

## **LEAVENWORTH CITY COUNCIL MINUTES**

### **July 14, 2020**

Mayor Carl J. Florea called the July 14, 2020 Leavenworth City Council meeting to order at 6:30 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 June 23, 2020 Regular Meeting Minutes
3. June 2020 Payroll \$228,085.18
4. 2020 Claims \$1,053,503.57
5. Motion to Set Public Hearing on Six-Year Capital Facilities Plan on 9/22/2020 at 6:45 PM
6. Authorization to Proceed with a Request for Proposal – Pine Street Phase II Engineering

Councilmember Hessburg motioned to amend the consent agenda to change the date of the public hearing on Six-Year Capital Facilities Plan to 12/8/2020. The motion was seconded by Councilmember Bretz and passed unanimously.

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

### **PUBLIC SAFETY REPORT: SERGEANT SCOTT LAWRENCE, LIAISON OFFICER**

Chelan County Sheriff Sergeant Scott Lawrence reported on the current Sheriff Report for the month of May and provided information on the calls for service that have taken place around the City of Leavenworth and nearby surrounding areas. He stated the numbers of incidents, citations, traffic accidents, alarm calls, and arrests and compared those to the prior month of April. There was discussion of open alcoholic beverage containers downtown; the WA State Liquor Control Board canvassed downtown, business by business, and educated business owners and employees about WA State liquor law regarding open containers. It was noted that with the use of signage, there were no calls regarding the subject over the last weekend. Additional discussion included the homeless setting up in the green space at the parks, disruptive behavior downtown over the weekend; Pacific Security will be asked to follow up on the downtown disruptive behavior. Sergeant Lawrence spoke to the homeless population and noted that law enforcement cannot trespass the homeless off the property. On a final note, Sergeant Lawrence clarified that law enforcement is following Sheriff Burnett's lead and not enforcing Governor Inslee's mask mandate.

### **COUNCILMEMBER AND COMMITTEE REPORTS**

Councilmember Wilson reported that she is in touch with the Leavenworth Golf Club and there are no Board meetings scheduled at this time. She attended the Economic Development and Parks Committee meetings. She reported on the Parks Committee and stated that the group received a proposal from Leavenworth resident Ryan Carrasco who would like to volunteer his time to protect the shoreline at Black Bird Island. Mr. Carrasco will research and report on his findings at the next Parks Committee meeting in August. She said that there was discussion on the work taking place at the former Osborn School property and noted that the City will close on that property by the end of this year. She said that there was discussion of the Trust for Public Lands; this group will help with the visioning process, at no charge to the City when green space is involved.

Councilmember Bretz reported on the Economic Development Committee meeting and stated that the group received a presentation from Leavenworth resident Marco Aurilio on a full-size temporary ice rink that would provide hockey, ice skating, and sporting events in the P1 parking lot throughout the winter months. She noted that the Committee is interested in the idea and they would like to try to implement the idea this year, as the Christmas Lighting Festival may be a smaller turnout. The Economic Development Committee has recommended that Staff continue to work on the details and bring a recommendation to the Council at a later date.

Councilmember Waters reported that she attended the Design Review Board, Chelan Douglas Health District Board, and Chelan County Planning Commission meetings. She noted that the Health District has a new interim Director, Mr. Bruce Buckles; the Board is working on moving into phase 2 of the Governor's Phased reopening plan. She said that the Chelan County Planning Commission meetings are addressing short term rentals within the County.

Councilmember Lundgren reported that he attended the Parks and Public Works Committee meetings. He reported on the Public Works Committee and stated that the group discussed short term rentals in Chelan County and the Wastewater Treatment Plant Upgrade project change order to replace old equipment at a cost of \$25,000.

Councilmember Hessburg reported on the recent Parking Advisory Committee meeting and stated that the group is working on tailoring their work plan. She said that the parking meter installation will begin following Labor Day and will be less rushed, due to the cancellation of Oktoberfest; there is no timeline on when the paid and timed parking program will be implemented; the time frame will be determined by impacts related to COVID-19. She confirmed that the City will be hiring a parking coordinator for enforcement, maintenance, and monitoring the system. She said that foundational pricing is set and that the group is currently working on community outreach. She said that the next steps will address Residential Permit Parking and the West (DOT) Parking Lot. She also attended the Economic Development Committee meeting.

Councilmember Reister reported on the recent Festhalle Oversight Committee meeting and stated that an indoor wedding/religious ceremony will be held on July 18, 2020 at the Festhalle; the event consists of 200 guests who will abide by the Governor's guidelines for weddings and religious events. He also attended the Leavenworth-Area River Recreation Committee meeting; the group is conducting a survey to determine who uses the river, when they use the river, and varying opinions on river usage, focusing on Icicle Creek and the Wenatchee River in the Leavenworth area. He addressed the delivery of the survey and noted that the Committee would like to receive a comprehensive community response.

## **MAYOR/ADMINISTRATION REPORTS**

Mayor Carl Florea reported on the Study Session meeting and stated that the Council received a presentation on the Water Treatment Plant Upgrade project; the Council has narrowed down the options provided by Gray & Osborne. He also noted that the Annual City Council Retreat will take place on July 31, 2020 via Zoom Conferencing.

City Administrator Ana Cortez-Steiner reported that she participated in discussions regarding the preparation for a water presentation at the August Study Session meeting. She noted that the presentation at the morning Study Session contained the framework of the upcoming presentation. She reported on the upcoming wedding/religious ceremony taking place at the Festhalle, which was difficult to approve. She addressed the Governor's regulations and stated that she clarified the regulations with the City Attorney and the Governor's Office, prior to the approval of the event. She confirmed that the bride has ensured that all precautions and guidelines are to be followed. She addressed the City's website redesign and stated that the most popular website is Vail Colorado. She noted that the website will not be identical, but have a similar feel. She will resend the survey to the Council.

Downtown Outreach Facilitator & Coordinator Kelley Lemons provided a brief update on the recent Front Street closure in downtown Leavenworth. She said that she and Tessa McCormick are working with the Chamber of Commerce, local businesses, and downtown visitors. They are handing out 125-150 masks each weekend, and their downtown ambassador booth is frequently visited. She said that they are working with Pacific Security to decrease open alcoholic beverage consumption, which will continue as more businesses are setting up outdoors. She addressed the schedules for sanitizing restrooms and picnic tables throughout the weekend and noted that the Festhalle restrooms are open in order to provide more space for restroom usage. Ms. Lemons will provide her contact information to the Council for feedback or concerns during the downtown street closure. There was discussion of Pacific Security focusing on alcohol education rather than parking tickets. Administrator Cortez will provide Pacific Security reports to the Council.

Finance Director Chantell Steiner reported on the Festhalle Fund and stated that there was a transfer of \$9,427.60 of the authorized \$20,000 at the end of June; this was a result of Festhalle refunds due to COVID-19 and extra costs from janitorial expenses. She said that Oktoberfest has been canceled, which was approximately \$10,000. She said that there will be expenditures of approximately \$15,000 for the month of July, which will surpass the authorized \$20,000; Director Steiner will bring back another transfer request for the Festhalle Fund at the next July meeting. There was a brief discussion of the \$50,000 annual payment from Projekt Bayern following Oktoberfest and how the City will try to recoup those costs with parking revenue. She reported on the Garbage fund and confirmed that the Garbage Fund has stabilized. She said that many businesses have come back on line, and many of those are fully operational, with exception to the hotels; garbage expenditures are coming in slightly below the revenues. On a final note, she stated that the Council binders include the Biennial Budget Calendar and updates to the Transportation Benefit District reports.

Public Works Director Herb Amick reported that the Water Meter Replacement project is waiting for a Notice to Proceed from the Federal Bureau of Reclamation. He provided a brief update on the South Interceptor project and stated that the project was awarded to Clackamas Construction; since the time of the award, the owner has passed away and the company has lost their bond status, so the project is still to be determined. On a final note, he announced that former City employee Brian Boblenz was hired into the Public Works Weekend Utility Worker position.

## **COMMENTS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA**

Duane Goehner thanked the City Council for their work with the business community and closing Front Street to traffic. He addressed the City Hall office hours and stated that he has been told that community members are having a difficult time getting in touch with City employees and requested that there is someone at City Hall to direct phone calls to various departments, for more expedient customer service. Mayor Florea stated that employees are working at City Hall during the day, although phones may not be answered throughout the day. He said that the situation is not as convenient as was, prior to COVID. He noted that the City is not able to be “open”, due to the Governor’s Phased reopening plan.

## **PRESENTATION: CENSUS COMPLETE COUNT – BROOKLYN HOLTON**

Ms. Brooklyn Holton, representing the Census 2020 Complete Count Committee (CCC), began with a PowerPoint presentation and addressed the North Central WA CCC timeline for census outreach by partnering with other communities. She addressed the grant application process with the Office of Financial Management (OFM); the funds were applied for on behalf of CCC for outreach and education funding. She said that the grant was awarded in June 2020 and provided a breakdown of where the funds were used. She noted that the goal is to get as many self-responses as possible in the local region; OFM Grants were focused in hard to reach and hard to count areas. On a final note, she said that the next steps are without grant funding and will focus on print and media opportunities. Mayor Florea asked where Leavenworth ranks in census completion. Ms. Holton stated that WA State and our counties are doing better than we were 10 years ago. She said that our area is leading in the State by 55-60%. Councilmembers asked for updates throughout the process.

## **PUBLIC HEARING ON CODE INCONSISTENCIES AT 6:45 PM**

Mayor Florea opened the public hearing at 7:58 PM.

Development Services Manager Lilith Vespier stated that the four amendments to the Leavenworth Municipal Code were thoroughly discussed at the earlier Study Session meeting. She stated that the Planning Commission held multiple workshops between April and June with no public comments received at the June Public Hearing.

Mayor Florea asked for comment from the public. Councilmember Waters voiced concern at proceeding with Ordinance 1614 due to the increase in size to 200 square feet, height, and location for accessory structures. Manager Vespier clarified that the increase to 200 square feet conforms with the Residential International Building Code and is being requested by Building Official Mark Barnes for consistency with the City’s Code.

Mayor Florea asked if there were any more comments from the public; hearing none, he closed the public hearing at 8:03 PM.

### **1. Ordinance 1612 – Code Inconsistencies Chapter 12.08**

Development Services Manager Lilith Vespier stated that Chapter 12.08 Street and Sidewalk Obstructions currently references enforcement actions, which conflict with Chapter 21.13

Enforcement; the amendment removes the outdated enforcement actions and replaces them by referencing Chapter 21.10 Enforcement.

Councilmember Wilson motioned to adopt Ordinance 1612 amending the Leavenworth Municipal Code Chapter 12.08, Street and Sidewalk Obstruction, to reference existing enforcement procedures. The motion was seconded by Councilmember Lundgren and passed unanimously.

## **2. Ordinance 1613 – Code Inconsistencies Chapter 21.07**

Development Services Manager Lilith Vespier stated that Chapter 21.07 Application Process will include a “right of entry” for City employees to enter an applicant’s property after a land use or pre-application application is received by the City. She said that these types of site visits allow City employees time to review the proposal in relation to the site conditions; the “right of entry” is covered in multiple areas of code but was not specifically included for land use applications.

Councilmember Hessburg motioned to adopt Ordinance 1613 amending the Leavenworth Municipal Code Chapter 21.07, Application Process, to provide a right of entry of City employees when a permit has been applied for. The motion was seconded by Councilmember Strand and passed unanimously.

## **3. Ordinance 1614 – Code Inconsistencies Chapter 15.04**

Development Services Manager Lilith Vespier stated that in Chapter 15.04 Building Codes, there was a need to clarify two items; (1) swimming pool covers are not a substitute for fencing, which is required to be 5’ tall, and (2) define exempt accessory storage shed uses for tools, storage, playhouse, or similar use with a limit of 200 square feet or less.

Councilmember Waters stated that she would like to remand this item back to the Planning Commission for further clarification. She would like to see more controls put on a 200 SF structure, with regard to size, height, and location. Some Councilmembers noted their favor for the way the amended code was written.

Councilmember Waters motioned to remand Ordinance 1614 back to the Planning Commission for review. The motion was seconded by Councilmember Reister and failed 2/5 with Councilmembers Wilson, Bretz, Strand, Lundgren, and Hessburg opposed.

Councilmember Hessburg motioned to adopt Ordinance 1614 amending the Leavenworth Municipal Code Chapter 15.04, Building Codes, to clarify swimming pool and accessory shed requirements. The motion was seconded by Councilmember Bretz and passed 5/2 with Councilmembers Waters and Reister opposed.

## **4. Ordinance 1615 – Code Inconsistencies Chapter 14.10**

Development Services Manager Lilith Vespier stated that in Chapter 14.10 Signs, and exemption is needed for Service Activity Signs, which are used to identify community service groups, such as the Lions Club and Rotary. She said that the placement of these signs is typically located in the public right-of-way or private property at the gateway to the community or business core.

Councilmember Lundgren motioned to adopt Ordinance 1615 amending the Leavenworth Municipal Code Chapter 14.10, Signs, to add Service Activity Signs as an exempt sign. The motion was seconded by Councilmember Hessburg and passed unanimously.

## **5. Ordinance 1616 – Quarterly Budget Amendment**

Finance Director Chantell Steiner stated that the City Council is being asked to adopt Ordinance 1616 Quarterly Budget Amendment, which amends the budget at the fund level. She noted that the items were approved by the Council over the last quarter, with exception to costs associated with the Water Meter Replacement project, monies related to COVID-19 and the downtown street closure, two Public Works vehicles that were not surplussed as planned, and a final amendment for repair costs for the City's garbage truck. She shared an Excel spreadsheet to identify the reductions and losses to retail sales, parking, and lodging taxes and detailed the reductions to current revenue and anticipation of future revenues. She noted that she has erred on the side of caution. Councilmembers requested an extended Finance Committee meeting in order to delve further into the current status of the City's Lodging Tax Fund expenses and to consider potential budget cuts.

Councilmember Wilson motioned to adopt Ordinance 1616 Quarterly Budget Amendment. The motion was seconded by Councilmember Lundgren and passed unanimously.

## **6. Development Services Mid-Year Report**

Development Services Manager Lilith Vespier addressed the Development Services Mid-Year Report and stated that the report provides a summary of 2019 permits, a breakdown of 2020 permits, current business licensing approvals, and an overview of the Development Services Department Objectives and Achievements. She provided a brief update on the progress of fire code updates, Transportation Element Update, Housing Action Plan, and update to the Shoreline Master Program.

## **7. Consultant Agreement with TD&H for 14<sup>th</sup> Street Pavement Project**

Public Works Director Herb Amick stated that the City Council is being asked to approve a Transportation Improvement Board (TIB) Consultant Agreement with TD&H Engineering for the construction engineering requirements associated with the 14<sup>th</sup> Street Pavement Project – Commercial Street to Front Street. He detailed the road work to include full depth pavement reclamation, curb, gutter, sidewalk, and drainage improvements. He added that the City has been awarded grant funding for the project through the TIB in the amount of \$488,300; the City's portion of the project will be \$25,800 and \$65,727 is available to be used toward the design phase of the project. He confirmed that the project will not begin until 2021, following the completion of the Wastewater Treatment Plant Upgrade project. On a final note, he stated that the total cost of the TIB approved Consultant Agreement with TD&H is an amount not to exceed \$39,191.57; however, the full budgeted engineering amount is \$69,200. He explained that the difference is allotted to allow the City to directly hire geotechnical engineering services and other subconsultants as needed or prescribed by TD&H.

Councilmember Lundgren motioned to approve the Consultant Agreement with TD&H Engineering in an amount not to exceed \$39,197.57 and authorizes the Mayor to sign the agreement. The motion was seconded by Councilmember Bretz and passed unanimously.

## **8. Professional Services Agreement with 3Sherpas for Website Redesign**

Development Services Manager Lilith Vespier stated that the City Council is being asked to authorize the Mayor to sign a Professional Services Agreement with Fallon Technology, Inc, dba 3Sherpas, for the redesign of the City's website.

Councilmember Hessburg motioned to approve and authorizes the Mayor to sign a contract with Fallon Technology, Inc, doing business as, 3Sherpas for the redesign of the City website. The motion was seconded by Councilmember Waters and passed unanimously.

## **9. Cascade School District Skateboard Park Memorandum Amendment No. 2**

City Administrator Ana Cortez-Steiner stated that Council is being asked to authorize a second amendment to the July 25, 2016 Memorandum of Understanding (MOU) between the City of Leavenworth and the Cascade School District. She said that the amendment requests an extension for entering into an intergovernmental disposition of property on or before December 31, 2020; the previous date for such transaction was September 30, 2020. She confirmed that following direction by the City Council, staff will meet with District staff to ensure full execution of this extension. She noted that this extension will allow the Council additional time with the visioning process, in order determine the final product to put forth on that site, which will have a positive influence on the final negotiated price from the School District. Councilmember Bretz provided a brief historical background regarding the reason the original MOU is related to the Skateboard Park.

Councilmember Hessburg motioned to approve and authorizes the Mayor to sign Amendment No. 2 to the Skateboard Park Memorandum of Understanding between the City of Leavenworth and Cascade School District. The motion was seconded by Councilmember Bretz and passed unanimously.

## **10. Ratification of Resolution 14-2020 – Updated Proclamation of Emergency**

City Administrator Ana Cortez-Steiner stated that the City Council is being asked to approve and adopt Resolution 14-2020, ratifying a proclamation of emergency from Mayor Florea, which was signed as of Friday, July 2, 2020 in response to the novel coronavirus (COVID-19) outbreak.

Councilmember Wilson motioned to approve and adopt Resolution 14-2020 – Proclamation of Emergency. The motion was seconded by Councilmember Hessburg and passed unanimously.

## **INFORMATION ITEMS FOR FUTURE CONSIDERATION**

None.

## **EXECUTIVE SESSION: RCW 42.30.110 (1)(c) MINIMUM PRICE OF REAL ESTATE**

Councilmember Wilson motioned to recess into executive session for 20 minutes under RCW 42.30.110 (1)(c) to discuss minimum price of real estate at 9:25 PM with no action to be taken. The motion was seconded by Councilmember Hessburg and passed unanimously.

Mayor Florea reconvened the regular City Council meeting at 9:45 PM.

Councilmember Hessburg motioned to recess back into executive session for 15 minutes under RCW 42.30.110 (1)(c) to discuss minimum price of real estate at 9:46 PM with no action to be taken. The motion was seconded by Councilmember Lundgren and passed unanimously.

Mayor Florea reconvened the regular City Council meeting at 10:01 PM.

**ADJOURNMENT**

Seeing no other business, Councilmember Reister motioned to adjourn the July 14, 2020 meeting of the Leavenworth City Council. The motion was seconded by Councilmember Bretz and passed unanimously.

The meeting adjourned at 10:02 PM.

**APPROVED**

  
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Carl J. Florea  
Mayor

**ATTEST**

  
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Chantell Steiner  
Finance Director / City Clerk