensure that there is not an extra level of bureaucracy but rather to create an option that allows developers to develop in smaller stages as they prepare for the excavation process. Council had a brief discussion on setting a fee that may be credited on the full Grade Excavation Permit and to consider setting a time limit on the need to reapply for a new permit. Administrator Walinski stated that this would be an optional permit for the developer and not a required permit. Manager Pate noted that some cases would not qualify for the Site Development Permit based on findings known to the subject property being reviewed such as certain soil types.

6. Annual Retreat Follow-up / Continue Goals Discussion

Administrator Walinski reminded the Council that one of the objectives of setting goals is to assist the staff in developing and administering the budget but is not necessarily just budget driven. He explained that goals typically go much longer than a budget taking many years to implement and accomplish. He identified several recent projects that spanned four to six years to complete that includes planning and policy development, revenue identification, and construction. The Council had a short discussion on the Six-Year Transportation Improvement Plan (TIP) and how that is incorporated within the local process and State process to address transportation related improvements. Council members will be provided with an update on the TIP in May for approval in June; Mayor Farivar requested staff to provide the map of the city streets showing the pavement condition ratings (PCR) that are completed by the State Transportation Improvement Board (TIB). It was noted that the map, once provided, should be added to the City's website.

Administrator Walinski stated that the Council has two remaining areas from the annual retreat earlier this year to discuss which includes Transparency/Accountability and Community Building. He said that today the discussion would be on Transparency/Accountability and that the Community Building is set for the May Study Session discussion. He then reviewed what the Council has put in place to address the Transparency/Accountability goal thus far including the implementation of the City Council Newsletter four times per year, the recent (6 months) implementation of the City's own Facebook page, and a number of changes on the City's website over time. He reminded the Council that the City went through a major website design in 2010 with the Council authorizing a moderate design to contain costs. He noted that the organization of the site will always be viewed differently by different individuals but this should not hinder any changes that might need to be made to better serve the public. Mayor Farivar cautioned the Council to create a website that must meet the level of a much larger community; the City does not have the funding to match those larger communities.

Councilmember Larsen stated that the design of the site does not seem to be an issue but rather what information does the City want to provide. Councilmember Neighbors stated her experience with a recent citizen who was upset at the "waste of resources" on the use of door hangers; she said that the City needs to come up with a metric or survey process to get both positive and negative feedback through the website. It was noted that the City is working on adding an online option to the website for submitting a complaint and it was acknowledged that it is much more difficult to receive positive feedback because people by nature tend to seek out reporting information only when they have a negative experience. In reviewing the Goals listed on the handout it was noted that the posting of annual report audit results and having a list serve would be considered as objectives/initiatives. Councilmember Bretz stated that she would appreciate a review of the Development Department pages, particular to permitting, to try to come up with some ways to identify the various permitting processes in an easier fashion; some suggestions included pamphlets similar to the recent Fence Permit pamphlet, creating information on the new site development permit option and possibly having a "feedback" option. Councilmember Francis cautioned the Council on providing too much information that in turn can create misinterpretation by a citizen which can increase their development costs if they are not fully aware of the various rules in different sections of the City Code. It was noted that increased services can occur; however, staffing levels will need to be considered if adding additional workloads to daily processes.

The Council had a brief discussion on the three minute rule for public speaking at Council meetings. They discussed consideration of allowing more time, not limiting comments by asking citizens to not repeat what another has already stated, and to consider using a process that might allow for people to sign a document showing either their support or opposition to a topic. Councilmember Bretz asked for a final review of the Citizen Communication Flow Chart prior to posting on the City's website.

7. Quarterly Update Future Council Agenda Items / Project Tracking

Administrator Walinski stated that the Water Rights Bill recently approved by the Legislature, and supported by Senator Linda Evans Parlette, is a significant win for the City. He talked about what the bill does to reinstate the water rights and water availability into the next twenty years; the next steps will involve work by the Wenatchee Water Reserve to identify the specific allocations to the local communities involved. Administrator Walinski reminded the Council that the Project Tracking and Future Agenda items documents are provided on a quarterly basis.

Mayor Farivar questioned the objective regarding tiny homes and dwelling units noting that this may need to expand into several sections once reviewed by the task force working on it to provide recommendations to the Planning Commission and Council. Councilmember Neighbors questioned removing Meadowlark Strasse Street Extension; it was noted that this is still an objective of the City regardless of the Meadowlark Project to create circular access into the future.

Councilmember Neighbors updated the Council on the recent Planning Commission (PC) meeting where discussion occurred on overnight rentals. She stated that she counted at least five individuals that supported the allowance and creation of code language. She said there were many individuals that did not want allowance and preferred that the City look at enforcing the current code that does not allow the use. She said she felt that the meeting went very well and hearing it come from the citizens was very enlightening. Councilmember Larsen cautioned too much involvement of Council Members at PC meetings as that can have a negative effect on policy decisions being developed and ultimately approved by the City Council; there needs to be separation of the Council and PC to allow the process to be vested on different levels. Councilmember Bretz stated that she can see a positive benefit to working closer with the Planning Commission to see and understand what is discussed and ultimately presented to Council for approval. Councilmember Larsen further clarified that the Council needs to consider separation because attendance at PC meetings could be viewed by the public as creating consensus of the Council outside of a regular Council meeting. Discussion continued on the appropriateness of council members attending all of the PC meetings and how that can have some negative effects as Planning Commissioner's may limit their discussion if Council members are injecting their opinions too early in the process.

8. Quarterly City Newsletter Recommendations – Distribution in May

Mayor Farivar stated that she would like the Minute with the Mayor to be on street improvements for this newsletter and that she will work with Public Works Director Herb Amick. She then reviewed the other articles recommended and in process by staff for inclusion. Mayor Farivar asked council members if anyone is interested in doing a Council Spotlight article on a topic of their choice; Councilmember Bretz volunteered to work on an article on the overnight rentals and accessory dwelling units with Manager Pate. Councilmember Neighbors

suggested including reminders regarding responsible dog owners for leaving dogs in hot vehicles, ensuring dogs on leashes, picking up doggie waste and possibly identifying locations of doggie waste stations. Councilmember Wearne volunteered to do the next Council Spotlight article on Recycling to be completed for the August Newsletter. Administrator Walinski asked writers to send their articles to Executive Assistant Sue Cragun by no later than the end of April for the May newsletter.

9. Council Open Discussion

Councilmember Bretz questioned whether the City needs to address the statewide ban on fireworks that Representative Hawkins had been working on but did not pass the Legislature this year. She stated that she was told there was some concern that the process done last year was not legal. Administrator Walinski noted that in order to consider a ban, the Ordinance must be adopted at least one year in advance of the implementation of the ban. Director Steiner clarified the process used last year where the Fire Marshall declared the ban as an emergency due to the high fire danger last year, which is legal within current state statutes, and that the City Council confirmed the Fire Marshall's action by resolution. Several council members stated that they would like to discuss the idea of moving forward with looking at a citywide ban on fireworks. Administrator Walinski stated that this can be explored but cautioned the Council that enforcement will need to be considered as Leavenworth would become the focus for the public safety officers who are charged with responding to these. It was suggested to continue this discussion with the Public Safety Committee.

Councilmember Bretz questioned the Mayor on the current vacancy with the Planning Commission. Mayor Farivar stated that she has done some interviews; however, has not found a good fit yet and is currently working on preparing another request for applicants.

Study Session adjourned at 12:00 PM.

APPROVED



Cheryl K. Farivar
Mayor

ATTEST



Chantell Steiner
Finance Director/City Clerk