

LEAVENWORTH CITY COUNCIL MINUTES
September 8, 2020

Mayor Carl J. Florea called the September 8, 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, and Sue Cragun.

APPROVAL OF THE CONSENT AGENDA

Consent Agenda

1. Approval of Agenda
2. Approval of August 25, 2020 Regular Meeting Minutes
3. August 2020 Payroll \$250,773.70
4. 2020 Claims \$443,673.76
5. Set Public Hearing on Ad Valorem (Property) Tax at 6:45 PM on October 27, 2020
6. Denial for Stop Sign at Evans / Benton Streets - removed
7. Professional Services Agreement – Gray & Osborne Development Standards
8. WSDOT Construction & Maintenance Agreement for Parking Meters and Sensors – Approve and Ratify Agreement with WSDOT Concerning Smart Meters in the Form Signed by Mayor on 5/25/2020

Councilmember Waters requested an amendment to her report in the August 25, 2020 Regular Meeting Minutes regarding the Chelan County Fire District #3 meeting.

Councilmember Lundgren motioned to move item number 6, Denial of Stop Sign at Evans / Benton Streets to Resolutions, Ordinances, Orders, and other business. The motion was seconded by Councilmember Hessburg and passed unanimously.

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

COUNCILMEMBER AND COMMITTEE REPORTS

Councilmember Wilson reported that she attended the Economic Development and Parks Committee meetings. She reported that the Parks Committee discussed the electrical and water related repair work that has taken place at the Gazebo and noted that this has been an ongoing problem for some time. Parks Supervisor John Schons noted his concern that further necessary repairs may be overlooked; the City Council will ensure that the work is completed properly. The Committee also received an update about the Garten Haus removing seven (7) trees on their property; Department of Fish and Wildlife is requiring the replacement mitigation of fourteen (14) trees. The Committee discussed replacing the trees on City property or replanting in the same location.

Councilmember Bretz reported on the Economic Development Committee meeting and stated that the Committee discussed the Downtown Ambassador Program for the downtown Front Street closure. This is a pilot project used to manage the COVID needs downtown; Ambassadors have a downtown presence, are available to address issues in a timely fashion, and will need to continue due to the tourist nature of Leavenworth. The Chamber of Commerce has now created a new position at the Chamber to fulfill that roll and they are considering including a second position if the need arises. She reported on the Link Transit Board meeting and stated that the Board passed a six year transportation development plan and Wenatchee Mayor Kuntz addressed the Confluence Park Project and asked for Link's support; Link is invested in the design and other contributors are needed. The Chelan Douglas Regional Port Authority has contributed \$1,750 and Link Transit and the PUD will contribute \$300,000, which will allow the project to move forward. On a final note, she stated that Link has expanded service to Sunday's, which has been very well received, and that the Leavenworth Shuttle is operational.

Councilmember Waters reported that she attended the Design Review Board, Mayor's Community Q&A, Housing Authority of Chelan & Douglas County, and the Latinx Advisory Group meetings. The Latinx Group discussed educational challenges related to COVID amongst the Hispanic community. She reported on the Residential Advisory Committee (RAC) meeting and stated that the group discussed Christmas Lighting, the Osborn School property, and the Upper Valley Park & Recreation Service Area (PRSA) Recreational Needs Assessment. The RAC would like to continue the Osborn School property discussion following the next PRSA Committee meeting. She also attended the Joint Special meeting with the Planning Commission and City Council, Parks Committee, and Public Works Committee meetings.

Councilmember Strand reported that he attended the Housing Committee meeting and Joint Special meeting with the Planning Commission and City Council.

Councilmember Lundgren reported that he attended the Parks and Public Works Committee meetings. He reported on Public Works and stated that the group received an update from Varela & Associates Engineering on the Wastewater Treatment Plant Upgrade and South Interceptor Replacement projects. The projects are moving forward on time and within budget. The group also received a presentation from Ariaehna Jones of Waste Loop regarding the City's Recycle Center; Waste Loop has provided informational signage at the Recycle Center, they wish to install a job shed at that location, and they would like to begin collecting donations.

Councilmember Hessburg reported on the Parking Advisory Committee meeting and stated that the parking meter installation process will begin following Labor Day, the Code Enforcement Officer for Parking position has been posted, and there is no plan at this time for going live with the parking meters. The next public meeting is scheduled to take place on September 23, 2020 at 6:00 PM via Zoom Conferencing. Committee members will further the discussion with the community about the fee structure, employee parking, and the residential zone parking program.

Councilmember Reister reported that he attended the Joint Special meeting with the Planning Commission and City Council and the Public Safety Committee meetings. The Council will receive an invitation to tour the South Interceptor and Wastewater Treatment Plant projects.

MAYOR/ADMINISTRATION REPORTS

Mayor Carl Florea reported on the Study Session meeting and stated that the Council discussed the use of Lodging Taxes, as there have been substantial losses in revenue over the last few months. There are currently three non-profit partners receiving those funds from the City and the Council will need to clarify the rationale for those groups to continue receiving funding from the City; there may also be a

two year commitment of the funding in order to better coincide with the City's budget cycle. The Council also reviewed a working document, created from the recent Annual Retreat, as it relates to the City Council's vision, hopes, and dreams for the community. On a final note, he updated the Council on the COVID testing occurring in Leavenworth this week at Cascade High School.

City Administrator Ana Cortez-Steiner reported on her accomplishments that have occurred in her first three months as City Administrator. She has worked on forming new relationships with the community, businesses, national partners, and projects that further the gathering of community. She addressed the closure of Front Street and thanked those departments and stakeholders who have contributed throughout the process, troubleshooting, and overcoming obstacles. She addressed the Paid & Timed Parking Program, including the installation of parking meters downtown and noted that the project is moving forward as planned. She addressed the Osborn Elementary School property and stated that the City will receive the results of the Environmental Phase 1 report from the EPA in approximately two weeks; thereafter, the City will move forward in negotiations with the School District. She addressed her relationships with the Media and stated that she has been working with the local press groups and Latin media, which has resulted in increased phone conversations and requests for information from the media. She addressed the redesign of the City's website by 3Sherpas and noted that the project is headed in the right direction; the end result is a project that we can be proud of. She acknowledged her positive working relationship with the Council. The next three months will be committed to the budget process and Christmas events. She briefly touched on current events; the South Interceptor project has a Facebook page that can be "friended", recent COVID testing at the Fish Hatchery resulted in 404 tests, an updated Request for Proposal for the Osborn School Property visioning process has been created for the RAC to review in October, and the Council may sign up for tours of the Wastewater Treatment Plant Upgrade and South Interceptor Replacement projects.

Finance Director Chantell Steiner reported that parking revenue for August was 121% over last year and is at 81% for this year. The City has three items that were previously approved by the Council for auction; a 1994 Gator and two riding lawn mowers have been listed on Public Surplus Auction, which will end on September 17, 2020 at 1:00 PM. She provided an update on the Festhalle Fund and stated that due to costly repair work and refunds due to COVID related cancellations, the Festhalle Fund will need another transfer of approximately \$20,000 to get through the remainder of the year; she will bring a request to the next Council meeting. Administrator Cortez-Steiner addressed the new contract with Mr. Mike Hartnell for Festhalle operations; Mr. Hartnell has accepted the terms of the contract and will proceed with a humble scope of work at \$1,500 per month, effective September 1, 2020, which has been incorporated into the final estimate of needed funds.

Development Services Manager Lilith Vespier reported on the numbers of residential permits that have been issued and compared those to last year. She confirmed that the Leavenworth Haus Building A will have final occupancy in the next 6-8 weeks.

COMMENTS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA

None.

PUBLIC HEARING: SPECIAL USE PERMIT FOR RV PARKING / CAMPING PERMIT

Mayor Florea opened the public hearing at 7:19 PM.

Development Services Manager Lilith Vespier stated that the City received a request for a Special Use Permit (SUP) from R&S Rentals, the property owner of the land west of Kristall's Restaurant in Leavenworth. The area has been used for RV parking and camping for a number of years. The City

was unaware of the activity until a complaint was received; once the complaint was received, the City investigated what was taking place on the property and what was allowed within the City's regulations. A temporary Special Use Permit would be permitted in this instance, and allows the City Council to determine the allowance of RV rentals in the location. The permit is valid for seven (7) days, can be administratively renewed three (3) times, for a total of 28 days. The intent of the RV camping and tent sites is to offset festival activities; the applicant has requested to use the date beginning September 25, 2020 with two (2) renewals and ending October 28, 2020, which would historically coincide with the Oktoberfest Festival. Staff has drafted a Special Use Permit; the City Council may approve or deny the permit as stated, or, with or without tent camping. The Council has been forwarded all comments, written and emailed comments, up to 5:00 PM on September 8, 2020. All comments are in opposition or concern of the request. Administrator Cortez-Steiner noted that City Attorney Tom Graafstra has stated that if the Council denies the request, the Council will then direct staff to prepare a decision in a resolution for denial for final action or approval at the September 22, 2020 City Council meeting.

Mayor Florea asked for comments from the public.

Lonnie Petersen, 280 US Highway 2, Leavenworth; Ms. Peterson stated that the request is not for tent camping, only RV's. She clarified that a picture was submitted with a fully sustained camper; she asked that camper to leave until resolved. She added that Kristall's has been renting the space to campers for more than 20 years and asked the City's reason for taking action, "Has the City done this because of one complaint?" She stated that her property should be treated equally to other properties and noted the use of overnight camping on the City owned WSDOT (West) Parking Lot. Ms. Vespier answered that the City was unaware of the activity at Kristall's and appreciates the quick response by Kristall's staff. There was discussion of the WSDOT (West) Parking Lot in regard to overnight parkers at that location, which is not allowed per City policy, and parking enforcement measures currently in place by the City; City staff will look into any violations on its WSDOT Lot.

John Hewitt, 103 Prospect Street, Unit A, Leavenworth; Mr. Hewitt stated that he is representing the HOA and resides at the property behind Kristall's. He noted the unpleasant experiences with RV parking, noise after 10:00 PM, dogs off leash, open fire pits, RV generators running all night, and referenced the City's no idling ordinance. Ms. Lonnie Petersen rebutted and explained that open fires are prohibited and that staff monitors other nuisance activities on a daily basis; rules are provided upon check-in; she added that she is not aware of any previous complaints.

Courtney Bradburn, 198 Commercial Street, Leavenworth; Ms. Bradburn stated that she has provided comment. She has also called RiverCom for complaints of noise, open flames, sanitation, and trash. She questioned the need for the permit, as there are no festivals taking place in Leavenworth for the remainder of the year. The traffic and noise impacts her and her family and that allowance for up to 19 RV's will further impacts immensely.

Councilmember Reister questioned the onsite security, due to the allowance of noise after 10:00 PM. Ms. Petersen stated that there is no private security; however, staff and one of the owners are available; inspections are made in the morning and the evening up to midnight, and they have never received a complaint.

Councilmember Hessburg acknowledged the continuous noise issues, but is concerned that the property in question would not qualify for an RV Park based on the City's zoning code. Safety and noise are concerning; she is not in support of the SUP.

Wes Burwell 103 Prospect Street, Unit A, Leavenworth; Mr. Burwell stated that he has spoken to and documented contact with Kristall's staff in response to complaints. He has placed complaints that have

gone unanswered. People are parked in his front yard, there are parties, loud music, and dogs barking. The manager assured that his complaint would be taken care of, but the issues were never addressed. Open fires and portable restrooms are also a problem; once the restaurant is closed, there is nothing they (neighbors) can do. He stated that this has been going on for the past three years and that nearby residents have been provided phone numbers to call, but it is taking a toll on one's mental health.

Councilmember Lundgren is no longer in support of the SUP at this time, due to the additional testimony he has heard. He stated that he would be open to reconsideration if Kristall's is willing to work on mitigation of the concerns. He also has concern that the zoning does not support an RV Park.

Courtney Bradburn, 198 Commercial Street, Leavenworth; Ms. Bradburn asked what recourse should be taken in the future and in particular when fires are ignited. Ms. Vespier said to contact the City of Leavenworth Development Services for code enforcement issues.

Lonnie Petersen, 280 US Highway 2, Leavenworth; Ms. Peterson stated that the SUP is only seven days at a time, three times a year. She reiterated that she has never received a report from RiverCom or the Sheriff's Office. She wishes to work with the neighbors. Kristall's benefits and so does the City of Leavenworth with the repeat business for the last 20 years as well as providing more parking for visitors.

Mayor Florea asked if there were any more comments from the public; hearing none, he closed the public hearing at 7:47 PM.

RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS

9. Special Use Permit for RV Parking / Camping Permit

Councilmembers further discussed the concerns of the neighbors, zoning issues related to RV Parks, Special Use Permit requirements, opening the door to additional requests for RV Parks, and enforcement issues. Councilmember Hessburg voiced concern at utilizing the SUP process to circumvent the code for this purpose; the normal use of an SUP for sidewalks is not addressed in the code, while RV Parks are addressed in the code. Councilmember Strand has concerns for both sides of the issue; he fears the potential for this smaller area to become a mini Oktoberfest with partying and loud noise. Councilmember Bretz stated that she is conflicted as RV's seem to be a good option during COVID-19 for people to get out and safely enjoy being away from home; however, she does not support the issues regarding partying, noise, and zoning, and if approved, she would want to see onsite monitoring and control. Councilmember Reister has concerns with noise from the generators overnight. Councilmember Waters is concerned with all of the complaints heard today, to which Kristall's is not aware of; she added concern to garbage, lack of restrooms, and dogs off leashes; she is not supportive of this SUP.

Councilmember Bretz motioned to deny the Special Use Permit for RV Parking / Camping Permit and refer to staff to document, per legal counsel. The motion was seconded by Councilmember Strand and passed unanimously.

6. Denial for Stop Sign at Evans / Benton Streets

Councilmember Lundgren asked for further explanation on the decision to deny by the members of the Public Safety Committee. Councilmember Wilson noted that she does not agree with the Warrant Checklist regarding the required numbers of four accidents and that the City should reconsider the warrants criteria. She is not in favor of denying this stop sign. Councilmember Waters stated that she

agrees with Councilmember Wilson, as this is an odd intersection. Mayor Florea stated that traffic needs to keep moving, which is the reason to use the checklist to determine if a stop sign is warranted. It was noted that the warrants were created based on a multitude of factors and data which included input from staff and public safety professionals. Councilmembers discussed their reasoning, pros, and cons in regard to traffic flow, enforcement options, speeding in the area, and criteria being met in order to make data driven decisions. Mayor Florea noted that even if the number of accidents were less than four, this intersection has had zero accidents reported; therefore, it would still have met the criteria for denial. Councilmember Lundgren thanked the Council for elaborating on their decision.

Councilmember Hessburg motioned to deny the stop sign at Evans / Benton Streets. The motion was seconded by Councilmember Bretz and passed 5/2 with Councilmembers Wilson and Waters opposed.

10. Ordinance XX-2020 Franchise Agreement between City and Falcon Video Communication L.P. aka Charter Communications – First Reading

City Administrator Ana-Cortez Steiner stated that the Charter Communications Franchise Agreement has been discussed in City Council Committees and a previous City Council meeting. The agreement has also been reviewed by the City, Charter Communications, and legal counsel for both parties. She said that the franchise fee will be increased from 3% to 3.5%, language has been changed with regard to complimentary services that are no longer allowed by the FCC, changes to the level of insurance coverage, and the agreement will remain in place for ten (10) years, rather than the previous seven (7). A motion from Council will be presented at the next meeting after a second reading has occurred.

INFORMATION ITEMS FOR FUTURE CONSIDERATION

11. Finance Director Chantell Steiner stated that the Finance Committee budget review will take place on September 22, 2020 at 5:30 PM; if needed, the Special Meeting for priorities review will take place the same day from 1:00 – 3:00 PM.

ADJOURNMENT

Seeing no other business, Councilmember Wilson motioned to adjourn the September 8, 2020 meeting of the Leavenworth City Council. The motion was seconded by Councilmember Waters and passed unanimously.

The meeting adjourned at 8:21 PM.

APPROVED



Carl J. Florea
Mayor

ATTEST



Chantell Steiner
Finance Director / City Clerk