

LEAVENWORTH CITY COUNCIL MINUTES
June 9, 2020

Mayor Carl J. Florea called the June 9, 2020 Leavenworth City Council meeting to order at 6:39 PM. The meeting was held by Zoom Conferencing.

ROLL CALL

Council Present: Mayor Carl J. Florea, Carolyn Wilson, Mia Bretz, Sharon Waters, Clint Strand, Jason Lundgren, Anne Hessburg, and Zeke Reister.

Staff Present: City Administrator Ana Cortez-Steiner, Chantell Steiner, Lilith Vespier, Herb Amick, and Sue Cragun.

APPROVAL OF THE CONSENT AGENDA

Consent Agenda

1. Approval of Agenda
2. Approval of May 26, 2020 Regular Meeting Minutes
3. May 2020 Payroll \$224,860.05
4. 2020 Claims \$121,045.55

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

PUBLIC SAFETY REPORT: SERGEANT SCOTT LAWRENCE, LIAISON OFFICER

None.

COUNCILMEMBER AND COMMITTEE REPORTS

Councilmember Wilson reported on the Festhalle Oversight Committee meeting and confirmed that repair work has been completed and that staff is working with clients to either reschedule or cancel upcoming bookings, due to COVID-19 requirements. She also attended the Economic Development and Parks Committee meetings. She reported on the Parks meeting and stated that the group discussed the Governor’s clarifications to the COVID-19 requirements for outdoor recreation during Phase 1 and Phase 2. The group addressed rafting, tubing, horse carriage rides, and health regulations as they relate to those activities. She noted that Enchantment Park was recently opened to allow for parking and restroom access.

Councilmember Bretz reported on the Economic Development Committee meeting and stated that Upper Valley MEND Director Kaylin Bettinger met with the group to discuss a proposal for purchasing the City’s building that is currently being leased by MEND for use as the Community Cupboard. Ms. Bettinger addressed repair work that is needed at the building; she would also like a timeline of when the City plans to either occupy or vacate the building. She said that staff will work with MEND on the details. She said that the Committee also discussed Resolution 13-2020 regarding suspending limited regulations during Phase 2 for downtown businesses and the importance of the community completing the 2020 Census.

Councilmember Waters reported that she attended the Design Review Board (DRB), Autumn Leaf Festival Association (ALFA), Festhalle Oversight, and Chelan Douglas Health District (CDHD) Board and Committee meetings. She reported on the progress of the Health District implementing a partial reopening at the State Level. She reported on the Residential Advisory Committee (RAC) meeting and stated that the group discussed the Recycle Center opening and noted that with the new safety restrictions in place, staff will continue to work on running a smooth operation. She reported on the Greater Leavenworth Museum and stated that the group is preparing for opening by modeling after other museums around the state. On a final note, she provided a brief update on the application for a variance to move into a modified form of Phase 2 to open Chelan and Douglas Counties.

Councilmember Strand reported that he was involved in the interview process with various Consultants for the City's new website.

Councilmember Lundgren reported that he attended the Parks and Public Works Committee meetings. He said that the Public Works Committee discussed Resolution 13-2020 regarding suspending limited regulations during Phase 2 for downtown businesses. He addressed the Wastewater Treatment Plant Upgrade project and noted that there has been a delay with the Contractor submitting building permits. He said that there has also been a delay for the Front Street Park Restroom Expansion and Water Meter Replacement projects; the Icicle Creek Boulder Field project is moving forward.

Councilmember Hessburg reported that she attended the Economic Development and Parking Advisory Committee meetings. She reported on the Parking Advisory Committee meeting and stated that the group discussed the Rate & Revenue Plan for paid parking for on street and surface parking lots. She noted that the parking meter installation is on hold, as Duncan Parking is behind on their current projects, due to the limitation created from the COVID-19 pandemic; the project will resume in the fall after Labor Day, with completion expected prior to fall festivals taking place. She said that the group is also working with staff on a job description for a Parking Enforcement position; the position will also be responsible for operating the parking system. She said that there will be public meetings scheduled, once the City is able to safely have a large gathering with the public in attendance. She attended the Residential Advisory Committee (RAC) meeting and stated that the group discussed the parking plan, public works projects, and were introduced to City Administrator Ana Cortez. On a final note, she stated that she participated in the interview process with Consultants for the City's website redesign.

Councilmember Reister reported that he attended the Public Works and Festhalle Oversight Committee meetings.

MAYOR/ADMINISTRATION REPORTS

Mayor Carl Florea stated that he is happy to have City Administrator Ana Cortez-Steiner on board. He reported on the Study Session meeting and stated that the Council had a discussion on the Osborn Elementary School property and received a presentation from Emergency Management regarding wildfire planning; the City and Emergency Management are working on an updated emergency plan for fire and evacuation.

City Administrator Ana Cortez-Steiner thanked the Mayor, Council, staff, and community for the warm welcome that she has received over the last week and noted that she is off to a wonderful

start. She noted that she is familiarizing herself with ongoing projects, city processes, and staff. She said that she attended the Residential Advisory Committee (RAC) and Christmas Lighting Public Safety Committee meetings. She participated in the Consultant interviews for the redesign of the City's website, has conducted interviews with the media in both English and Spanish, is working with the Bureau of Reclamation on the WaterSMART grant, has had a follow-up meeting with the engineer and contractor for the Parking Meter Installation project, attended the Festhalle Oversight Committee meeting, and has met with various community members and merchants. She said that she has also met individually with Council members and would like to meet with each council member monthly. She provided a brief update on the Osborn Elementary School site and stated that the City is close to entering into a contract for an appraisal of the property and environmental assessment. On a final note, she reported on her priorities for the upcoming week regarding meetings and projects.

Finance Director Chantell Steiner reported on the City Council approved funds that have been transferred to the Festhalle Fund to keep the balance at zero; she noted a transfer for May of \$2,613.20 was necessary. She addressed the positive revenues that have been booked for future Festhalle events, which may offset the fund in the future; there is approximately \$60,000 that has been posted for pre-booked events. She addressed the parking revenue over the past weekend and stated that revenue was at 75% of last year and is steady for early June. She addressed the City's Annual Report and stated that the Governor's office has provided a two-week extension; she will forgo the review with a City Council member until later in the year.

Development Services Manager Lilith Vespier reported on the recently approved residential building permits that have been issued, two stop work orders that were directed toward a contractor, and the positive resolution of those violations. There was a brief discussion of "Imminent Homelessness" and how that relates to the issuance of building permits during the Phase 2 regulations.

COMMENTS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA

Mr. Duane Goehner stated that he appreciates the conversations that he has had with City Administrator Cortez-Steiner and her work with the business and residential community. He provided a brief update from the Friends of Sammamish Valley regarding a GMA appeal against King County, similar to what the City is seeking to resolve with Chelan County.

PUBLIC HEARINGS AT 6:45 PM

1. Design Review Board Code Amendments – Continued from April 14, 2020

Mayor Florea opened the public hearing at 7:21 PM.

Development Services Manager Lilith Vespier stated that the City Council is being asked to approve amendments to Chapter 14.08 Old World Bavarian Architectural Theme, which is being changed to Old World Bavarian Alpine Theme. She said that Design Review Board (DRB) Chairman Todd Smith has attended Planning Commission meetings and has been a part of all edits and changes that have been recommended in the DRB Code. She confirmed that the amendments have been reviewed by the DRB and Planning Commission, which are being recommended to the City Council for approval. She noted the terms that have been changed for consistency throughout the Code. She stated that DRB members have provided updates to the portfolio reference book

with newer images and décor. It was noted that the DRB members work very well with the community and are helpful in achieving a positive outcome.

Mayor Florea asked for comment from the public.

Duane Goehner, 11670 River Bend Drive, Leavenworth; Mr. Goehner complimented the DRB for their helpfulness and care for the community.

Mayor Florea asked if there were any more comments from the public; hearing none, he closed the public hearing at 7:30 PM.

2. Subdivision Code Amendments – Continued from April 14, 2020

Mayor Florea opened the public hearing at 7:30 PM.

Development Services Manager Lilith Vespier stated that the City Council is being asked to approve amendments to the Leavenworth Municipal Code (LMC) pertaining to short and major subdivisions. She said that the proposed amendments change the administrative review of Short Subdivisions to nine lots (rather than the existing four) and the quasi-judicial (Hearing Examiner) review for Major Subdivisions to ten or more lots. She noted that this change was State mandated years ago, although the City never updated the LMC. She confirmed that the Planning Commission has recommended approval and that the amendments are consistent with State law and the goals and objectives of the City.

Mayor Florea asked for comment from the public; hearing none, he closed the public hearing at 7:32 PM.

3. Six-Year Transportation Improvement Plan

Mayor Florea opened the public hearing at 7:32 PM.

Public Works Director Herb Amick stated that the City Council will be asked to approve Resolution 12-2020, which is the City of Leavenworth Six-Year Transportation Improvement Plan (TIP) 2021-2026. He noted that the City Council reviewed the STIP at the May 12, 2020 Study Session meeting and was asked to review the document for any additional recommended changes; no changes have been requested. There was a brief discussion of some of the projects on the STIP and how they are funded.

Mayor Florea asked for comment from the public; hearing none, he closed the public hearing at 7:36 PM.

RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS

1. Ordinance 1609 – Design Review Board Code Amendments – Cont. from 4/14/2020

Councilmember Hessburg motioned to adopt Ordinance 1609 amending Leavenworth Municipal Code Chapters 14.08 Old World Bavarian Architectural Theme and 2.38 Design Review Board as recommended by the Planning Commission. The motion was seconded by Councilmember Waters and passed unanimously.

2. Ordinance 1610 – Subdivision Code Amendments – Cont. from 4/14/2020

Councilmember Hessburg motioned to adopt Ordinance 1610 amending Leavenworth Municipal Code Chapter 17.08 Short Subdivisions, Chapter 17.12 Major Subdivisions and Section 21.90.030 Common Definitions permitting up to nine lots to be created through the short subdivision process. The motion was seconded by Councilmember Bretz and passed unanimously.

3. Resolution 12-2020 – Amending Six-Year Transportation Improvement Plan for 2021-2026

Councilmember Hessburg stated that Leavenworth Resident Duane Goehner sent an email to the City Council. She confirmed that the email was received, it was discussed at the morning Study Session, and it was addressed in the Request for Proposal for updating the Transportation Element, which is the first step in addressing Peak Traffic within the Comprehensive Plan.

Duane Goehner noted that this topic is important to the community and he would like to ensure that the community knows the item is being addressed.

Councilmember Lundgren motioned to approve Resolution 12-2020 amending the Six-Year Transportation Improvement Plan for 2021 – 2026. The motion was seconded by Councilmember Hessburg and passed unanimously.

4. Resolution 09-2020 – Review Rate & Fee Changes for Pool and Festhalle – cont. from 5/12/2020

Finance Director Chantell Steiner stated that the City Council is being asked to approve Resolution 09-2020 regarding rate and fee changes for the City Pool and 2020-2021 Festhalle rates. She noted that the Council may wish to hold on the Pool rates, but asked the Council to approve the Festhalle rates, as there is no change other than a date change.

City Council members proceeded to provide their thoughts on opening the pool for the 2020 season, provided the City is able to move to Phase 3 of the Governor's order regarding the Safe Start Washington plan. Director Steiner said that there would need to be a decision in place by June 15, 2020 in order to open on July 1, 2020, as the pool manager would need several weeks to hire and train staff to operate the pool. Councilmembers shared their thoughts regarding health concerns during the COVID-19 pandemic. There was discussion of opening for a few weeks in August, provided the City has moved forward in accordance with the phased reopening, and there being no scenario which allows the pool to operate in Phase 2. It was stated that if the City were to quickly move through phases, there will be no open swim, only lap swim, and the possibility of limiting class size swim lessons, due to social distancing regulations. There was discussion of the pools in the area that have recently announced closure this year. Councilmembers explored many options for opening and concluded that it may be unrealistic to continue to hold out when the City is currently in Phase 1 and will need to move to Phase 3 in order to consider a partial opening. Councilmembers confirmed that they will need to arrive at a decision by June 15, 2020. Councilmembers also agreed to move forward with approval of the pool rates, which will be used in 2021 if the pool does not open this year.

Councilmember Wilson motioned to untable Resolution 09-2020 Rate & Fee Changes. The motion was seconded by Councilmember Strand and passed unanimously.

Councilmember Wilson motioned to approve Resolution 09-2020 Rate & Fee Changes with the pool rate changes included. The motion was seconded by Councilmember Lundgren and passed unanimously.

5. Gray & Osborne, Inc. Professional Services Agreement-On-Call Engineering Services

Development Services Manager Lilith Vespier stated that the City Council is being asked to authorize the Mayor to sign a contract with Gray & Osborne, Inc. for on-call engineering consultant services with the Development Services and Public Works Departments. She briefly identified the various tasks that Gray & Osborne would provide the departments. She confirmed that the Agreement will run from June 15, 2020 through December 31, 2021, with an option to renew, at a cost not to exceed \$15,000.

Councilmember Lundgren motioned to approve and authorizes the Mayor to sign the On-call Engineering Services Professional Services Agreement with Gray & Osborne, Inc. The motion was seconded by Councilmember Hessburg and passed unanimously.

6. Resolution 13-2020 – Suspending Limited Regulations During Phase 2

Development Services Manager Lilith Vespier stated that the City Council is being asked to suspend portions of the Leavenworth Municipal Code (LMC) to provide businesses more flexibility during the Phase 2 reopening, as outlined by Governor Inslee. She confirmed that businesses that are permitted to re-open, under Phase 2, are challenged to meet new regulations for operations and building occupancy. However, the City is in a unique situation to support businesses by providing use of the right-of-way and being flexible with signage options. She noted that this action is necessary in order to memorialize the permit process; the idea is to complete the permit process so that permits may be issued the day the City is allowed to enter Phase 2. She noted that the permits are temporary and will not be available once the stores are allowed to reopen at normal capacity.

Councilmember Reister motioned to approve Resolution 13-2020 suspending certain requirements of the Special Use Permit, permit fees for right-of-way, and the Old World Bavarian Alpine Theme standards to accommodate State imposed restrictions on businesses during Phase 2 of the State reopening plan. The motion was seconded by Councilmember Bretz and passed unanimously.

7. Bid Award for South Interceptor Project

Public Works Director Herb Amick stated that the City Council is being asked to accept the recommendation to award the bid for the City of Leavenworth Wastewater South Interceptor Replacement project to Clackamas Construction, of Boring, Oregon in the amount of \$1,187,291.63, including WA Sales Tax. He addressed the bid opening and stated that three (3) bids were received ranging from \$1,187,291.63 to \$2,485,885.27; the engineer's estimate provided by Varela and Associates was \$1,306,150.13; bids were evaluated by Varela and Associates for accuracy and completeness and are making the award recommendation to Council. Director Amick said that Rural Development has also reviewed the bid summary and is authorizing moving forward with bid award. On a final note, he stated that funding for the project is secured through Rural Development Funding in the form of an overall combination loan and grant in conjunction with the Wastewater Treatment Plant Upgrade project.

Councilmember Bretz motioned to award the South Interceptor Replacement Project to Clackamas Construction, of Boring, Oregon, in the amount of \$1,187,291.63 including WA State Sales Tax. The motion was seconded by Councilmember Lundgren and passed unanimously.

INFORMATION ITEMS FOR FUTURE CONSIDERATION

None.

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

Councilmember Hessburg motioned to recess into executive session for 20 minutes under RCW 42.30.110 (1)(i)(ii) to discuss potential litigation at 8:18 PM with no action to be taken. The motion was seconded by Councilmember Wilson and passed unanimously.

Mayor Florea reconvened the regular City Council meeting at 8:38 PM.

Councilmember Strand motioned to recess into executive session for 10 minutes under RCW 42.30.110 (1)(i)(ii) to discuss potential litigation at 8:39 PM with no action to be taken. The motion was seconded by Councilmember Bretz and passed unanimously.

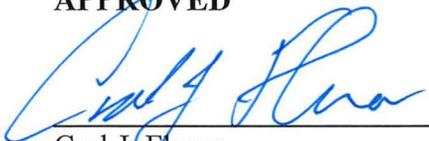
Mayor Florea reconvened the regular City Council meeting at 8:47 PM.

ADJOURNMENT

Seeing no other business, Councilmember Hessburg motioned to adjourn the June 9, 2020 meeting of the Leavenworth City Council. The motion was seconded by Councilmember Waters and passed unanimously.

The meeting adjourned at 8:48 PM.

APPROVED



Carl J. Florea
Mayor

ATTEST



Chantell Steiner
Finance Director / City Clerk