

**LEAVENWORTH CITY COUNCIL MINUTES**  
**May 24, 2016**

Mayor Farivar called the May 24, 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, Elmer Larsen, Carolyn Wilson, Gretchen Wearne, and Mia Bretz.

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

Mayor Farivar excused Councilmember's Robert Francis, Margaret Neighbors, and Richard Brinkman from the meeting.

**APPROVAL OF THE CONSENT AGENDA**

Consent Agenda:

1. Approval of Agenda
2. Approval of May 10, 2016 Regular Meeting Minutes
3. Approval of May 10, 2016 Study Session Minutes
4. 2016 Claims \$107,161.08
5. Motion to Set Public Hearing on Six-Year Transp. Improvement Plan on 6/14/2016 @ 6:45 PM
6. PRSA Voucher Request \$52,000.00

Councilmember Larsen motioned that he would like to amend the Consent Agenda and requested to add an Executive Session prior to the Councilmember Committee Reports for approximately 10 minutes with possible action to be taken and the addition of item #7 regarding bid award approval for Well #2 Pump / Motor / Well Rehab project. The motion was seconded by Councilmember Bretz and passed unanimously.

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

**MOUNTAIN MEADOWS UPDATE – SALLY BAUER**

Ms. Sally Bauer stated that she is on the Board of Mountain Meadows Assisted Living Campus which is a 501c3 Board. She briefly presented the history of the organization, stated how it began in 1996, and listed the organizations significant accomplishments over the years. She went on to explain that the Board is made up of community members and reiterated that it is not a private enterprise. She addressed the organizations finances and briefly detailed the ups and downs of funding over the years. She thanked the Community for all that they have done for Mountain Meadows and invited anyone to visit or lunch anytime.

**EXECUTIVE SESSION RCW 42.30.110 (1)(b) TO CONSIDER THE SELECTION OF SITE OR ACQUISITION OF REAL ESTATE BY LEASE OR PURCHASE WHEN PUBLIC KNOWLEDGE REGARDING SUCH CONSIDERATION WOULD CAUSE A LIKELIHOOD OF INCREASED PRICE AND RCW 42.30.110 (1)(i)(iii) LITIGATION OR LEGAL RISKS OF A PROPOSED ACTION OR CURRENT PRACTICE THAT THE AGENCY HAS IDENTIFIED**

Mayor Farivar requested a motion to recess into Executive Session to discuss the selection of site or acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price and litigation or legal risks of a proposed action or current practice that the agency has identified for approximately 10 minutes with possible action to be taken.

Councilmember Wilson motioned to recess into Executive Session at 6:42 PM for approximately 10 minutes with possible action to be taken. The motion was seconded by Councilmember Larsen and passed unanimously.

Mayor Farivar reconvened back into the regular City Council meeting at 6:52 PM.

Councilmember Larsen motioned to accept the general terms of the agreement recommended by the Parks Committee and the School District Board for resolution of the contract for the existing skate park subject to a final review of the written documents. The motion was seconded by Councilmember Wilson and passed unanimously.

Mayor Farivar read a portion of a prepared Press Release which announces the partnership of the City and the School District and the shared efforts to relocate and rebuild the skate park for the Leavenworth Community.

## **COUNCILMEMBER AND COMMITTEE REPORTS**

Councilmember Bretz reported that she attended the Bike Pump Park Grand Opening, Upper Valley Park & Service Recreation Area (PRSA) Board meeting, and Parks Committee meeting with the School District. She reported on the Economic Development Committee meeting and stated that discussions included an easement for the Hartwig Development and parking process planning; the Committee will be developing a subcommittee to discuss at a deeper level.

Councilmember Wearne reported that she attended the Bike Pump Park Grand Opening, Economic Development Committee, and Downtown Steering Committee meetings. She reported on the Downtown Steering Committee and stated that the Committee met with J.A. Brennan & Associates regarding the Downtown Park Plaza Development and conducted a site visit. She said that there was also discussion of a downtown curb recycling program and will likely be adding eight additional recycling units, discussed necessary improvements for the Tour de Bloom bicycle event, and discussed the pointy people event signs and how to encourage their use from different organizations.

Councilmember Larsen reported that he attended the Link Transit Board meeting and stated that discussions included the new transfer station that will be located behind Safeway which will provide local transportation throughout town and complaints and confusion by the public regarding the bus wrap advertising and how to address that. He then reported on the Leavenworth Area Promotion (LAP) meeting and stated that the group received a presentation from KING5 called "Go Digital" which is an outreach program through social media; LAP truly experiments with different types of advertising. He went on to say that the City of Leavenworth has done very well in the KING5 Evening Magazine's Best of the Northwest competition; the group is continuing to look into additional webcams and WiFi for the downtown area. On a final note he briefly addressed the PUD Substation and confirmed that has been narrowed down to three general site locations and briefly explained the trials involved in choosing a location. He noted that the PUD will provide a presentation to the Council at the June 28 City Council meeting in regard to the site selection; the meeting will begin at 6:00 PM.

Councilmember Wilson reported that she attended the Maifest Festival and noted that she enjoyed the crowd and Maibaum pole rising this year. She then reported on the Finance Committee meeting and stated that Retail Sales Tax has increased 7.5% over last year, Property Taxes are flat, parking revenue is trending well, and the P4 parking lot is paid off. She said that the Committee also reviewed the City's Financial Policy. On a final note she said that she attended the PRSA Board meeting and stated that the Board discussed the possibilities of expanding the role of the PRSA; perhaps adding Board members and expanding the PRSA to include Plain and the Lake Wenatchee areas.

## **MAYOR/ADMINISTRATION REPORTS**

Mayor Farivar reported that she attended and enjoyed the Maifest Festival, the Bicycle Pump Park Grand Opening, attended a meeting with Projekt Bayern regarding the Maibaum and other items of interest to both the City and Projekt Bayern, and took part in the School District discussions with Superintendent Motsenbocker and members of the Board which resulted in the agreement that was announced earlier. She confirmed that the task force for affordable housing is almost fully formed and she will make that announcement at the June 14 Study Session meeting

City Administrator Joel Walinski reported that he has been in discussions with the Department of Transportation (DOT) regarding the DOT Parking Lot; there are three issues in regard to the purchase of the property, the power lines that cut across the property, an updated appraisal, and discussion of how much fence the City would be forced to replace on the DOT site. He said that there will likely be further discussion at a later Study Session meeting.

Attorney Grant Weed stated that it is always a great pleasure to spend the evening with the Leavenworth City Council.

Finance Director Chantell Steiner reported that she has completed the Annual Report for the City and will be meeting with Councilmember Wilson to complete the final review prior to submission on Friday. She noted that there was an excess of \$750,000 in Federal grant monies and explained that dollar amount will trigger an individual single audit for the City. Her next task will be to begin the next budget and will begin by providing the Council with a Budget Calendar.

Public Works Director Herb Amick reported that there was a pre-construction meeting for the Chumstick Highway Multi-purpose Trail Water / Sewer Extension project with construction ready to begin around June 20, 2016.

### **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. Ms. Hannah Doherty introduced herself and stated that she took Senior pictures for three students and learned Lightroom editing software from a photographer and edited those pictures for use in the yearbook; Mr. Tristan Parrish introduced himself and stated that he created an interpretive sign about the history of the Tumwater Power Station. 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.

Mayor Farivar invited the public in attendance to speak to the Council. She asked that they please keep their comments to approximately three minutes.

Mike Leeds, 1736 Lincoln Park Circle, Wenatchee; Mr. Leeds: I was here about a month ago at the last Council meeting with several of the local skaters and we have even more support out tonight, which is great. Some of the guys came with me from Wenatchee. So' we've got good news tonight and we've got bad news. We've got good news that the City and the School District have agreed to build a new skate park for Leavenworth, which is awesome; the bad news is this conversation should have taken place at least a couple years ago, as there will be a time period in between of at least two years. And, at the beginning of this meeting, we pledged allegiance to our flag, with liberty and justice for all, which last time I checked that included skateboarders. I definitely feel extremely deceived and disappointed on behalf of not only the local skateboarding community, but if you look there's well over 600 signatures on a petition right now, lots of comments from people that visit Leavenworth, and you (Council) probably don't even realize you have a world class skate park. It's a perfectly good skate park right now; if this was a baseball field or a soccer field and it was the only baseball or soccer field or otherwise in the City of Leavenworth, I pose a question to you, would you tear it out and tell all of those people that they won't have that facility for at least two years? Probably not, and that's pretty much where I stand right now. This is very unfair. I know the others will be speaking from their perspective and we are not happy about it, it's very disappointing to feel like we're outcasts and it's not right and I think it needs to be made right and it's certainly not too late. I'm going to allow Rob (Whitten), who has a letter from the Recreation Conservation Office (RCO) that states some facts that we (skate board community) weren't aware of previously, and hopefully maybe Rob can go next. Thank you.

Rob Whitten, 18886 Pine Loop Road, Leavenworth (located in Plain); Mr. Whitten: I've lived in this community for 21 years, raised both my kids through the School District, and those 21 years I've never felt compelled to address the City Council; but in this case I'm very compelled. I've spent pretty much my entire adult lifetime coaching youth and investing in youth in our community, from soccer to ski team coaching, to running my own ski team; that's kind of my passion. I'm not a skateboarder, none of my kids are skateboarders, most of these people tonight I'm meeting many of them for the first time. I feel kind of disappointed that you guys (Council) took your executive action before you listened to what we had to say. That's disappointing. Because we feel like the community is not

being listened to. I'm not going to repeat all of the input the City has received in support of the community, in support of the existing skate park and keeping it there, but it's been pretty extensive. There's been some compelling memo's written to you (Council) about the skate park. We feel completely excluded from the process. It's not how we want our community to be or our Council to behave. There's two reasons why we are in this situation today, the first one revolves around the School District turning loose their design firm before they had a resolution from the City relieving them of their Interlocal contract for the skate park. So they should never, that's a critical milestone that needed to be completed before they did their design work. They didn't have permission and they still don't have permission to build or design over the skate park. The Interlocal Agreement prevents that. The City has yet to pass a resolution rescinding the Interlocal Agreement and so the School District still doesn't have permission to build there. No matter what the Press Release says or whatever your (Council) little meeting did today to agree, this agreement. There still has to be a city resolution, it has to be on the agenda, there needs to be some public debate about it, and then it will get passed, only then will the School District have permission to do building on that site. And so the School District really made a mistake by doing their design work way too early before they had the Interlocal Agreement addressed and it's still not addressed, there's still not a resolution rescinding that agreement. I find fault with the City and the Council for suggesting via email that the Council would approve a rescinding of the Interlocal Agreement without any kind of public discourse, it wasn't on the Agenda, and this kind of led the School District to think that yes, they can go ahead and design their school on top of the skate park, so I find fault with the City for making the problem worse. And for really not communicating with the public about what is going on.

Mayor Farivar stated that Mr. Whitten has been speaking for three minutes and asked how much more he had to say and how much more time he would need.

Mr. Whitten: Let me ask you, if you guys (Council) have any questions for me? We've certainly given you a lot of information, we've been in contact with the RCO's office, it appears that a conversion and remedy is not an available option for the skate park, I'm not sure if the Council is aware of that. Do you have any questions for me?

Mayor Farivar questioned if Mr. Whitten had a letter from the RCO that he would like to read into the record.

Mr. Whitten: I've already emailed it to every member of this Council and if you want to add it to the record, I do have a copy of it here, but tell me what your option is.

Mayor Farivar stated that the letter will be taken from the emails that were sent to the Council.

Mr. Whitten: It's pretty straightforward about what you can and can't do, and it is my impression that the City doesn't seem to be aware of the details of the Agreement with the RCO and yet we (Council) are making these resolutions or agreements, and I'm not sure if I asked a Board member or Council member here tonight, if they could really tell me the fine details of that agreement and what the RCO is going to allow in terms of remedy.

Councilmember Larsen commented that he appreciates the interest in the skate park, but in some ways getting the grant involved is going to delay the process, so he hopes that Mr. Whitten will participate in designing the new park and selecting a location, and encouraged him to look forward instead of back.

Mr. Whitten: Let me address that a little bit, the skate park resides on a third of an acre on a 43 acre site, it's nestled in a very small corner and it could've easily been designed around, okay, but the School District chose not to, even though they were still bound by their Interlocal agreement, and that's really why we're in this situation; is it they (School District) are so far down the path with their designs that they're stuck, they're pregnant, and now they want the Council to bail them out?

Councilmember Bretz stated that she doesn't want to speak for the School District because they aren't present, although in discussions, the School District made it clear that it's not in their long term plan to keep the skate park, so even if it were to stay, under the grant, until the end of its life in 9 years, they would be interested in removing it at that point.

Mr. Whitten: Mia (Councilmember Bretz), that is speculation because you never know how the School Board will vote when it comes to the end of that 25 year period. There is already built into the Interlocal Agreement a chance to

renew the Agreement for a one year period of time, but perhaps when that happens, when that Interlocal Agreement comes up, perhaps I'm on the School Board and I'm going to want. The skate parks a gem for our community. It's one of the best in the Pacific Northwest and we're just going to throw it away when it would have been very easy for the School District to design around it, but they just ignored coming to the community and having an open discussion. The Superintendent emailed me the other day and he said, "We have not done anything to reach out to the public to let them know that we want the skate park removed, and it's going to be removed." I would ask the City what they have done to notify the public, have they posted a change of use notice at the site so that the user group knows what's going on, have they involved the community in any discussions?

Mayor Farivar stated that she appreciates Mr. Whittens comments, but he has been given extra time. She asked if the Council had any comments for Mr. Whitten. Councilmember Wilson said that Mr. Whitten stated that maybe the City should have started a couple of years ago, and she confirmed that she had no idea that the skate park was going away until maybe 4-5 months ago.

Mr. Whitten: And I'll tell you that I read about it in the Leavenworth Echo approximately a month ago and that is the first that I heard of it. I'm pretty involved in the community, more so than most, so I call on the City to explain perhaps why they didn't reach out to the public and have this discussion back in November when Joel (Administrator Walinski) and Bill (Superintendent Motsenbocker) were having this email discussion talking about getting rid of the skate park.

Mayor Farivar stated that we do feel like we should come forth with some additional comments, but it won't happen at this meeting.

Mr. Whitten: I am just asking you to recognize that there was a lack of public process here and we've been locked out of meetings. I've asked Joel (Administrator Walinski) to invite us to the last meeting (between the School District and Parks Committee) and the public was locked out of that. We were denied access to that meeting, and we still feel locked out today. You guys (Council) meet in Executive Session before you've heard testimony from the public that was here to talk about this very topic.

Mayor Farivar stated that is the reason they met in Executive Session first, so that the Mayor and Staff could come to inform all of the Council members so that they could then announce that the City has come to a preliminary agreement to rebuild the skate park along with the school district.

Mr. Whitten: But we're here to provide public testimony to you that has been denied and you should have considered that before you voted on that agreement in Executive Session.

Someone in the audience said, "I believe you have made your point, it's time to move on." Mayor Farivar asked for no more comments coming directly from the audience. She then thanked Mr. Whitten for his comments.

Joshua Wulfman, 260 Benton Street, Leavenworth; Mr. Wulfman: I feel disappointed with the way that this whole situation is being handled. I have done my best to come here and represent the skate boarding community in the best light possible and I feel like I've become somewhat of a liaison between the Council and the rest of the skateboarding community, other members of the High School, the Middle School, and other students that are home schooled who are in attendance who don't attend the High School or Middle School, but who still skate board, and even down to the elementary level. I feel like there's a definitive lack of transparency with what's going on here. I don't feel like I'm a respected member of this community for that reason, at minimum with the fact that I had volunteered to draw up blueprints, which I have with me today if anyone is interested in seeing those. I feel like the skate board community should have been involved in that private discussion and I feel like we should have been allowed to give some input, and we have our own reasons why we believe that the current site is adequate and why there are ways that we can keep it and there are ways that we can actually finish the second stage that was agreed upon. There is still money that exists for the purpose of improving the facility, and so much of what is said about that facility is that it's too advanced or that it's obsolete and I would argue very differently. I would think that had the second stage of building gone through, you would see more variety in usage, but to say that it's too advanced or obsolete is an outright falsehood. I skated every day to the capacity of an advanced user, several of my friends do so, I have friends of mine that come from Wenatchee to utilize the facility, and it's known on the other side of the

mountains. I've met with professional skate boarders there and I have filmed skate boarding video there with professionals. I do not feel like saying that the facility is obsolete or that it's not meeting its intended usage is truthful.

Mayor Farivar thanked Mr. Wulfman and said that the City Staff and Council do want to see the blue prints of the sketch that he shared at the last Council meeting. She told him that she has shared his name with others as someone that she wants to have involved in the planning of the new skate park. Councilmember Wilson stated that she respects Mr. Wulfman so much; especially when he shared that he is taking at risk kids and taking them to the skate park and giving them an activity.

Travis Blue, 504 Ash Street, Leavenworth; Mr. Blue left a comment card that stated, "I think the Skatepark is a valuable asset to this community for members of all ages, my daughters are 7 and 5 years old that loves to go to the skate park and wants to see it continue."

Steve Demarest, 7205 Icicle Road, Leavenworth; Mr. Demarest: I'm not a skater, often skate on thin ice perhaps, my son Brian is an avid skater. I'm a lawyer, so maybe I have access to wisdom or knowledge that maybe some of the skating community hasn't yet reached. That's probably my interest, I've got three points that I want to make, I also have a question that I hope Elmer Larsen can address because it's something he said about "it would be too time consuming to involve the grant process" which I'm alarmed to think what that might mean. We've got a skate park, the result of four parties involvement, School District, City, skating community, both money and effort, and also from the State, the RCO, there are four parties involved and all of the decisions are being made by two of the parties right now. That doesn't feel right, doesn't feel right that there is an Executive Session excluding us even when we're here, just doesn't feel good. The four parties are party to two agreements, there's the Interlocal Agreement, and that's just between the School District and the City, okay fine, but there's a second agreement and that's between the City and the State, that's the RCO, and that agreement says that the City has to maintain the park for 25 years or has to go through these other steps if it doesn't wish to continue maintaining the park, so the City and the School District are excluding the skater community that were fundamental in principal, in money, in effort, and they are apparently, I'm worried about this Councilmember Larsen, you're excluding the State, the RCO, who has controls over this, they put up good money to help fund this park and the City agreed to maintain it for 25 years with then subsequent one year extensions. So, what I would like to ask for is an affirmation from the City Council that they will honor its agreement with the RCO, wherever that takes the City. Are you willing to do that? That's a question that we have for you. Will you honor the agreement that you made with the State to get the funding? That was my main point. My second point is, talking about having the press release to build a new park come about as a result of this Executive Session meeting. There is an email from your City Administrator dated November 18<sup>th</sup>, last year, so six months ago your City Administrator wrote to the Cascade Superintendent saying, "I think there is general agreement with the Council that the skate board park should not stand in the way of a new Senior High School, nor influence the design of the High School." The email goes on to some other things about money and whatnot, but what it doesn't say is anything about, the City wants to build a replacement skate park, or the City says we'll consider removing this park if we have a new park somewhere else, so it feels to me that six months ago, the City Administrator was representing you, the Council, to the School District saying go ahead, take out the park, we're fine with that. It's not right and I hope it's not true, but that's what the email says.

Mayor Farivar noted that she has given Mr. Demarest 5 minutes for his comment. She asked if he could wrap up his comment.

Mr. Demarest: I can wrap it up really fast with my third point. Normally in a City Council process there's a motion and then it gets seconded or it does not. If it gets seconded, then there's discussion and there's public input, and then there's a vote, that's the steps we're supposed to go to in our public process; that's what we teach these kids in school. When you go into Executive Session, which is fine, and then you come out and you have a motion and you have a second and then you have a vote, you're excluding the public process that we're trying to teach these kids that is important. I hope we can fix what's going on and I hope we can save the park or really replace it before we take it out. Thank you.

John Preuss, 17750 Chumstick Highway, Leavenworth; Mr. Preuss: I wasn't really planning on speaking tonight. I've been a skate boarder since I was 8, so I've been a skate boarder for many years. I have a Bachelor's in

Recreation Management and a Masters in Teaching and I'm a K5 Teacher down in Wenatchee. I teach 3<sup>rd</sup> grade right now and I'm teaching 5<sup>th</sup> grade next year. Hearing some of the skate community talk, I do feel a little bit let down, I'm glad that at least at this point you're (Council) trying to do something, but with the last point of building a skate park that's equitable to what we have. I sort of fear of a park that doesn't match, and I'm not necessarily saying that it needs to be a completely advanced skate park, I'm just saying. I know, I'll use a sort of new skate park recently, I feel bad because Mike (Leeds) sort of helped build it, but the new park in East Wenatchee, I would hate to see you guys replace the park we have now with a park that doesn't match. I guess it's hard for me to elaborate what matching means because you are not skate boarders, or skooterers or bikers.

Councilmember Wearne added that Mr. Preuss should be on the Subcommittee.

Mr. Preuss: It sounds like you're sort of in an interesting predicament and I've only lived in this town for about 10 months. I came from the west side before that and over there they make a lot of really good skate parks. There is sort of a price tag to it, but I really hope that if you go the route of building a park that you don't sell it short, that you really contract with experienced builders, cause there are experienced builders that do build good parks, cause even before moving over here, I supported the levy. I didn't realize it would mean taking out the skate park at the time, but I did support the levy because I am an educator and I do value the new elementary school and the new high school and some renovations at the middle school. But I do fear for a skate park that doesn't really, that's not equitable, the usage of it, the ability level of it, but at the replacement of it. I don't know if that makes sense at all, but that's where I am. It's sort of sad to hear some of this past history that I didn't really know about, it sort of sounds like you tried to push it under the rug and tried to pass it by without anybody noticing. It's sort of what it feels like to me as a community member now. That's all I had to say.

Tyler Brenigan, 285 Squilchuck Road, Wenatchee; Mr. Brenigan: You know my name and you know where I live, but, Mia, with all due respect, skate boarders primarily are the ones who professionally design and build skate parks, and we're pretty good at math, and we would absolutely much rather have a perfectly good skate park for another 9 years than no skate park for over 2 more years.

Councilmember Bretz replied and said that they need to all get together and really express some collective sentiment to everybody, but it is really hard for her to sit quietly tonight and to hear how upset everyone is; she said that it breaks her heart. Mayor Farivar added that she views the criticism of the City Council as inappropriate and the result of a tremendous amount of misinformation. She confirmed that the City will come out with some kind of an explanation or a time line that illustrates the City's involvement. She questioned the skate board community and stated that she was one of the mom's that sat down at the Festhalle and was a safety monitor for the original skate park 15-18 years ago, has a son who is a skate boarder, and is in total support of the skate board community; however, all of the attention is falling on the City and Leavenworth and the reason for that is that the City holds open meetings, allows public testimony, and that the City is interested in what the audience has to say, but for the audience to place all of the blame and all of the anger on the City Council just feels tremendously inappropriate to her. She addressed the petition that goes to the superintendent of schools, but asked if the group has spoken with the School Board Members in this same regard. She noted the rhetorical question and doesn't wish for a response and reiterated that the Council feels beaten up about this and viewed this as inappropriate.

Mr. Whitten spoke up from the audience and stated that he has put all kinds of pressure on the School Board and its Members. Mayor Farivar asked if he has gone to their meetings. He replied that he has not. She stated that is the point she is making. Mayor Farivar closed the comment session in order to return to the regular meeting's scheduled agenda. She added that the City is taking this very seriously, is committed to rebuilding the skate park, and wants the community's involvement in the processes. Councilmember Wilson suggested that the audience members attend the School Board meetings and let the Board know exactly where they (skate community) are coming from as well, because the School Board's decisions are the reason the skate park is being removed. Councilmember Larsen added that the School Board has a time line, a budget, and they are in jeopardy of not even being able to finish what they have started on a timely basis. He said that there is tremendous pressure to try and build three schools and to say that one group of users can negate all of that and jeopardize the bonds and everything. He said that the City is making an honest, fair effort to involve the public and that they will move as quickly as possible. He briefly addressed the positive idea that was presented regarding the Bicycle Pump Park and detailed how that project came to fruition in a relatively short amount of time. He reiterated that the skate park will happen when we make a plan

and work together. He asked that they (skate community) move forward in a productive manner and doesn't want to jeopardize the School Districts building plans and time line. Councilmember Bretz added that the Council Members are the Community's elected officials, the Community voted and she hopes that the Community trusts them with that authority. She said that the Council has more detailed information and several people tonight have suggested that the Council doesn't know what the document contains and she said that is insulting because they (Council) all know what is contained in the Agreement. She said that the Council has more detailed information than the public and that is why the Council is making the decisions that they have chosen. She said to the audience that if they were in her position it is possible that they would make a different choice. She reiterated that the Council is very interested in making sure that the skate community feels supported, heard, and fully involved in the process moving forward. She asked that the audience have a little bit of faith that the Council really does have the best interest of the Community in mind and she is sorry that the audience feels insulted.

Mike Leeds added that Evergreen Skate Park is coming in a matter of days, they are excited, they would like to talk to the City, it doesn't take two years, and if we really do collaborate on this and get commitment in writing, we could accomplish great things. He said that it is apples and oranges to Mr. Larsen and said that they (skate board community) are not spotted owls, but human beings, and it's different to compare to the Bicycle Pump Park because there is a longer history with the skate park and they feel that the rug was pulled out from underneath, but it's certainly nothing personal; they can collaborate now, take Josh's (Wulfman) design, meet with Evergreen and if funds are available they can do this in the same time frame or less. He said that they need a location and engineered drawings which can be done in the near future; it's nothing personal. Mayor Farivar stated that it feels very personal. Mr. Leeds said that nobody was called out derogatorily, although he said that his negative comment to Councilmember Bretz was due to her earlier comment. He said that he appreciates everyone's intentions and efforts and moving forward, he knows the whole skate community in Leavenworth, Wenatchee, and beyond in the NCW area would be interested in having a fresh start and actually getting something in writing to know that there is a location, time frame, contract with a design professional builder so they can get something equivalent and get it done as soon as possible without saying that it will be two years or longer because there are other things on the agenda. He wants to make sure it is fair.

Mayor Farivar stated that she encourages the community to stay as involved and as interested, but do so in a more positive fashion. She said that there has not been a good word about the City Council or the School Board on the petition or Facebook, other than one. She said that if the skate board community has the hope that this kind of negativity and this kind of criticism for the City Council is going to get a new skate park built or resolve the issue of the skate park as they see it, she can assure that it will not. Mayor Farivar allowed one more comment on the matter.

Tyler Burlingame, 2805 Squilchuck Road, Wenatchee; Tyler Burlingame: I'm not a citizen of Leavenworth, but I am a skate boarder and this is my first attending of a City Council meeting in Leavenworth. My focus in my personal thoughts during this whole thing was hardly about skate boarding, but just falsehoods and the lack of communication and respect from the City Council and authorities to Leavenworth's citizens. And that to me throws me up the wall a little bit because not willing to talk about these matters, not willing to hash these things out, even if time is up, the fact that the will to communicate is not established is a definite side of me that there is no will to communicate, there is a will to hold power. I'm a resident of Wenatchee, so what word do I have, but I thank you for your time.

Mayor Farivar called for a three minute break at 7:41 PM.

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

### **1. Mayor Reappoint Peter DeVries to the Design Review Board**

Mayor Farivar stated that Mr. Peter DeVries is a fine man in our Community, upstanding citizen, and has agreed to serve another four year term on the Design Review Board (DRB). She said that he has spent 12 years on the City Council and previously served on the DRB and stated that his commitment to service is astonishing. She said that his qualifications include co-writing the original Bavarian-Alpine design ordinance, has worked in Germany three to four weeks per year for nine and a half years as an architect, which is his profession, has traveled extensively throughout Germany, Switzerland, Norway, Sweden, and other European countries and is quite familiar with many

different forms of architecture in those countries. She briefly detailed the buildings and structures he has designed in the Bavarian-Alpine theme throughout his career.

Councilmember Larsen motioned to confirm the Mayoral reappointment of Peter DeVries to the Design Review Board Position No. 1 for a four (4) year term. The motion was seconded by Councilmember Wilson and passed unanimously.

Mayor Farivar presented a plaque of appreciation to former City Council Member Peter DeVries and thanked him for his 14 years of service on the Leavenworth City Council. The commemorative plaque read, "Peter DeVries, In Grateful Appreciation for your 14 Years of Dedicated Service to the City of Leavenworth, 2000 – 2013." She went on to share her personal experiences of the consideration and support he has showed her over the years. She thanked him for all that he has given to the positions he has held. Mr. DeVries thanked the Mayor and addressed the audience and City Council and briefly detailed his career in design, from California, Germany, and Leavenworth, and the different types of housing that he has built over the years. He shared his love for architecture and design work and encouraged the group to find something that they love and share it with others.

## **2. Special Use Permit: Oktoberfest Noise Permit**

City Administrator Joel Walinski stated that the City Council is being asked to give consideration of approving a Special Use Permit (SUP) applied for by Projekt Bayern for their Oktoberfest event scheduled for the first three weekends in October. He said that the SUP will allow for the noise and sound levels to increase but not to exceed 95 dBA during the event (including and up to 1:00 AM). He noted that the parking lot venues will end live music in one hour intervals beginning at 10:00 PM and ending all live outdoor music at 12:00 AM; live music will continue in the Festhalle until 1:00 AM. He noted that the City has had a good relationship with Projekt Bayern in regard to their self-monitoring of sound levels and making necessary adjustments. He said that by closing down the tents, the noise from the event will be reduced, and by moving people into the Festhalle, the noise will soon be contained inside the building. He went on to say that the Council's decision of approval must be based on whether the request meets the following criteria; 1) is the SUP necessary; 2) are there special circumstances relative to the property; 3) a plan for mitigation of noise will be implemented upon approval; 4) will granting the permit be detrimental to the comfort, health, or safety of the public; and 5) the SUP is limited to not more than 14 days in a 90 day period.

Councilmember Wilson motioned to approve the Special Use Permit for the Oktoberfest Noise Permit. The motion was seconded by Councilmember Larsen and passed unanimously.

## **3. Resolution 08-2016 Emergency Ban on Fireworks for 2016**

Finance Director Chantell Steiner stated that the City Council is being asked to approve Resolution 08-2016 authorizing the Chelan County Fire District #3 Chief to enact an emergency ban on the discharge of all fireworks in 2016 in preparation for the 4<sup>th</sup> of July holiday weekend. She said that the Chelan County Fire District #3 Chief has recently posted notice which prohibits fireworks in the City of Leavenworth. She explained that the Leavenworth Municipal Code (LMC) doesn't allow the City to prohibit fireworks; however, the Fire Chief is able to make that designation according to state law in the cases of high fire danger. She went on to say that Resolution 08-2016 is the Council showing support and giving the authorization to the Fire Chief to proceed with a ban on fireworks within the City of Leavenworth for this year during the 4<sup>th</sup> of July holiday weekend.

Councilmember Wearne motioned to approve Resolution 08-2016 Emergency Ban on Fireworks for 2016. The motion was seconded by Councilmember Wilson and passed unanimously.

## **4. Ordinance 1527 Amending Leavenworth Municipal Code Chapter 8.36 Fireworks**

City Administrator Joel Walinski stated that the City Council is being asked to review and consider approval of Ordinance 1527 which bans the use of fireworks over the 4<sup>th</sup> of July period. He said that this will ban fireworks over the 4<sup>th</sup> of July but will still allow their use over the New Year's holiday; it prohibits the sale of fireworks within the city limits, and keeps the current language allowing for professional firework shows. He noted that under current state law, the ordinance, if approved this evening by the Council would become effective in 2017. He suggested that

the City of Wenatchee has banned possession of fireworks and the City would not want to include that as it might be proven hard to enforce. It was noted that the draft language still includes possess which should be removed. The Council reviewed the storage of fireworks and determined that it would be acceptable to ban storage.

Councilmember Larsen motioned to adopt Ordinance 1527 amending Leavenworth Municipal Code Chapter 8.36 Fireworks with the removal of the word “possess” in section 8.36.030. The motion was seconded by Councilmember Wilson and passed unanimously.

## **5. Approving 2017 Council Goals Development Worksheet**

City Administrator Joel Walinski stated that the City Council is being asked to provide a final review and consideration of the Council Goals Development Worksheet. He said that this will be used to make up the budget and the City Council work plan. He confirmed that the changes from the April and May Study Sessions have been incorporated.

Councilmember Wearne motioned to approve the 2017 Council Goals Development Worksheet. The motion was seconded by Councilmember Larsen and passed unanimously.

## **6. P1/P2 Parking Improvements Discussion**

City Administrator Joel Walinski stated that this time is provided for a discussion on the proposed P1/P2 Parking Lot Improvements. He said that this was discussed earlier this year and the City is looking at accomplishing three things; to address some of the safety issues in regard to falling; address safety issues regarding lighting; and improving the pay stations which was also recommended by the State Auditors. He addressed the height of the hand rails along with the various costs, the electrical work that will be necessary in order to install lighting, and improvements to the power for future upgrades as well as supporting the needs of Projekt Bayern; the City will be asking Projekt Bayern to share some of the costs of the improvements as they do contribute to the Bavarian Theme. There was a brief discussion of the rail height as compared to the cost, the use of exposed aggregate jersey barriers, and the installation of car charging stations.

## **7. Bid Award Approval Well #2 Pump / Motor / Well Rehab - Fogle Pump & Supply, Inc.**

Public Works Director Herb Amick stated that the City Council is being asked to approve the bid award to Fogle Pump & Supply, Inc. for pump/motor replacement and well rehabilitation of Well #2 at a cost of \$36,297.81 including sales tax. He explained the breakdown of the estimate; the pump and motor replacement is \$27, 083.81 and the rehab portion is \$9,214 including sales tax. He confirmed that this will be the last phase of the three phase project which included the rehab of Well #1 in 2013, drilling and installing Well #3 in 2015, and now this current project. He said that the life expectancy for these improvements is approximately 23 – 25 years. He confirmed that the City received four bids that ranged from \$25,054.40 to over \$34,000, excluding sales tax; Fogle Pump & Supply, Inc. was the lowest bid for the project.

Councilmember Larsen motioned to approve and authorizes the Mayor to award the bid for pump/motor replacement and rehabilitation of Well #2 to Fogle Pump & Supply, Inc. in the estimated amount of \$36,297.81 including sales tax. The motion was seconded by Councilmember Bretz and passed unanimously.

## **ITEMS FOR FUTURE CONSIDERATION**

Mayor Farivar announced that there will be a Transportation Benefit District Board meeting immediately following the City Council meeting.

Councilmember Larsen stated that he would like the Council to revisit the Fence Ordinance and clear up any confusion regarding enforcement.

## **ADJOURNMENT**

Seeing no other business, Councilmember Wilson motioned to adjourn the May 24, 2016 meeting of the Leavenworth City Council. The motion was seconded by Councilmember Bretz and passed unanimously.

The meeting adjourned at 8:38 PM.

**APPROVED**



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

**ATTEST**



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