

LEAVENWORTH CITY COUNCIL MINUTES
July 26, 2016

Mayor Farivar called the July 26, 2016 Leavenworth City Council meeting to order at 6:00 PM and Councilmember Neighbors led the City Council in the Flag Salute.

ROLL CALL

Council Present: Mayor Cheryl K. Farivar, Elmer Larsen, Gretchen Wearne, Margaret Neighbors, and Richard Brinkman (via conference call).

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

Mayor Farivar excused Councilmember's Robert Francis, Carolyn Wilson, and Mia Bretz from the meeting.

APPROVAL OF THE CONSENT AGENDA

Consent Agenda:

1. Approval of Agenda
2. Approval of July 12, 2016 Regular Meeting Minutes
3. Approval of July 12, 2016 Study Session Minutes
4. 2016 Claims \$297,748.69

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

MOSQUITO CONTROL DISTRICT UPDATE – JENNY MULLINS

Ms. Jenny Mullins, Manager of the Leavenworth Mosquito Control District provided her Manager's Report to the City Council and meeting attendees. She addressed the possible pesticides that are commonly used throughout the District and the testing procedures for identifying the presence of West Nile virus. She noted that during her recent testing for the virus, she was unable to catch enough of the specific mosquito species to justify further testing for West Nile virus. She went on to address the history and the general safety of the use of malathion and stated that it is 15 times less toxic than Naled Insecticide, another product permitted by WA Department of Ecology to be sprayed on water for mosquito control. On a final note she stated that whichever pesticide the District chooses to use, the risk to the public would be far less than the risk of West Nile virus. She went on to answer questions from the audience and clarify statements.

COUNCILMEMBER AND COMMITTEE REPORTS

Councilmember Neighbors reported that she attended the Ad Hoc Skate Park Committee meeting and announced that the Committee has narrowed the list of possible skate park sites down to three locations. She said that it will be discussed further at the next Committee meeting and will bring the Council a recommendation. She said that she also attended the Finance Committee meeting.

Councilmember Wearne reported that she attended the Ad Hoc Skate Park, Downtown Steering, and Economic Development Committee meetings. She stated that the Steering Committee discussed the Downtown Park Plaza and Economic Development met with a group from Digital Town Parking Solutions to discuss electronic parking; there was discussion of using Leavenworth as a sample city for their parking application.

Councilmember Larsen reported that he attended the Link Transit Board meeting on behalf of Councilmember Bretz; the Board discovered that Link will be purchasing additional E-Busses from a different supplier, there will be charging stations embedded in the ground and the bus can be recharged by parking over the charging station or when stopped. He said that Link currently owns 62 vehicles and 15 different models and that they are working toward standardizing their bus fleet. He confirmed that Link is working on a Park and Ride location behind the Leavenworth Safeway and noted that Link is currently in an excellent financial position. On a final note he asked that the City review ESB 5099 regarding fuel usage for the City's vehicles.

MAYOR/ADMINISTRATION REPORTS

Mayor Farivar reported that she attended the Chelan Douglas Transportation Council Board meeting.

City Administrator Joel Walinski displayed the recently completed Festhalle Video Brochure that was produced to market the Festhalle.

Finance Director Chantell Steiner reported the false alarm numbers; 45 false alarms were reported in 2015 and 12 were billable and 45 false alarms were reported in 2016 and 12 were billable.

Development Services Manager Nathan Pate reported that he attended the Board of County Commissioners Adoption Hearing for Accessory Dwelling Units (ADU's). He said that the City forwards those regulations that are adopted for the Urban Growth Area; a part of those regulations was to lift the constraints and add more freedom for people to build ADU's as a way to increase the housing stock. He said that the Board of County Commissioners wants the Council to reconsider the regulations regarding the ADU's. Mayor Farivar stated that she has requested that Commissioner Goehner and the County Planner attend a Study Session to discuss this idea with the full Council.

Public Works Director Herb Amick reported that the Chumstick Multi-Purpose Trail & Water / Sewer project is underway and in its second week of construction.

COMMENTS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA

Thomas Magee, 416 Evans Street, Leavenworth; Mr. Magee stated that he is opposed to overnight rentals and doesn't want to see overnight rentals; it's already disruptive near his home at all hours and he doesn't want to see any more degradation of the Leavenworth Community.

Harold Hesler, 705 Birch Street, Leavenworth; Mr. Hesler stated that he resides in a commercial property, has run a bed and breakfast for several years, and did not renew his license. He decided to establish the bed and breakfast again and the Council would not agree to grandfather him back in to the license that he originally had. (Note: Mr. Hesler's CUP for the Bed and Breakfast was reinstated in September 2015). He said that it is presently for sale and it can't be sold; his buyers want to buy it as an investment. He said that the potential buyers have approached the City Council who have told them no, you can't do this.

Greg Morisoli, 12788 Spring Street, Leavenworth; Mr. Morisoli stated that he is in favor of nightly rentals and reiterated that Leavenworth is a tourist destination. He stated that nightly rentals can be controlled so that they can be good neighbors. He added that he has an article from the City of Anaheim which explains how that city worked out overnight rentals; he will share that article with the Council.

Sharon Waters, 336 Birch Street, Leavenworth; Ms. Waters is opposed to overnight rentals and stated that she is angry and doesn't like people from out of the area telling residents inside the city limits what to do. She firmly stated that the residents who live inside the city limits do not want overnight rentals. She added that Leavenworth is a tourist town and that the tourists don't need to stay in the residential neighborhoods to make it a tourist town.

Mary Pat Barton, 611 Cedar Street, Leavenworth; Ms. Barton is opposed to overnight rentals and stated that people have come up to her claiming that she is trying to take away their property rights. She said that she is angry about the negativity that is associated with being opposed to overnight rentals, but those who are opposed are only trying to protect the residential neighborhoods. She read from the Webster's dictionary the published definitions of "resident" and "commercial" which clearly defined the differences between the two words. She wants the City to enforce the existing ordinances in the various zones throughout the City.

Price Gledhill, 340 Prospect Street, Leavenworth; Mr. Gledhill is opposed to overnight rentals and stated that he is the owner of South Restaurant at 913 Front Street in downtown Leavenworth. He said that he doesn't think that the City should change the current system regarding overnight rentals; if the system is not broken, there is no reason to change. He went on to address the lack of qualified employees in the area and he spoke to the struggles he has in his own business and around town with regard to the lack of employees. He said that the lack of affordable housing is the cause; the businesses won't be able to provide service to the visitors that come to town if there aren't enough employees. On a final note he stated that as a business owner, the City needs housing.

Travis Blue, 504 Ash Street, Leavenworth; Mr. Blue is opposed to overnight rentals and stated that the residents are feeling the burden of the tourism. He stated that if all hotels, motels, and bed & breakfasts are booked, then the City has reached its capacity.

Mike Janski, 216 West Street, Leavenworth; Mr. Janski is opposed to overnight rentals and stated that the tourism is sometimes a burden to the residents. He said that he heard on the radio that Chelan County has a housing crisis. He added that he was in Anaheim earlier this summer and stated that the City voted to eliminate overnight rentals around Disneyland.

Kristin Ward, 515 Birch Street, Leavenworth; Ms. Ward is opposed to overnight rentals and agrees that the existing law is fine the way it is. She said that she has a small daughter and is happy that she is in a safe neighborhood where the neighbors look after each other; if we open to transient rentals, the community will be lost. She said that it will be the decline of the neighborhood, not the Community but people making money.

Zeke Reister, 508 Ash Street, Leavenworth; Mr. Reister is opposed to overnight rentals. He began by providing the Mayor with a signed petition from local residents who are in favor of leaving the ban on overnight rentals in place. He asked the Council how allowing overnight rentals will make the neighborhoods thrive. He confirmed that he is opposed to overnight rentals and that he is in favor of affordable housing. He reiterated the positivity of living in a residence within the community.

Heather McPherron, 402 Cedar Street, Leavenworth; Ms. McPherron stated that she and her husband love living here and are currently renting while they look for a home to purchase. She said that overnight rental can be defined in two different ways, either the owner is present or the owner is not. She said that she and her husband are considering buying a home and renting a room in order to afford the more expensive house payment. She noted that if you work in town, it's difficult to find a place to live.

Barb Kelly Ringel, 220 Mine Street, Leavenworth; Ms. Ringel stated that she had a house mate for two years. She said that her neighbors did the same thing as it helped with the housing payment and provided housing for local people. She asked that the Council continue the zoning as single family residential.

PUBLIC HEARING: SIX YEAR CAPITAL FACILITIES PLAN @ 6:45 PM

Mayor Farivar opened the Public Hearing at 7:28 PM.

City Administrator Joel Walinski addressed the City's six year Capital Facilities plan and explained that the plan is a compilation of the 20-year plan for Water, Sewer, Transportation, Parks / Recreation, and Capital Facilities, although the six year Capital Facilities plan addresses the top priorities within the 20-year plan. He said that the City can then budget for the six year projects, develop funding, and prioritize. He went on to address the individual projects from the plan, each projects associated funding, and projects that are important to the community but are not yet fully funded.

Mayor Farivar asked if there were any comments from the public, hearing none she closed the Public Hearing at 7:32 PM.

RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

1. Stop Sign Location Requests

Public Works Director Herb Amick stated that the City Council is being asked to approve the recommendations of the Public Safety Committee in regard to a requested change of the traffic control signage at the intersections of Birch / Orchard Streets and Birch / Cascade Streets. He said that the request is to change the signage from a two way yield to a 4-way stop. He confirmed that the Public Safety Committee reviewed the warrants checklist which includes accident history, visibility, multiple uses, traffic volume, a review by the Public Safety Liaison officer, Sergeant Bruce Long, and a review by the Public Works Director. He said that each location must meet three of the six warrants and noted that neither site met the requirement. Mayor Farivar read the checklist for the audience and asked Ms. Judith Dwyer to speak to the Council.

Judith Dwyer, 236 Birch Street; Leavenworth; Ms. Dwyer stated that there is not a stop sign along Birch street from Ski Hill Drive until past Osborn Elementary School. She said that it is a very busy street, a school zone, and is being used as a thoroughfare. She said that she is afraid that if the yield signs were turned into stop signs, that would just let people know that the other guy is going to stop and that cars along Birch Street can drive faster. Mayor Farivar stated that she has been in discussions with the City Administrator in regard to lowering the speed limit all throughout town which is allowed under House Bill 1045. She said that the City has received numerous complaints of speeding traffic through town and feel that reducing the speed limit to 20 mph with strict enforcement may be beneficial to the Birch Street intersections as well as other problematic areas around town.

John Cummins, 413 Cascade Street, Leavenworth; Mr. Cummins stated that he has seen several accidents, there are many children in the area, and drivers speed through the area regularly. He suggested that maybe

stop signs would be a better choice to the existing yield signs. He reiterated that it is very dangerous for kids walking to and from school, as well as riding bikes.

Todd Pehowski, 204 Birch Street, Leavenworth; Mr. Pehowski stated that he supports the concern for the safety at the intersections. He said that he lives at the intersection and observes speeding and safety issues often. He would like the city officials to take another look at the intersection.

Linda Bradshaw, 238 Birch Street, Leavenworth; Ms. Bradshaw stated that she is surprised that the accident criteria was not met because there have been accidents. She said that people do speed but they also pay more attention to stop signs. She is concerned that it is a school zone and noted that the snow is a problem and difficult to maneuver around. She said that she is not willing to accept the results of the criteria and feels that it needs to be looked at again. Councilmember Neighbors agreed that it is a busy area with children and it is a dangerous intersection at Cascade / Birch Streets. She said that this topic needs more discussion.

Sharon Waters, 336 Birch Street, Leavenworth; Ms. Waters stated that she lives at the intersection of Birch / Central Streets. She said that one of the stop signs is hidden in the trees and that she has also requested a safety officer at the intersection.

Mary Pat Barton, 611 Cedar Street, Leavenworth; Ms. Barton stated that it is the same problem on Cedar Street. She said that the high school kids race, there are people out walking, and she thinks a lot of the accidents go unreported.

Councilmember Brinkman stated that he is concerned about the area and requested that the topic go back to the Public Safety Committee or continue the discussion at a future Study Session meeting. Councilmember Larsen stated that he lives near the intersection and hasn't seen a problem, although is in favor of a 20 mph speed limit around town. Councilmember Wearne stated that she is also moving toward a 20 mph speed limit. Councilmember Neighbors stated that she doesn't feel that people will abide by the 20 mph and would like to see the yield signs turned into stop signs. Councilmember Larsen prefers to continue the study and do this right; 20 mph across the board would be desirable.

Shawn Lynn, 217 Cascade Street, Leavenworth; Mr. Lynn feels that two stop signs may speed people up because the locals will know people are going to stop in the other direction.

John Cummins, 413 Cascade Street, Leavenworth; Mr. Cummins feels that unless the speed is enforced people will continue to speed. Councilmember Larsen suggested the use of a lighted speed sign for educational purposes.

Councilmember Brinkman motioned to continue Stop Sign Location Requests to a date certain of September 13, 2016 in order to study further. The motion was seconded by Councilmember Larsen and passed unanimously.

2. Resolution 10-2016: Financial Policy Amendments

Finance Director Chantell Steiner stated that the City Council Finance Committee met over the past few months to review the Financial Policy and submitted recommended changes to the City Council for consideration regarding the General Fund and Lodging Tax Fund sections. She said that no additional changes have been made to the document. She confirmed that the amendments have been reviewed by the Finance Committee and their recommended changes are included in the document. She stated the changes include an increase in the General Fund reserve percentages, the Lodging Tax Fund operating

reserve of \$200,000 and some minor changes to the Lodging Tax language to restore funding if emergency reserves are utilized.

Councilmember Brinkman motioned to approve Resolution 10-2016 Financial Policy Amendments. The motion was seconded by Councilmember Wearne and passed unanimously.

3. Pinegrass Street Name

Development Services Manager Nathan Pate stated that the City Council is being asked to approve a Pinegrass Subdivision Street Name for future dedication. He confirmed that the Council agreed to name Road A Pinegrass Street.

Councilmember Larsen motioned to name "Road A" Pinegrass Street. The motion was seconded by Councilmember Wearne and passed unanimously.

4. Festhalle Drapery Purchase

City Administrator Joel Walinski stated that the City Council is being asked to approve the purchase of used drapery and hardware from the Leavenworth Summer Theatre (LST) for \$3,500. He said that LST will no longer be using the Festhalle for their seasonal performances and that the City has spoken with LST regarding the purchase of several items; LST would like to sell their complete drapery package for \$3,500. He said that some of the draperies will need to be replaced over time, although the existing hardware is useful as it is.

Councilmember Larsen motioned to approve the purchase amount of \$3,500 for used drapery and hardware from the Leavenworth Summer Theater and authorizes the City Administrator to approve the expenditure. The motion was seconded by Councilmember Wearne and passed unanimously.

5. Garbage Can Purchases

Public Works Director Herb Amick stated that the City Council is being asked to authorize the expenditure of funds for the purchase of surplus used garbage collection bins, offered for sale by the City of Cashmere at the cost of \$7,425. He said that this purchase includes 1,000 tipping cans, 100 side loading 300 gallon dumpsters. He noted that the estimated value if purchased new is approximately \$115,000. He said that the purchase would be completed in September. He noted that it is possible that due to the additional sizes, the City may be able to offer various sizes for residential pickup.

Councilmember Neighbors motioned to approve the purchase amount of \$7,425.00 for used surplus garbage containers offered for sale by the City of Cashmere, Washington and authorizes the City Administrator to approve the expenditure. The motion was seconded by Councilmember Wearne and passed unanimously.

Councilmember Richard Brinkman was excused from the meeting (via conference call) at 8:20 PM.

ITEMS FOR FUTURE CONSIDERATION

Mayor Farivar noted that the Council will be asked to approve the Six Year Capital Facilities Plan at the August 9th regular Council meeting; the discussion will continue regarding alcohol use in the parks at the morning Study Session meeting.

EXECUTIVE SESSION 42.30.110(1)(i)(ii) POTENTIAL LITIGATION

Mayor Farivar requested a motion to recess into Executive Session for approximately 10 minutes to discuss potential litigation with no action to be taken.

Councilmember Larsen motioned to recess into Executive Session at 8:22 PM for approximately 10 minutes to discuss potential litigation with no action to be taken. The motion was seconded by Councilmember Wearne and passed unanimously.

Mayor Farivar reconvened the regular City Council meeting at 8:32 PM.

ADJOURNMENT

Seeing no other business and due to the lack of a quorum, Mayor Farivar declared the July 26, 2016 meeting of the Leavenworth City Council adjourned.

The meeting adjourned at 8:33 PM.

APPROVED

ATTEST



Cheryl K. Farivar
Mayor



Chantell Steiner
Finance Director / City Clerk