

# LEAVENWORTH CITY COUNCIL STUDY SESSION MINUTES

## June 14, 2016

Mayor Cheryl Kelley Farivar called the June 14, 2016 Study Session to order at 9:00 AM.

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

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

### 1. Chamber Report

Chamber Director Nancy Smith updated the Council on the Seattle Seahawks 12<sup>th</sup> man tour with the Sea Gals and Team Mascot Blitz that will be in Leavenworth on June 24<sup>th</sup> from 11:00 a.m. to Noon noting that she would like to encourage everyone to attend in traditional trachten if possible. She then reported on the Chamber Alliance meeting with the Port of Chelan County regarding a request for \$300-350K for development funds that could be used for conducting area studies on such things as addressing parking concerns, winter sports and year round recreation in our area; the request for funding includes Chelan and the Lake Wenatchee Chambers. The Council had a brief discussion on the transition of the Port Commissioners and the opportunities to partner on initiatives including affordable housing. Director Smith stated that the Chamber needs volunteers to assist with this year's Kinderfest on the 4<sup>th</sup> of July, that she attended an airport marketing meeting and will be talking about feeder marketing for the Wenatchee area, and noted that summer entertainment at the Gazebo has been booked out. She stated some concern at the mistake in printing the Sonnenschein that advertised a fourth weekend for Oktoberfest this year; the Council and Director Smith concurred that the City and Chamber should plan to have some festivities with Projekt Bayern that weekend. Director Smith updated the Council on various advertising efforts noting that the Washington's Playground digital campaign is now complete, that the Chamber will be working with Edelman, the largest public relations firm in Seattle, to review ad and Facebook data and perform training for Chamber staff in the future. In closing she noted that there are some travel writers in town this week that will be writing about local food and wine in Leavenworth. The Council had a discussion regarding the European Sports Car Show that occurred this past weekend and reviewed the issues related to public safety concerns; discussion of over intoxication, illegal parking, burning/spinning tires, fighting at bars and confrontation with police officers was noted. The Council discussed how to address future preplanning of this impromptu event to encourage planning, process improvement, parking, compliance and crowd control and to ensure that residents are aware that neither the City nor the Chamber sponsors this particular event.

### 2. Skate Park Discussion

City Administrator Joel Walinski stated that staff is looking for direction from the Council regarding the next steps towards replacing the Skate Park. He said that in terms of the process, staff can handle the Recreation Conservation Office (RCO) Grant conversion process but will need more details developed before submitting a petition and request for conversion to the RCO; specific items will include identifying the new site, design, cost and public processes to be included. The RCO will need these items to determine the feasibility of the conversion. Councilmember Larsen questioned whether the City can redesign the same park and then add some intermediate items as originally intended; it was noted that this can be looked at as the original plans are available. Councilmember Wilson stated that the skateboard community must be involved in the discussions as this project moves forward; this was concurred upon by several other members. Mayor Farivar noted that input

will be critical but reminded the Council that they will ultimately make final decisions as the new skate park will be built on City owned property and a City facility.

Administrator Walinski stated that the first step will need to be identification of the site; there is some concern at the Osborn site due to the location to the current residential homes and lack of ownership which won't be decided for several years. He encouraged having the site selection as part of the process so that together it can be reviewed and vetted with the public's input. Mayor Farivar asked the Parks Committee to begin the process of forming the subcommittee to move forward. Council discussed the opportunities ahead with the dedicated community members and skateboarders in regards to moving forward from a negative perspective to a positive perspective; it is critical that all involved begin with the upward movement for collaboration of efforts by all involved. Mayor Farivar and the Council reviewed some individuals that should be considered to be on the subcommittee that would include the School District, city staff, the Residential Advisory Committee, and residents including skateboard park users such as Josh Wulfman, Travis Blue and Shawn Clark. Administrator Walinski stated that he anticipates having the updated contract with the School District available for public review possibly by the next Council meeting.

### **3. Community Development Block Grant (CDBG) Grant / Local Improvement District (LID) # 24 Update**

Administrator Walinski updated the Council on the history from 2010 when the City first started applying for the CDBG grant that was received in 2013. Since then, the City has been working with Department of Commerce, the CDBG funders, on what reimbursement items would be allowable; only expenditures after the approval of the grant and grant contract in 2013, would be allowable of which there are no hard costs to identify that the City has paid out of pocket on in regards to planning for the project. He noted that Upper Valley MEND also has no allowable costs as well.. There have been some administrative costs by staff for the planning process that are likely eligible; Finance Director Chantell Steiner will be putting together cost reimbursements and then closure of the grant can occur.

Administrator Walinski reviewed where the staff is regarding putting LID #24 in place. He discussed the process which began with the petition from the developers, next came the benefit study that was conducted and the final step will include finalizing the construction costs before the City can determine the length of time of the debt and what the assessments will be. He said that when the developers came and petitioned the Council for the LID, the developers provided a bank assignment agreement of \$100,000 to ensure payment of the preformation costs for the LID in the event the project did not move forward. The project did proceed, engineering was finalized and construction contracts have since been approved. At this time Upper Valley MEND is requesting a partial reimbursement of \$50,000 until the bond can be finalized later this fall. Mayor Farivar noted that Rudy Prey and the Agnew/Hebert properties are also partners in the LID agreement with Upper Valley MEND and the City. She updated the Council on her discussion with former Executive Director Chuck Reppas in that Upper Valley MEND is currently working on looking at other developers to develop the property. Administrator Walinski stated that at this time documents regarding the release of funds have been provided to MEND for review and approval, once returned the Council will need to consider approval.

### **4. Front Street Park Easement Proposal**

Development Services Manager Nathan Pate updated the Council on the planning process so far for the Hartwig development property that is located nearest to Front Street Park. Mr. Hartwig has requested a 10' foot easement for ingress and egress of which there exists lateral lines for utilities.

Manager Pate explained how providing an easement like this one could relinquish rights of the property owner when provided to another property owner into perpetuity; this means that if the City Council allows the easement there will no longer be an ability to control changes in that specific area as it currently stands. Manager Pate discussed the current uses to consider such as benches in the area, overflow of tents and festivals, mowing, weeding, pesticide uses, and public access for ingress and egress. He asked the Council to consider whether the 10-foot request is acceptable regarding a long term use and what amount of compensation to consider. He stated that staff can provide an estimate of value but other options to consider would be hard scape (building structure/design) versus grass or trees, pavers and benches; these are all options to consider for the easement.

Councilmember Bretz provided some aesthetic concerns she has heard through committee discussions regarding the concrete building going into place and the Front Street side of the building if the easement is not considered; Mayor Farivar concurred and stated that based on the design aesthetics it will be more attractive if the City can develop an appealing design/flow with the easement. Mayor Farivar noted that it is critical to look at the costs that should be based on an appraised value to ensure protection of the public use of funds and not getting into gifting of public funds. Councilmember Larsen stated that he would favor green space options if possible. Others members concurred on the need to address appraised values, possible green space and architectural design. The Economic Development Committee will be tasked with further discussions and design details with the final approval by the City Council.

## **5. Alcohol Use in Parks Code Revisions**

Public Works Director Herb Amick updated the Council on changes that the staff has been incorporating for Council consideration regarding the use of alcohol in the parks. He explained that the changes will allow alcohol use under strict guidelines. Only certain groups, corporations, for-profit, non-profit, and LLC's, are specifically allowed for the use and no private parties, family reunions, and weddings would be considered under the code. He also identified that the language within the amendment would not allow for the sale of alcohol at the Farmer's Market or an evening beer tent at the Rail Jam event. He identified the guideline language to consider that would include cost (fees and deposits that may be considered based on the number of anticipated participants), length of time and time of use (currently limited to 1:00 to 4:00 PM), size/space needed, whether an event is not allowed during a youth event, the need to determine what is a youth, requirement that the permittees be on site, insurance requirements, standards and regulations that may not be limited to nuisance/noise issues, fence or tent requirements (size/location), required posted signage such as minors not allowed for alcohol enclosures and a recommendation of no more than two permits per year as well as the City's ability to terminate the park use agreement at any time. Director Herb stated that the Council will need to consider options for limiting the space utilized such as defining a specific percentage of the park area; this can be determined for recommendation by the Parks Committee. Councilmember Francis voiced his concern with the use of Front Street Park for alcohol but is supportive for this use at the Lions Club Park and Enchantment Park. Council members discussed the Front Street Park concerns regarding use of the land, taking away green space for visitors, alcohol competition with other establishments, consumption around youths, size of the use that is not overbearing to other users, and exclusivity versus being open to the public.

## **6. Pinegrass Subdivision Street Naming**

Manager Pate updated the Council on the Pinegrass Subdivision planning and the site development that is currently underway. He stated that the applicant has requested two options for the street name that are identified as Scamahorn or Sequoia which are currently being reviewed by RiverCom. Mayor Farivar briefly discussed what previous Council's have done regarding street naming

processes that have varied by Bavarian themed, location themed, such as was done with Meadowlark, and historical to places or people; she stated that she would recommend Scamahorn as there is historical value to that name with the original plat. The Council discussed Sequoia noting that it is not a good option as those types of trees are not located in our area nor is it part of the local Native American language and that name can be difficult for pronouncing. Councilmember Larsen discussed other tree names that would go well with the current theme in that area; Council discussed the tree options and asked staff to discuss with RiverCom what other tree names are available.

## **7. Review of Enforcement Process**

Manager Pate explained that this discussion item is to provide information on the enforcement processes for land use and building codes. The concerns he hears most often are a lack of monetary fee and enforcement. Regarding enforcement, there are levels of notification that must legally occur first and can be very time consuming. Life safety issues can be addressed immediately while others take time, months and perhaps years depending on the level of the violation and the steps involved to build a case. Generally the first contact is by phone and typically only requires voluntary compliance once they are educated on the rules and regulations. If this does not result in compliance, then the next step becomes a letter in writing which the City needs to do properly to document investigations of the non-compliance and violation as well as any failure to respond; multiple letters with deadlines for compliance are typical prior to final court actions. The City provides certain levels of time to comply based on city codes and state laws, and in many cases there are appeal procedures through the hearing examiner for land use type violations; there is also a fee schedule involved for non-compliance. When an actual violation has been identified, the complainant is typically provided an update that the City is conducting an investigation. Manager Pate explained that staff time becomes a critical piece for enforcement with the limited staff and multiple priorities, for instance building permitting takes precedence over enforcement with the available staff.

Administrator Walinski stated that the City had looked at other options such as setting up fines for violations but noted that this can be challenging for the local court systems; criminal cases typically take a priority over civil infractions and may not be a good option when considering the time factors. The Council also had several questions pertaining to enforcement regarding home cleanup or lack of maintenance. Mayor Farivar talked about some of the issues regarding maintenance of homes; who the violator may be; if staff is looking at a senior disabled person, they may not have the financial or physical ability to address a land use violation and the community may want to be involved to assist them in some way rather than fining the individual. Manager Pate explained how the Sheriff typically is not involved with land use enforcement or initial investigations unless Manager Pate feels he is in danger from the potential violator.

## **8. Fence Permit Ordinance Review**

Manager Pate explained that Councilmember Larsen previously requested that the Council review the updated code regulations and information available to the public on fence permitting. He has provided the fence code pamphlet, ordinance relating to fence codes, and lot configuration and setback requirements. He began by identifying the lot configuration and setback requirements that are used by the staff from within the City's code.

Councilmember Larsen stated that he would like the Council to focus on the clear view safety aspect in particular. He stated that setbacks are not necessarily the issue but he feels those could probably be less or removed. He provided several photos depicting different sizes and types of fences, including shrub style fencing, that have been put in place in the past, some of which went through compliance review from a previous code. He believes the Council should discuss the creation of a

variance or administrative process specifically for front yard fencing. Administrator Walinski clarified that per the current code language, there needs to be a minimum of a 3-inch opening depending on the height of the fence for front yards and street facing side yards.

Councilmember Francis clarified that the visibility to the front entrance of a property and not necessarily the side yard is the public safety concern for the Sheriff's office. Councilmember Larsen concurred that addressing the side yard fence requirements might be the focus needed to address the concerns occurring; the side yard and right to privacy in Mr. Jose Blazquez's property is a concern for him. The Council discussed the difference of a side yard requirement that does allow up to six feet in height but also includes the 3-inch gap between the fence boards; several members concurred that removing the gap requirement for side yards might be an acceptable solution. Administrator Walinski stated that the property in question regards a front yard fence, and added that an administrative approval process can be put in place; however, the code should provide some guidance on what is acceptable or not. Councilmember Francis reiterated that the front entrance and corner lots need to be unobstructed for public safety reasons; he is also concerned at removing setbacks for snow storage removal issues. There was a brief discussion regarding the history of the 10 foot setback requirements on 30 foot and 40 foot corner lots. Manager Pate noted that staff will work on putting together some code change options for Council consideration.

## 9. Council Open Discussion

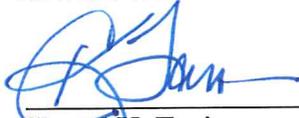
Councilmember Bretz announced that she will be on vacation for a good portion of this summer and will stay abreast of the land use changes for the capital facilities planning. She updated the Council on The Mountain Pact noting that the organization is currently working on climate change issues regarding coal companies' use and internalization cost reviews from losses of economic impacts such as declining snow levels in mountain tourist driven communities. She stated that The Pact is seeking community support for a letter to the Federal Government on these issues. She noted that her contact, Diana Madsen, would like to come and review the information prior to any potential Council action that could occur at the first meetings in July.

Mayor Farivar stated that she would like the Council to add an item to the agenda this evening to make the appointment to the vacant Planning Commission position for Mr. Joel Martinez. She stated that Mr. Martinez was one of the applicant's that recently applied for the open Council seat and is currently living and working in Leavenworth. She added that a number of the Planning Commission members have been asked about the potential appointment and that they all support him for the position. Councilmembers Francis, Wilson, Brinkman and Wearne stated that they also know and support Mr. Martinez for the appointment. Mayor Farivar added that Mr. Martinez represents the downtown core which is another component that she considered for filling the vacancy.

Administrator Walinski stated that he has received a request of \$500 from the Chelan-Douglas Health Board to provide funding for a "shelter in place" which is an air purification space within a tent unit that would be used in cases of natural disasters or hazardous outdoor gas leaks.

Study Session adjourned at 11:42 AM.

**APPROVED**

  
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**Cheryl K. Farivar**  
Mayor

**ATTEST**

  
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**Chantell Steiner**  
Finance Director/City Clerk