

LEAVENWORTH CITY COUNCIL MINUTES
September 22, 2020

Mayor Carl J. Florea called the September 22, 2020 Leavenworth City Council meeting to order at 6:30 PM. This meeting was conducted via Zoom teleconference.

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 September 2, 2020 Special Joint City Council / Planning Commission Meeting Minutes
3. Approval of September 8, 2020 Study Session Minutes
4. Approval of September 8, 2020 Regular Meeting Minutes
5. 2020 Claims \$536,130.70
6. Special Use Noise Permit for WSDOT

Councilmember Wilson noted an error in the 9/8/2020 regular meeting minutes with regard to the mention of Public Works rather than Public Safety.

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

COUNCILMEMBER AND COMMITTEE REPORTS

Councilmember Wilson reported that she attended the Planning Commission and Public Safety Committee meetings; she will be attending the Parking Advisory Committee Public Open House on the following day. She will be acting the part of a Native American in a Salmon Festival production intended for grade school children as a part of the state curriculum.

Councilmember Bretz reported on the Link Transit Board meeting and stated that Link approved expenditures for a green transportation grant that the agency received last year. Link is reallocating funds for chargers for green projects, a wireless charger for the Leavenworth Park & Ride, and \$1.2M in grant funding for battery operated vehicles. Link is also installing personal vehicle chargers in area Park & Ride locations. Link approved a Request for Proposal for the installation of UV air purifiers in busses, passed expenditures of \$1.3M for new busses; bus purchases are complete and the fleet has been replaced. Link maxed out on service due to social distancing and will need alternative solutions if ridership increases. There will be a Board workshop on October 14, 2020 to review the recent transit study, which has reviewed the system for efficiencies. She attended the Housing Committee meeting; the Planning Commission will review the Housing Action Plan at the next meeting. She encouraged the Council to attend the October 7, 2020 meeting; the Housing Needs Assessment will be reviewed with the Consultant. Mayor Florea shared ideas for funding affordable housing; a Senate Bill to utilize Lodging Tax and a new concept for renovating local housing. Staff is recommending the allocation of \$200,000 for the program in each year of the next biennium.

Councilmember Waters reported that she attended the following meetings: Chamber of Commerce Retreat, regular and special Chelan Douglas Health District, Chelan County Fire District #3, Latinx Advisory Group, Greater Leavenworth Museum Board, Feshalle Oversight Committee, Planning Commission, Cascade Medical Center Foundation, Public Safety Committee, and Finance Committee. The Museum is planning to host tours for those who have donated to the Museum and the Health District and Latinx Group are working on COVID education within the Hispanic community.

Councilmember Strand provided an explanation for those who have been tested at a free COVID test site or with the National Guard; if one receives a positive test, the testing site does not notify that person's medical provider. It will be up to each individual to notify their provider for treatment if necessary. He attended the Special Finance Committee budget priorities review meeting and stated that the group addressed potential shortfalls and provided direction to staff.

Councilmember Hessburg reported on the Parking Advisory Committee meeting and stated that discussion topics included the details of installation and activation of parking meters, sensors, and kiosks. CivicSmart is currently assessing downtown and coming up with a phased plan for installation; parking lots will be addressed in Phase 1. Phase 2 includes the installation of sensors and meters on the street, using caution to lessen impact to the business community. The Committee received a presentation by PayByPhone and ParkMobile payment apps; parking meters will accept payment by either app or a credit card. The Public Open House #3 will take place on September 23, 2020 at 6:00 PM via Zoom Conferencing; the Committee will present the same material from the previous open house, as they are trying to continue to connect with additional community members. The next Parking Advisory Committee meeting will take place on October 1, 2020; the group will finalize the code language for the Residential Zoned Parking District, which will come before the Council for approval when complete. She also attended the Special Finance, Regular Finance, and Public Safety Committee meetings.

Councilmember Reister reported that he attended the Leavenworth-area River Recreation Committee meeting and confirmed that the river use survey has been completed. He shared findings from the survey and stated that there will be a presentation to the public coming soon. He attended the Leavenworth Area Promotions (LAP) Committee meeting and stated that the group reviewed a promotional video and a Microsoft promotion, "Wonder Washington on Wednesday's", which addresses why to come to Leavenworth.

MAYOR/ADMINISTRATION REPORTS

Mayor Carl Florea reported that he met with CivicSmart representatives to begin coordination of the parking meter installation project with the least amount of disruption to the business community. He said that the Water Meter Replacement project is in process; the Icicle Work Group is a funding source for the project and the Group is working with North 40 Productions to film and document the installation of the new meters.

City Administrator Ana Cortez-Steiner reported that the Leavenworth Winter Sports Club Ski Swap will be held at Ski Hill rather than the Feshalle and the parking meter installation project will begin soon; installation will begin in the parking lots, communications will be directly with merchants and providing a seven day notice, press releases have been posted, and the Mayor sent a letter with question/answer to his subscriber list. Installation on the 800 block of Front Street will begin after October 18, 2020 in order to decrease impact on parking revenues and business activity. She went on to share the proposed installation plan and anticipated timeline. She signed up councilmembers for tours of the South Interceptor Replacement project and Osborn Elementary School.

Finance Director Chantell Steiner provided updates on the South Interceptor Replacement, Wastewater Treatment Plant Upgrade, Fish Screen Intake, Whitman Street Pilot Pavement, and Water Meter Replacement projects. She provided an update on the Parks Department surplus equipment that was recently sold at auction; the Gator sold for \$2,650 and two riding lawn mowers sold for just under \$1,300 each. On

October 13, 2020, the Committees will be briefed on the budget at their meetings, there will be a budget presentation at the evening meeting, and the November 10, 2020 Study Session will assess budget priorities. There will be a Special Upper Valley Parks & Recreation Service Area (PRSA) meeting on September 29, 2020, which will be attended by Councilmembers Lundgren and Bretz; an invitation was sent to Chelan County Commissioner Bob Bugert and staff.

Development Services Manager Lilith Vespier reported that the meetings on the Transportation Element Update have been successful; discussions included peak hours, level of service to measure traffic and traffic impact, and goals to define how to measure traffic. The next meeting will be held on October 21, 2020 and will address data collection, projects, goals, priorities, and what impacts will result in the decisions being made. The River Bend Drive Association and residents in the Alpensee Strasse area have requested to be on the party of record list for a new bridge as addressed by WA State Department of Transportation (WSDOT). She addressed the Housing Assessment and said that there will be a discussion with the consultant at the next meeting. The Planning Commission will have a public hearing on the draft Capital Facilities Element. She will also be posting a job announcement for the new Assistant Planner position very soon.

COMMENTS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA

None.

PUBLIC SAFETY REPORT: SERGEANT SCOTT LAWRENCE, LIAISON OFFICER

None.

RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS

7. Ordinance 1617-2020 Franchise Agreement between City and Falcon Video Communications L.P. aka Charter Communications – *Second Reading*

City Administrator Ana Cortez-Steiner stated that this is the second reading of the Franchise Agreement between the City and Charter Communications; the first reading took place on September 8, 2020, there were discussions in two committees, and Administrator Cortez-Steiner addressed the agreement in a previous report to the City Council. 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).

Councilmember Waters requested clarification on a few points, which was provided by Mayor Florea and Director Steiner. There was discussion of canceling the contract; Attorney Graafstra addressed the federal statute that allows businesses the right to get a franchise from the City.

Councilmember Hessburg moved to adopt Ordinance 1617 Franchise Agreement with Falcon Video aka Charter Communications. The motion was seconded by Councilmember Wilson and passed unanimously.

8. Professional Services Agreement – Blue Logix, LLC for Controls Wastewater Treatment Plant Upgrades

Finance Director Chantell Steiner stated that the City Council is being asked to review and approve a Controls Consultant Agreement with Blue Logix, LLC, for Control System Programming and Commissioning for the Wastewater Treatment Plant Upgrade Project in the amount of \$80,000, excluding WA State Sales Tax. This proposal includes programming, developing, testing, implementation, documentation, and operator training for automated control and monitoring (SCADA) for the new and existing equipment at the Wastewater Treatment Plant. Funding for this portion of the Wastewater

Treatment Plant upgrade is provided in the overall Rural Development (RD) Funding package and was included in the initial engineering process.

Councilmember Lundgren motioned to approve the Controls Consultant Agreement for the Wastewater Treatment Plant upgrades with Blue Logix, LLC in the amount of \$80,000.00, excluding WA State Sales Tax. The motion was seconded by Councilmember Hessburg and passed unanimously.

9. Resolution No. 17-2020 – Denial Special Use Permit for RV Parking

Development Services Manager Lilith Vespier stated that the City Council held a public hearing on September 8, 2020 for a Special Use Permit (SUP) for Kristall's RV Parking – Camping, file number SUP2020-059. At the conclusion of the hearing, the City Council denied the permit. To conclude this action, a Resolution has been drafted for the City Council's final review and formal action.

Councilmember Bretz requested clarification on the guest parking at the restaurant, as the discussion at the last meeting was focused on camping; can Kristall's use the space for parking or is a parking permit required? Manager Vespier stated that the property owner was using the vacant space for camping; if they wish to use the space for parking, there are two permit options available, of which neither permit will allow for camping. There was discussion of Der Ritterhof complaints for camping and parking within their property, which is adjacent to the Kristall's property. Manager Vespier detailed the City's current enforcement practices. Councilmember Bretz requested to further discuss RV camping options with appropriate rules and regulations at a later date. Councilmember Hessburg cautioned issuing Special Use Permits in order to circumvent the Leavenworth Municipal Code (LMC), and noted that this particular property is not acceptable for use as an RV Park due to its zoning.

Councilmember Wilson motioned to approve Resolution 17-2020 for the denial of Special Use Permit 2020-059, for a RV Parking – Camping permit. The motion was seconded by Councilmember Hessburg and passed unanimously.

10. Modified Budget for Engagement Agreement

Development Services Manager Lilith Vespier stated that Attorney Andy Lane has provided the court with necessary information to move forward on the appeal of the Riverstone Comprehensive Plan amendment completed by Chelan County, which would change the zoning from agricultural to residential. There are a few items left to be completed in the hearing appeal process and Mr. Lane anticipates the need for an additional \$10,000 in order to complete the work in process. The original estimate was \$30,000 - \$50,000; this proposed increase will bring the total cost of the appeal to \$40,000.

Councilmember Bretz motioned to approve the budget amount increase for the services of Cairncross & Hempelmann by \$10,000, for a total potential expense of \$40,000. The motion was seconded by Councilmember Strand and passed unanimously.

11. Festhalle Funding

Finance Director Chantell Steiner stated that the Festhalle Oversight Committee has secured a contract for a Festhalle Manager. She is requesting an additional \$20,000 to cover the Manager's salary of \$1,500 per month and other basic operating costs. Previous transfers to date total \$70,000, which covered costs to date through August 31, 2020 and included a positive balance of \$6,340.98.

Councilmember Wilson suggested closing the building in order to save on utility costs and like expenses. Administrator Cortez-Steiner expressed caution in closing the facility, as that could potentially open the facility to undesirable inhabitants. She said that the restrooms have remained open on Saturday's and that the Festhalle Manager is using the facility on Saturday's for office hours and to continue promoting the Festhalle with a very limited scope of work. Councilmember Lundgren asked that the Oversight Committee

begin to think creatively about the use of the space; he feels there have been lost opportunities and revenues and would like to explore short term rentals in that space. Administrator Cortez-Steiner noted that the Committee has discussed a different business model for the facility. Director Steiner will provide a detailed report of the revenues and expenses at the next meeting. She said that previous to COVID, the Festhalle has been a revenue neutral facility. Councilmember Bretz is uncomfortable approving the budget with the subsidy for the Festhalle and would like to see a better use of the space for 2021. Councilmember Hessburg would like the Oversight Committee to discuss these concerns, as discussed by the City Council.

Councilmember Reister motioned to authorize a budget amendment to include a third COVID-19 related direct transfer in the amount of \$20,000 from the General Fund to the Festhalle Fund for a total yearly transfer to date of \$90,000. The motion was seconded by Councilmember Waters and passed 6/1 with Councilmember Lundgren opposing.

12. EXECUTIVE SESSION: RCW 42.30.110 (1)(i)(i) Pending Litigation

Councilmember Hessburg motioned to recess into executive session at 8:32 PM for 10 minutes under RCW 42.30.110 (1)(i)(i) to discuss pending litigation 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 8:42 PM.

INFORMATION ITEMS FOR FUTURE CONSIDERATION

- 13. Economic Development & Public Works Committees Budget Review 10/13/2020**
- 14. Current Year Budget Review and 2021-2022 Preliminary Budget Review 10/13/2020**

ADJOURNMENT

Seeing no other business, Councilmember Hessburg motioned to adjourn the September 22, 2020 meeting of the Leavenworth City Council. The motion was seconded by Councilmember Reister and passed unanimously.

The meeting adjourned at 8:43 PM.

APPROVED



Carl J. Florea
Mayor

ATTEST



Chantell Steiner
Finance Director / City Clerk