

LEAVENWORTH CITY COUNCIL MINUTES

May 10, 2016

Mayor Farivar called the May 10, 2016 Leavenworth City Council meeting to order at 6:30 PM and Councilmember Bretz led the City Council in the Flag Salute.

ROLL CALL

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

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

Mayor Farivar excused Councilmember Margaret Neighbors from the meeting.

APPROVAL OF THE CONSENT AGENDA

Consent Agenda

1. Approval of Agenda
2. Approval of April 26, 2016 Regular Meeting Minutes
3. 2016 Claims \$768,704.38
4. April 2016 Payroll \$211,050.18

City Attorney Tom Graafstra stated that there will be an Executive Session RCW 42.30.110 (1)(i)(ii) regarding litigation or legal risks of a proposed action for approximately 20 minutes with no action to follow.

Councilmember Francis motioned to amend the consent agenda and add an Executive Session to the Agenda regarding litigation or legal risks of a proposed action for approximately 20 minutes with no action to follow. The motion was seconded by Councilmember Wilson and passed unanimously.

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

PUBLIC SAFETY REPORT: SERGEANT BRUCE LONG, LIAISON OFFICER

Chelan County Sheriff Sergeant Bruce Long reported on the current Sheriff Report for the month of March and stated the events that have taken place around the City of Leavenworth and nearby surrounding areas. He stated the numbers of incidents, citations, traffic accidents, false alarm calls, and arrests and compared those to the prior month of February. There was a brief discussion of false alarms and the regular offenders.

COUNCILMEMBER AND COMMITTEE REPORTS

Councilmember Brinkman reported that he attended the Public Works Committee meeting.

Councilmember Bretz reported that she attended the Public Works and Parks Committee meetings. She reported on the Parks Committee meeting and stated that the Committee discussed the skate park and noted that discussions are moving forward with the school district; the bicycle pump track will

have their grand opening this Friday; there was discussion regarding alcohol in the parks; the pool is almost ready to open for the season; the Maibaum was painted by members of the community and Public Works Staff and will be raised this Saturday at the Maifest Festival; and there was discussion regarding nonprofit concession sales at Enchantment Park.

Councilmember Wearne reported that she was part of the group that painted the Maibaum and briefly described the activity. She went on to say that she attended the Public Safety Committee meeting and attended a discussion at Icicle River Middle School and stated that she spoke to 7th graders about the City Council and noted that it was very well received.

Councilmember Larsen reported about the Icicle River Middle School discussion and said that the Councilmembers received feedback about the types of activities that the Middle School would like to see in a community center. He reported on the Public Works Committee meeting and stated that the Committee discussed the Wastewater Treatment Assessment Training and the requirements and costs that it will take to move the plant from a Level 2 to a Level 3 facility. He said that representatives from Varela & Associates will attend an upcoming Study Session to discuss the options, costs, requirements, and phosphorus in the water. He confirmed that the City is still looking into funding options for the Pine Street Reconstruction project and noted that the Chelan Douglas Transportation Council (CDTC) grant funding is looking promising; the City will continue in the planning process and line up funding during the school construction projects. He said that the Committee received a presentation on the P1 and P2 Parking Lot improvements and noted that the estimated project costs are approximately \$400,000. He said that further discussions included the Chumstick Highway Multi-purpose Trail, the Planning Commission's work on the Stormwater Wetland Grant, the Highway 2 Crosswalk projects, and the resurfacing scheduled for Commercial Street 3rd – Schultz and Whitman Street.

Councilmember Wilson reported on the Public Safety Committee meeting and stated that the Committee discussed overnight rentals and enforcement with Sergeant Bruce Long; the recent Tour de Bloom bike race and what changes should be implemented going forward; the Chelan County Fire District #3 Contract; she confirmed that Pacific Security is on duty through September and will be submitting their patrol logs for the Committees review; discussion of ordinances and amendments regarding the ban on fireworks, fireworks sales, private use, and commercial firework shows; and the use of alcohol in the City's parks, restrictions, hours of operation, and sales limited to beer and wine.

Councilmember Francis reported that he attended the Public Safety, Public Works, and Festhalle Oversight Committee meetings. He briefly detailed the Festhalle Oversight Committee meeting.

MAYOR/ADMINISTRATION REPORTS

Mayor Farivar reported that she attended the Chelan County PUD Mayors Summit meeting and stated that the group was updated on current events and that they were given time to brainstorm with other Mayors in regard to the priorities and trials of their respective communities. She said that she attended a meeting with the Leavenworth Winter Sports Club (LWSC), the Economic Development Committee, and Chamber of Commerce Director Ms. Nancy Smith regarding fundraising for the Club in order to keep LWSC supported and how the Chelan County Port District could participate in that support of the Club. She added that the representatives of LWSC will put together a long term strategic plan and address the Port District to request funding. She went on to say that she will be an evaluator at the upcoming Cascade High School "Project Citizen" reports that will be presented by the High School Seniors. On a final note she reported on the earlier morning Study Session meeting and stated that the Council received a report from the Chamber of Commerce regarding the recent Tour de Bloom bicycle event, discussed overnight rentals within the residential neighborhoods,

discussed the draft Six-Year Transportation Improvement Plan, received a recommendation regarding the Utility Rate Study by the Public Works Committee, reviewed the changes to the City's Cemetery Code, discussed non-conforming uses in the Community and the history of the state law, followed up on the Annual Retreat in regard to goals, and an update in regard to closing the CDBG grant following the termination of the Meadowlark Housing Development.

City Administrator Joel Walinski reported on the Festhalle Oversight Committee meeting and stated that the Committee has finalized the draft Community Day Policy and has recommended that the Policy be presented to the full Council for approval; there was also discussion of a new stage for the main hall as the current stage is approximately 17 years old and has come to the end of its useful life. He went on to say that the Hazardous Materials Emergency Preparedness (HMPE) team had a tabletop training at the Festhalle regarding communication; they will focus on a training event that will cause a response from the School District, the City, Chelan County Fire District #3, and other local agencies and emergency management teams to shelter in place. He noted that the Council will be receiving protocol that will provide information regarding the role of the Council during those types of events. There was a brief discussion of how that event will flow and how residents and tourists will be sheltered in the event of an emergency.

City Attorney Tom Graafstra reported that the City has resolved the unfair labor practice and that there will be a final order dismissing that action arriving very soon.

Finance Director Chantell Steiner reported that she and Councilmember Bretz have completed the review of the Parks & Recreation Service Area (PRSA) Annual Report; she and Councilmember Bretz discussed changes and requirements from the State Auditor's Office based on how funding is allocated that will make a difference to the PRSA budget. She added that she is currently completing the City's Annual Report and requested a volunteer from the Council to review that report upon completion; Councilmember Wilson volunteered to complete the review of the Annual Report.

Development Services Manager Nathan Pate reported that there will be a Public Hearing for the Hartwig variance and the Brewing Company for 911 Commercial Street on May 17, 2016; they will discuss moving their utilities through the park for access to their property. He went on to say that Development Services Staff will provide a presentation on construction with local students, the Pine Grass subdivision project is moving forward and will begin clearing and grubbing the site, and Willkommen Village has completed their compliance on fireflow and is currently working with Link Transit.

Public Works Director Herb Amick reported that the City has purchased a new Caterpillar 924K Front End Loader for a total price of \$94,795.80.

COMMENTS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA

Sharon Waters, 336 Birch Street, Leavenworth; Mrs. Waters stated that she would like to address the Council regarding two different items. She said that the first is in regard to the Cemetery Code that was discussed at the Study Session meeting and went on to explain her experience where a grave marker was placed on her husband's grave site and she wasn't notified so that she would be able to attend, which would also provide some closure for her. She said that she is asking that wording be placed in the policies and procedures for the cemetery burial process that the family be notified in advance when the stone or marker is placed so they will have a chance to be at the cemetery if they so choose. She went on to say that she is still sad that it happened this way. She said that the second item is in regard to overnight rentals in the residential

neighborhood and stated that she is a little irate in regard to the brainstorming that went on in the earlier Study Session meeting. She said that she has attended Planning Commission and City Council meetings and stated that the residents have been clear that they do not want overnight rentals in the residential area. She said that after listening to all the angles presented by the Council this morning, in order to make exceptions and allow this or that depending upon whether the landlord lives on site or has a manager; she feels as a resident that she is being pushed aside. She reiterated that the residents have said no. She said that the City Codes are there for a reason and the City needs to enforce that code. On a final note she stated that the City can't make everyone happy, but can make the majority happy and the majority have spoken; tourism stops where the residential line starts.

Councilmember Wilson addressed Mayor Farivar and stated that there were possibly two Councilmembers who would like to address Mrs. Waters' statements. Councilmember Bretz stated that she thinks it is important because they are on the record and in case someone is reviewing the minutes, she would like to respond. She said that regarding the housing, the Council is very aware of the Communities desire to not have nightly rentals infiltrate the neighborhoods, and thinks that the Council totally supports that and stated that is their goal. She said that everything that was discussed this morning was in regard to a lot of nuances and things that the Council can do to help property owners, and at the same time, make sure that they protect that neighborhood feel. She said that she disagrees with Mrs. Waters and doesn't feel that it needs to be a whole "stop", but can achieve the goal of protecting the neighborhood from nightly rentals while also being thoughtful to where opportunities do exist for some property owners. Mayor Farivar announced that Mrs. Waters has agreed to serve on the Affordable Housing Ad Hoc Committee. Councilmember Wearne stated that regarding the incidence of the developer wanting to buy housing over market price, she said that the Council is uniform in opinion and that is exactly what the Council wants to prevent. She said that she will do everything in her power to make sure that doesn't become an instance.

GROUP FUNDING REPORT: WENATCHEE VALLEY VELO CLUB TOUR DE BLOOM RACE

Mr. Ace Bollinger introduced himself and stated that he is a General Contractor in Wenatchee, Vice President of the Wenatchee Valley Velo Club, and the Race Director for the 2016 Tour de Bloom. Mr. Craig Still introduced himself and stated that he lives in Wenatchee where he is a business owner, a Board Member of the Wenatchee Valley Velo, and he is the assistant to Mr. Bollinger. Mr. Bollinger stated that the recent Tour de Bloom race began on Front Street at 11:00 AM Friday, went up Tumwater Canyon, to Coles Corner, and finished on Front Street. He said that the weather was beautiful, there were large crowds, the racers loved it, and he has been getting a lot of positive feedback. He said that there were some traffic problems that are now being addressed with the Department of Transportation (DOT). He said that there were 358 registrants overall compared to 271 last year, the average age of a participant is 35, 287 males, 71 females, 47.8% came from the Puget Sound area, 28.2% came from Canada, other U.S. States was 8%, and 2 people from Great Britain. He said that the Leavenworth race had 163 participants, average age of 31, with 45% coming from Canada. He went on to address some of the problems that were identified in the race and acknowledged that these will need to be remedied in order to have the race again next year. He expressed his appreciation for the help that they received from the City's Public Works Crews and the City Officials. On a final note, Mr. Bollinger explained his vision for the Velo Club and the types of bicycling events he would like to see in the City of Leavenworth.

Councilmember Wearne stated that from a commercial perspective, there was a need for public restrooms placed throughout the town. Mr. Bollinger apologized and clarified that it was an oversight and won't happen again. Councilmember Wilson stated that many of the race participants have never been to Leavenworth, and now they have seen the town and may choose to come back with their families. Mr. Still briefly stated what he felt were the highlights of the day.

RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

1. Pace Engineering Contract – Chumstick Trail & W/S Extension

Public Works Director Herb Amick stated that the City Council is being asked to approve a new Consultant Agreement with Pace Engineering; this new agreement will replace the previous agreement for the construction engineering requirements associated with the Chumstick Multi-purpose Trail & Water/Sewer Extension project and the Chumstick Highway Lift Station Pumps & Auxiliary Generator project. He confirmed that this new contract includes the sub-consultants Z Engineering, who will provide the oversight for the electrical component installation of the lift station and auxiliary generator and CSI (Construction Special Inspection) who will be testing materials for the water main pipeline bedding zone and backfill compaction, trench roadway top course compaction, asphalt materials compliance testing and asphalt density compaction testing. He confirmed that the total cost of the contract is an amount not to exceed \$65,640. Finance Director Chantell Steiner addressed the funding for this project and explained that the funds will come from the street fund, although there will be a small budget amendment for the gap funding.

Councilmember Brinkman motioned to approve the Consultant Agreement with Pace Engineering in an amount not to exceed \$65,640 and authorizes the Mayor to sign the agreement. The motion was seconded by Councilmember Wilson and passed unanimously.

2. MDSquare, LLC Contract – Chumstick Trail & W/S Extension

Public Works Director Herb Amick stated that the City Council is being asked to approve a new contract with Mr. Mike Deason of MDSquare, LLC to perform construction inspection services for the Chumstick Multi-purpose Trail & Water/Sewer Extension project and the Chumstick Highway Lift Station Pumps & Auxiliary Generator project. He said that the contract is an open-ended contract for construction inspection services for a not to exceed amount of \$38,160. On a final note he briefly addressed the work schedule, insurance requirement, and previous contracts that Mr. Deason has inspected for the City.

Councilmember Brinkman motioned to approve the Professional Services Agreement with MDSquare, LLC for an amount not to exceed \$38,160 and authorizes the Mayor to sign the agreement. The motion was seconded by Councilmember Larsen and passed unanimously.

3. Ordinance 1525 Budget Amendment – Salary Schedule Only

City Administrator Joel Walinski stated that the City Council is being asked to amend the salary schedule which is approved by Ordinance as a budget amendment; there is no expectation of changes needed in the actual budget line items. He said that the City is interested in creating a part time 24 hour position in the Public Works department; this new position will have a CDL endorsement and will work primarily a Saturday and Sunday shift to collect garbage and respond to service calls, either downtown or in the residential neighborhood. He said that once the

position is approved by the Council, the position will be advertised to the public. He noted that the position also addresses the discussions with the union and the proposed weekend shift work. Councilmember Larsen added that the weekend worker may also help to address recycling in the downtown core.

Councilmember Wearne motioned to adopt Ordinance 1525 Budget Amendment for the 2016 Salary Schedule. The motion was seconded by Councilmember Larsen and passed unanimously.

4. Ordinance 1526 Site Development Permits

Development Services Manager Nathan Pate stated that the City Council is being asked to adopt Ordinance No. 1526. He said that previously on April 12, 2016 the Council studied this amendment; site development permits are a new tool in the toolbox of permits. He said that the Council has studied how this would add an opportunity for people to come in and get permits for very specific infrastructure development, such as short plats, major subdivisions, and binding sight plans which require necessary infrastructure to support those lots and public facilities. He went on to say that in the past, the City was using a grading and excavation permit as the available permitting option for these types of activities. He noted that the grading and excavation permit is for any earthwork associated with construction and requires some specifics in order for the permit to be issued. He said that the Site Development Permits may incorporate some of those pieces, but may not. He said that it is a good tool where the City can administratively decide what is necessary for the infrastructure to be in place and to get projects moving. He confirmed that all agency noticing and SEPA review requirements have been completed. Councilmember Francis stated that his concern is that someone will start moving dirt around and never follow through with the project. Manager Pate stated that through the City's mitigation agreement which includes temporary erosion sediment control plans; the party involved will be required to plant vegetation on the disturbed land.

Councilmember Wilson motioned to adopt Ordinance 1526 Site Development Permits. The motion was seconded by Councilmember Bretz and passed unanimously.

5. Surplus Computers

Finance Director Chantell Steiner stated that the City Council is being asked to authorize the Mayor to proceed with surplus five computers for recycling purposes. She said that these are the City's old and obsolete computer systems. She confirmed that the City has an agreement with Firefly to pull the hard drives on the obsolete computers; the City then retains the hard drives for public record retention purposes. She added that the computer shells are donated to be used by non-profit organizations. There was a brief discussion in regard to the age of the individual computers and what they were initially purchased for.

Councilmember Francis motioned to authorize the Mayor to surplus for recycling purposes with Firefly the computer systems as identified by serial numbers on the May 10, 2016 Computer Systems for Recycling List. The motion was seconded by Councilmember Brinkman and passed unanimously.

INFORMATION ITEMS FOR FUTURE CONSIDERATION

Mayor Farivar confirmed that the Joint Mid-Year Meeting with the Planning Commission will take place on June 28, 2016, the Mayor's Ad Hoc Housing Affordability Committee Appointments will be announced in the next week or two with the first meeting taking place in June, and that the Council will be studying code changes for banning fireworks and alcohol related events in the City's parks.

EXECUTIVE SESSION RCW 42.30.110 (1)(i)(ii) LITIGATION OR LEGAL RISKS OF A PROPOSED ACTION

Mayor Farivar requested a motion to enter into Executive Session to discuss litigation or legal risks of a proposed action for approximately 20 minutes with no action to be taken.

Councilmember Larsen motioned to enter into Executive Session at 7:57 PM for approximately 20 minutes to discuss litigation or legal risks of a proposed action with no action to be taken. The motion was seconded by Councilmember Wilson and passed unanimously.

Councilmember Francis motioned to extend the Executive Session at 8:17 PM for approximately 10 minutes to continue the discussion. The motion was seconded by Councilmember Wilson and passed unanimously.

Councilmember Brinkman motioned to reconvene the Regular Council meeting at 8:27 PM. The motion was seconded by Councilmember Larsen and passed unanimously.

ADJOURNMENT

Seeing no other business, Councilmember Brinkman motioned to adjourn the May 10, 2016 meeting of the Leavenworth City Council. The motion was seconded by Councilmember Larsen and passed unanimously.

The meeting adjourned at 8:28 PM.

APPROVED



Cheryl K. Farivar
Mayor

ATTEST



Chantell Steiner
Finance Director / City Clerk