

LEAVENWORTH CITY COUNCIL MINUTES
August 9, 2016

Mayor Farivar called the August 9, 2016 Leavenworth City Council meeting to order at 6:30 PM and Councilmember Neighbors led the City Council in the Flag Salute.

ROLL CALL

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

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

Mayor Farivar excused Councilmember Robert Francis from the meeting.

APPROVAL OF THE CONSENT AGENDA

Consent Agenda

1. Approval of Agenda
2. Approval of July 26, 2016 Regular Meeting Minutes
3. 2016 Claims \$399,259.90
4. July 2016 Payroll \$241,666.57

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

PRESENTATION: SMALL MEMBER EXCELLENCE AWARD – AWC RETRO SAFETY AWARD.

Mr. Brian Bishop is representing the Association of Washington Cities (AWC) workers compensation pool of small cities. He presented the “Workers’ Comp Retro Excellence Small Employer Award” plaque to Mayor Farivar. He went on to explain that small cities have 30 or fewer employees, there are 40 small cities represented in the pool, and the award is in recognition of the City’s outstanding performance and dedication to keeping employees safe at work for the years 2012, 2013, and 2014. He noted that the award was announced at the 2016 annual meeting. Mayor Farivar accepted the plaque and read it aloud. She stated her thanks to the City’s employees and to Mr. Bishop for recognizing the efforts of the City of Leavenworth.

PUBLIC SAFETY REPORT: SERGEANT BRUCE LONG, LIAISON OFFICER

None.

COUNCILMEMBER AND COMMITTEE REPORTS

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

Councilmember Neighbors reported that she attended the Festhalle Oversight, Public Works, and Parks Committee meetings. She went on to report on the Parks Committee meeting and stated that the Committee discussed the Skate Park, she will be meeting with the Skate Park Ad Hoc Committee soon, the Committee received a park update from Parks Supervisor John Schons regarding ongoing park maintenance and environmental projects, discussed the budget, and further discussed the use of alcohol in the City’s parks.

Councilmember Wearne reported that she attended the Public Safety Committee meeting.

Councilmember Larsen reported on the Residential Advisory Committee (RAC) meeting and stated that the Committee discussed affordable housing. He said that the focus needs to be on providing more affordable rental opportunities for people in town. He went on to report on the Public Works Committee meeting and stated that the Committee discussed the annexation of Hwy. 2 ROW and the installation of utilities in that area; the travel lanes will be reduced to one lane while the construction work is taking place. He went on to say that the City will be interviewing three applicants who submitted proposals for the Water System Plan Update; he suggested that members of the Council have an opportunity to sit in on those interviews. He confirmed that a grant application for Pine Street project funding will be submitted by August 19th to the Transportation Improvement Board (TIB); the City is also looking for a qualified engineer to complete the design work for the Pine Street project. He then reported that the City will move forward with the parking lot improvements; fencing will be recommended to the Council at the next meeting. On a final note he reported on the progress of the Chumstick Multi-Purpose Trail project and stated that it has been graded and the Contractor is installing the water and sewer lines. He noted that the developers didn't find as much rock as was expected.

Councilmember Wilson reported that she will be attending the Upper Valley Museum Board meeting on Thursday. She attended the Public Safety Committee meeting and stated that the Committee discussed the animal control ordinance regarding animals that are left in hot cars, further discussed a recent stop sign request and shared fresh ideas such as reducing the speed limit to 20 mph, the committee received an additional request for another stop sign location, and there was a discussion regarding the use of alcohol in the City's parks.

MAYOR/ADMINISTRATION REPORTS

Mayor Farivar reported on the morning Study Session meeting and stated that the Council received a report from the Chamber of Commerce, discussed Ordinance 1529 regarding alcohol use in the parks, received a report from Ms. Tammy Rogers from Ferguson Waterworks regarding water meters, received an update from Leavenworth Golf Club President Mr. Mike McNeilly, discussed the annexation of a portion of US Highway 2, reviewed the "Complete Streets" policy, and continued the review of the City's Fence Code.

City Administrator Joel Walinski reported on the Festhalle Oversight Committee and reminded the Council that the US Navy Blue Grass Band is performing at the Festhalle on September 4th; the free tickets are available at City Hall and the Chamber of Commerce. He went on to say that the Festhalle reservations have been very consistent and that this summer is the last season for the Leavenworth Summer Theater Festhalle performances. On a final note he stated that the Committee is looking into staging replacement and is currently working with Projekt Bayern in the hopes of any funding assistance that can be provided.

City Attorney Tom Graafstra clarified the citizen comment period. There was a large group of attendees that were in attendance to make comment on overnight rentals. He explained that it is the attendees first amendment right to do so; although, he reminded the group that the topic of overnight rentals is currently going through a public process and the process is now in discussion with the Planning Commission; during the Planning Commission process, Commissioners will hold one or more public hearings prior to making a recommendation. He said that once the Planning Commission makes a recommendation, they will then forward the matter to the City Council where the City Council will then hold one or more public hearings. He said that the attendees are welcome to make citizen comment but the comments made now are citizen comments and are not comments going into the record that is being made by the Planning Commission and/or later made by the City Council in the public hearing process. He stated that it is the public hearing process that they would want to make their comments so that their comments become part of the record which provides the basis for decisions regarding overnight rentals. He reiterated that the City does not

discourage citizen comments, but in order to be a part of the record regarding overnight rentals, they must provide comment at a public hearing.

Finance Director Chantell Steiner reported that the City is underway with the 2015 individual single audit. She said that it is a shorter audit focused on the financials. She noted that it is not the type of audit that requires an entrance interview but will be required to have an exit interview which will either take place during a Council meeting or will be scheduled for another day where the Council may be in attendance.

Development Services Manager Nathan Pate reported that the Planning Commission has been working on overnight rentals. He stated that there are draft preliminary recommendations for an amendment to the code regarding overnight rentals, permits are available for overnight rental under the Bed & Breakfast component, and the Planning Commission is looking to regulate overnight rentals as they have been. He noted that the draft amendment is available to the public on the City's website. On a final note he stated that the Planning Commission will be inviting organized groups to provide a presentation to the Planning Commission during the September 7th meeting.

COMMENTS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA

Mayor Farivar collected the comment cards from the public and asked if there was anyone who wished to comment on something other than overnight rentals. There were no comments. She asked for a show of hands of the people in attendance that live inside the city limits; there were 26 hands raised. She asked for a show of hands of the people who live in the Urban Growth Area (UGA); there were 5 hands raised. She asked for a show of hands of the people who live out of the area; there were 2 hands raised.

Zeke Reister, 508 Ash Street, Leavenworth; Mr. Reister stated that the Council should maintain the ban on overnight rentals. He noted that some of the Council members ran for office in favor of affordable housing. He said that research shows that overnight rentals have a negative impact on the housing stock and if the plan is for affordable housing, then overnight rentals are in contrast with providing a place for the people to live who work here.

Carl Florea, 204 West Street, Leavenworth; Mr. Florea stated that he has been an advocate for the community and feels that you have to be able to house the entire spectrum of the people who work in the community. He said that Leavenworth is fast approaching that spot where it is nothing more than a resort, not a community. He reiterated that we have to take care of the community and the workers. He said that we have done great at creating rooms for our guests and we have done zilch to create rooms for people who work here.

Dan Eby, 12933 Timber Ridge Canyon Road, Leavenworth; Mr. Eby stated that it's everybody's neighborhood, it's not just mine. He said that a neighborhood is made up of property owners, some of them live there, some of them don't live there and they rent long term, some of them own a piece of property and visit the town 4-5 times per year and it is vacant the rest of the time, and other times people rent to short term guests. He said that in all of those situations there will be concerns about noise, garbage, and parking which can be applied to any of the previous situations. He said that we need to find solutions to work together.

Momi Palmieri, 426 Ash Street, Leavenworth; Ms. Palmieri stated that she has been a realtor for nearly 40 years. She said that we can keep the present code as written, which excludes nightly transient rentals, and enact stronger penalties and real enforcement for those that do not abide by these codes. She said that this choice will continue to support our thriving community. She said that you can also rewrite the code to allow nightly rentals which will eventually turn neighborhoods into neighborhood streets of vacant houses and/or busy hotel rooms. She said that there are winners and losers of every decision. She went on to

explain the scenario of home prices increasing and investors buying the high priced housing stock to be used as overnight rentals.

Tim Seaman, 221 West Street, Leavenworth; Mr. Seaman stated that he has lived here since 1946 and doesn't see the reason to expand the tourism to the City. He said that there is plenty of commercial lodging for the families that visit Leavenworth. He reiterated that commercial business is not allowed in the residential neighborhoods and likened that rule to the fact that one cannot slaughter pigs or fabricate metal in the residential zone. He said that the City can't handle the current load of tourists with the existing infrastructure; there isn't enough parking, the sewer systems will have to be enlarged, and the residents will have to pay for it. He then provided Mayor Farivar with additional petition signatures now totaling 166 signatures against overnight rentals.

Matt Fields, 217 West Street, Leavenworth; Mr. Fields stated that he has been reviewing various documents, past residential ordinances, and the progression that the Planning Commission has been reviewing up until now. He said that he is impressed with the amount of work that the Commissioners have taken on and he thinks that they have done a wonderful job. He expressed his thanks to the Planning Commission for the work that they do.

Tom Latta, 4603 South 376th Street, Auburn; Mr. Latta stated that he owns a nightly rental and that he has a property manager to take care of that property. He said that he pays city taxes on the nightly rental through the property managers business. He said that he is contributing monetarily to the town even though he doesn't get the benefits on a regular basis. He said that he estimates that there are at least 100 nightly rental houses in town, or more. He said that each one probably has 6 beds, which would be 600 available beds; he compared that to approximately 6,000 hotel/motel room beds and guessed that 10% of the beds available would be taken out of the nightly rental market. He made the comparison that all of those people who stay in the nightly rentals are spending money in town, which would cause a 10% loss in revenues which will have dire consequences for the economy of the City.

Zelda Holgate, 18720 Fir Loop, Plain; Ms. Holgate stated that limiting or banning nightly rentals is not going to solve the affordable housing issue; if they are banned, the homeowners will no longer have the nightly rentals, but they will not turn their houses into long term rentals, they will only occasionally visit and the house will sit empty and no one will be in that home spending their money in town.

Travis Blue, 504 Ash Street, Leavenworth; Mr. Blue stated that he is a part of the community and noted that it is ironic that the "Come stay in our village" coalition is run by people who are not in our village, so the people who are pushing to keep nightly rentals are not residents of our village. He said that he understands that tourism generates money, but he feels that the town is at capacity and we don't need the illegal operations.

Sharon Waters, 336 Birch Street, Leavenworth; Ms. Waters stated that she has been here since 1970 and that we will either sustain our community or we will line the pockets of individuals. She noted that in the City's mission statement, "City residents" come first.

Kris Seaman, 221 West Street, Leavenworth; Ms. Seaman stated that she has lived here for 40 years and would like to see the data that supports that there are 100 illegal overnight rentals. She said that number is vastly overstated. She went on to describe a local young woman that works in Leavenworth that she met recently who lives in her car because she has no place to go.

RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

1. Resolution 11-2016: Six Year Capital Facilities Plan

City Administrator Joel Walinski stated that the City Council is being asked to consider and approve the 2017 – 2022 Six Year Capital Facility Plan (CFP). He confirmed that the City Council held a public hearing during the July 26th Council meeting and discussed the plan during the July 12th Study Session meeting. He said that the recommended changes have since been incorporated into the new document.

Councilmember Brinkman motioned to approve Resolution 11-2016, 2017 – 2022 Capital Facility Plan. The motion was seconded by Councilmember Larsen and passed unanimously.

2. Resolution 12-2016: Approval of revised Complete Streets Policy

Development Services Manager Nathan Pate stated that the City Council is being asked to approve Resolution No. 12-2016 – revision to the existing Complete Streets Policy. He said that the revisions were discussed in the morning Study Session meeting, and although the City already has an adopted Complete Streets Policy, the City needs to comply with the Transportation Improvement Board (TIB) standards and criteria of which these changes are necessary enhancements in order for the City to successfully apply for grant funding from the TIB.

Councilmember Neighbors motioned to approve Resolution No. 12-2016. The motion was seconded by Councilmember Larsen and passed unanimously.

3. US Highway 2 Annexation

Development Services Manager Nathan Pate stated that the City Council is being asked to direct the City Administrator to proceed with the annexation process of a portion of US Highway 2 from the current corporate limit at MP 100.44 to MP 100.84. He confirmed that the request was initiated by the Department of Transportation (DOT) in order to address the City's utilities that will be constructed in the right-of-way in front of the Safeway building. Manager Pate further clarified the location of the property. There was discussion regarding the exact location and the responsibilities of each party.

Councilmember Larsen motioned to direct the City Administrator to proceed with the annexation process of portions of US Highway 2 from the current corporate limit at MP 100.44 to MP 100.84. The motion was seconded by Councilmember Wearne and passed unanimously.

4. First Reading – Ordinance 1531 Animal Cruelty

City Administrator Joel Walinski stated that the City Council is being asked to review Ordinance No. 1531 amending 6.04 and 10.08.035 of the City of Leavenworth Municipal Code (LMC) regarding Animal Protection and Parking with Animal in Vehicle. He said that RCW 16.52.340 was enacted by the Legislature to allow for police officers and animal cruelty officers to enter the vehicle and not be responsible for damage caused by such. He said that language would be incorporated into the Leavenworth city code in response to animal cruelty. He explained that the second aspect is to amend LMC 10.08.035 to allow animal control officers or Pacific Security to issue a citation should they come across an animal in a hot car that appears to be in distress. He went on to say that there is a matrix pertaining to time and temperature written into the City's current code. On a final note he confirmed that this action was prompted by the Chelan County Sheriff's Department with the changes that have been enacted by the Legislature and also because the Sheriff's Department enforces code that will go before the County Prosecutors Office and Chelan County Court Systems; the way this is written as a parking infraction, the payment will be retained by the City if a citation is issued by Animal Control or Pacific Security. City Attorney Graafstra briefly detailed the process that would take place prior to the arrival of a Sheriff's Deputy.

Judith Dwyer, 236 Birch Street, Leavenworth; Ms. Dwyer questioned the response time for a Sheriff's Officer to get to town. Mayor Farivar explained that Sergeant Bruce Long is the City's liaison officer and works in Leavenworth; therefore, the response time shouldn't be too long.

Marina Haley, 1367 Stafford Street, Leavenworth; Ms. Haley asked if a citizen was allowed to break the window if they observed an animal in distress. Attorney Graafstra clarified that the owner of the vehicle may choose to pursue the individual for the damages to the vehicle.

Sharon Waters, 336 Birch Street, Leavenworth; Ms. Waters stated that animals being left in hot cars are something that she is confronted with regularly in the City Pool parking lot. She said that she currently calls animal control and also provides the license plate number in case the person drives away. Mayor Farivar provided Ms. Waters with the code language that addresses acceptable times and temperatures for an animal to remain in a car.

INFORMATION ITEMS FOR FUTURE CONSIDERATION

Mayor Farivar stated that the Mayor's Annual Breakfast with the City Staff and Council will take place on August 16th at the Wild Huckleberry from 7:00 AM – 9:00 AM, the Economic Development and Finance Committees Review of the Draft Budget will take place on August 23rd and there will be a Transportation Benefit District Meeting immediately following the regular Council Meeting.

EXECUTIVE SESSION 42.30.110(1)(c) PROPERTY SALE

Mayor Farivar asked for a motion to recess into Executive Session for approximately 10 minutes to discuss property sale with no action to be taken.

Councilmember Brinkman motioned to recess into Executive Session at 7:45 PM for approximately 10 minutes to discuss property sale with no action to be taken. The motion was seconded by Councilmember Wilson and passed unanimously.

Mayor Farivar extended the recess for 5 additional minutes at 7:55 PM.

Mayor Farivar reconvened the Regular Council meeting at 8:00 PM.

ADJOURNMENT

Seeing no other business, Councilmember Brinkman motioned to adjourn the August 9, 2016 meeting of the Leavenworth City Council. The motion was seconded by Councilmember Larsen and passed unanimously.

The meeting adjourned at 8:01 PM.

APPROVED

ATTEST



Cheryl K. Farivar
Mayor



Chantell Steiner
Finance Director / City Clerk