

LEAVENWORTH CITY COUNCIL MINUTES
November 26, 2019

Mayor Cheryl Kelley Farivar called the November 26, 2019 Leavenworth City Council meeting to order at 6:30 PM and Mayor Farivar led the City Council in the Flag Salute.

ROLL CALL

Council Present: Mayor Cheryl K. Farivar, Carolyn Wilson, Mia Bretz, Margaret Neighbors, Sharon Waters, Clint Strand, and Jason Lundgren.

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

APPROVAL OF THE CONSENT AGENDA

Consent Agenda

1. Approval of Agenda
2. Approval of November 12, 2019 Study Session & Regular Meeting Minutes
3. 2019 Claims \$269,591.96

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

COUNCILMEMBER AND COMMITTEE REPORTS

Councilmember Lundgren reported that he attended a driving tour of the facilities that are managed by Upper Valley MEND. He reported on the Upper Valley Parks & Recreation Service Area (PRSA) meeting and stated that the pool refinishing will be completed by May and the Request for Proposal for the Recreation Needs Assessment will be advertised this week.

Councilmember Strand reported on the Public Safety Committee meeting and stated that the group discussed the Christmas Lighting traffic control plan and he said that the HAWK crosswalks will be turned off on Saturdays. He added that the City's winter parking ban has begun and that enforcement is currently in process. He said that he participated in a tabletop exercise simulating a mass casualty event response; the exercise was very instructive for everyone to walk through the process. He then reported on the Finance Committee meeting and stated that the City's revenues are steady.

Councilmember Waters reported that she attended the Upper Valley Parks & Recreation Service Area (PRSA), Parking Advisory, Downtown Steering, Housing, and Finance Committee meetings.

Councilmember Neighbors reported that she attended the South Interceptor Replacement Project Open House. She announced that the Chelan County Moderate Risk Waste Facility will have a Ribbon Cutting on December 5, 2019 at 3:00 PM.

Councilmember Bretz reported on the Link Transit Board meeting and stated that the Board approved the purchase of a wireless charger for the electric busses and noted that it is lighter than previous models, which will improve gas mileage. She said that she also attended a second budget

workshop, which will fund additional services. She briefly addressed a new app that will show users the location of their bus, which will roll out on January 1, 2020. She reported on the Housing Committee meeting and stated that the group reviewed the \$45,000 Housing Grant for a Housing Action Plan and the Housing Assessment recommendations.

Councilmember Wilson reported that she attended a driving tour of the facilities that are managed by Upper Valley MEND. She reported that she attended the Downtown Steering Committee and noted that the group reviewed the floor plans for the restroom remodel in Front Street Park; the group chose a floor plan for the project. She also attended the Public Safety Committee meeting.

MAYOR/ADMINISTRATION REPORTS

Mayor Farivar reported that she attended the last Chelan Douglas Transportation Council (CDTC) meeting; there was a reception for the outgoing members and she was presented with a trophy for her participation with the group. She noted that the CDTC will be taking in four new members next year. She said that the group received a presentation from the WA State Department of Transportation (WSDOT) Chairman regarding the likely impacts of WA State Initiative 976 regarding the reduced car tab fees and how that will affect road projects in WA State.

City Administrator Joel Walinski reported on the Parking Advisory Committee meeting and stated that the group received one proposal from the recent Request for Proposal; the group will be looking at comparative pricing prior to moving forward. He said that the Committee will meet again in December and will likely make a recommendation to the Council on how they wish to proceed. He announced that the Icicle Work Group has committed to provide 50% funding or \$487,000 for the Water Meter Replacement project. He said that the three (3) water meter providers will address the Council in January or February of the coming year.

City Attorney Tom Graafstra addressed the reports of examination for the water rights from the Wenatchee reserve and stated that the appeal period has ended; there will be additional water rights for the City as a result of that process. He addressed the Adventure Park Appeal and stated that the parties jointly inquired of the time frame for a decision from the Court; the Bailiff confirmed that a decision will take a few weeks.

Finance Director Chantell Steiner reported that she has been working on several items that were recommended during the City's recent financial audit; the cost allocation recommendations, changes to the purchasing policy, and an update to the personnel policy that is currently being reviewed by the City's insurance company. On a final note, she stated that the City is migrating all email accounts to Microsoft Office 365. She briefly detailed the process and provided tips to ensure that the process runs smoothly.

Development Services Manager Lilith Vespier reported on the recent building and land use permits that have been received by Development Services and compared those numbers to previous years. She noted that the City did not receive the Community Planning Assistance for Wildfire (CPAW) funding; the process was highly competitive and the City will reapply next year.

Public Works Director Herb Amick reported that the Transportation Improvement Board (TIB) awarded the City a grant for the reconstruction of 14th Street from Front Street to Commercial Street.

COMMENTS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA

Mayor Farivar recognized Mr. Emanuel Gil who was in attendance for his “Citizens of Washington in a Contemporary World” class criteria at Cascade High School. Mr. Gil noted that his Senior Project is about traffic in Leavenworth. Mayor Farivar and the City Council thanked Mr. Gil for attending the meeting and the Mayor presented him with a City of Leavenworth lapel pin.

PRESENTATION: LEAVENWORTH COMMUNITY FARMERS MARKET

Ms. Hana Butler, representing the Leavenworth Community Farmers Market (LCFM) provided a report on the success of the 2019 Market. She said that the Market celebrated its 10th anniversary. She addressed fundraising, which LCFM received over \$25,000 from local businesses in sponsorships, a 20% increase over last year. She addressed the highlights from the past season, to include the Kids Makers Market and Education Booth, live music at the Market, Local Artisan Booth, vendor support for parking logistics, Barter Fair, Family Fun Day, Yoga at the Market, Chef Demo, and Farm to Table Dinner. She displayed a chart showing where the Market revenues come from; Farmer sales increased 8% over last year to \$89,403. She thanked the City for the use of Lions Club Park and briefly addressed the Market’s goals for the upcoming three years.

PUBLIC HEARING ON WATER UTILITY – LEAVENWORTH MUNICIPAL CODE CHANGES AT 6:45 PM

Mayor Farivar opened the public hearing at 7:03 PM.

Finance Director Chantell Steiner stated that the Council reviewed the recommended changes to sections of the Leavenworth Municipal Code (LMC) regarding utility related billing procedures at the November Study Session. She detailed the changes that were necessary in order to ensure compliance with local and State laws, the addition of new language for billing corrections that will be limited to a maximum of three years for both the City and the customer, and the changes requested by Council related to forgiving the late fee in section 13.04.080.

Mayor Farivar asked for comments from the public; hearing none, she closed the public hearing at 7:05 PM.

PUBLIC HEARING ON ROADWAY VACATION – WASTEWATER TREATMENT FACILITY AT 6:45 PM

Mayor Farivar opened the public hearing at 7:06 PM.

Development Services Manager Lilith Vespier stated that the City Council will be asked to vacate a portion of historical roadway, known as County Road 224, located under and near the existing Wastewater Treatment Plant (WWTP) that is currently developed with the WWTP, which was originally constructed in 1940-47 and expanded in the 1970’s over the historic (unused) County Road 224. She explained that the area was annexed into the City in 1970, there was no mention of County Road 224, and WA State Department of Transportation stated that they do not have ownership of County Road 224. She further explained that because the road abuts the Wenatchee River, the vacation requires a summary of other public shoreline access within the City and the vacated area is required to be purchased at fair market value with monies to be held by the City for acquiring additional beach or water access. Administrator Walinski added that Pacific

Appraisal is appraising the property and that the Sewer Fund will pay the City's General Fund for the fair market value of the land as required by State law.

Mayor Farivar asked for comments from the public; hearing none, she closed the public hearing at 7:08 PM.

RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS

1. Ordinance 1602 – Water Utility Leavenworth Municipal Code Changes

Councilmember Neighbors motioned to adopt Ordinance 1602 amending sections of Chapters 13.02 and 13.04 related to Water Utilities. The motion was seconded by Councilmember Waters and passed unanimously.

2. Ordinance 1603 Roadway Vacation – Wastewater Treatment Plant

Councilmember Lundgren motioned to adopt Ordinance 1603 Roadway Vacation affecting the Wastewater Treatment Plant. The motion was seconded by Councilmember Strand and passed unanimously.

3. Private Request - Comprehensive Plan Amendment for Planning Commission Docket

Development Services Manager Lilith Vespier stated that the City Council is being asked to determine if the Friends of Leavenworth's Comprehensive Plan Amendment for the 2019 Docket is to be City sponsored or to be a private application. She noted that the Leavenworth Municipal Code provides criteria in order to make the determination. She explained that a private application would be reviewed when fees are submitted by the Friends of Leavenworth; this option would be a review of the specific text amendment request where the Planning Commission would make a recommendation on the specific text. She said that with a City sponsored application, no fees are collected, and the request would be reviewed as a concept and may be modified, used, or deleted through the City Planning Commission process, which could include additional studies and reports to determine impacts or other items arising from the concept. She added that Staff makes no recommendation on the sponsorship of the application.

Mayor Farivar asked for comments from the public.

Kirvil Skinnarland, 510 Dempsey Road, Leavenworth; Ms. Skinnarland, on behalf of the Friends of Leavenworth, read a statement regarding the group's opposition to the stated vehicle volume in the City's Transportation Plan, which uses weekday traffic as the standard. She said that peak traffic begins on Friday and continues through the weekend. She said that as the peak traffic is currently stated, Developers are not required to mitigate for traffic, as the current peak traffic is inaccurately stated. She said that the subject was to be addressed on the 2019 Docket and was surprised to hear that it has yet to be addressed. On a final note, she stated that the Friends of Leavenworth initiated this process on behalf of the community and are asking the Council to support the change.

Tim Seaman, 221 West Street, Leavenworth; Mr. Seaman stated that he attends City Council and Planning Commission meetings, and when the Traffic Study is discussed, it is always postponed. He said that the Council may have shortchanged the community by not making this an active and

fully participatory planning portion of the Comprehensive Plan. He said that charging the citizens to have their voice heard in the Comprehensive Plan is not supportive of the citizens of Leavenworth.

Zeke Reister, 508 Ash Street, Leavenworth; Mr. Reister urged the Council to make this a City sponsorship for the peak traffic amendment. He said that the community has made their voices clear; the January 22nd meeting was packed and in agreement of the change. He said that the Council needs to step up and listen to the community. On a final note he displayed a chart he created with traffic counts over the course of 270 days that identifies the peak days on weekends.

Duane Goehner, 11670 River Bend Drive, Leavenworth; Mr. Goehner stated that this subject is a clear priority to the community and encourages the Council to address this quickly. He asked how we ensure that the concerns that are really important to the community are being brought to the forefront of the Docket, instead of being pushed off to the end of the year. He went on to state how the traffic impacts himself personally, with the new apartments going in behind Safeway. He said that if the peak traffic was stated correctly, traffic mitigation could have been paid for by the developer, rather than the taxpayers.

Councilmembers asked for further clarification regarding the two options, which was explained by Ms. Vespier. There was discussion of a City sponsored review creating a wider scope of study and the unintended consequences that may arise with a change to the peak traffic time. Ms. Vespier clarified that the item was added to the docket last year and that sponsorship was left to be determined at a later date. She added that the traffic topic was scheduled to be reviewed this fall after the mandatory required updates and the top priority for Housing was completed; she noted that the Planning Commission is a little behind schedule due to remanded items earlier this year by the Council.

Councilmember Strand motioned to retain the Comprehensive Plan Amendment “Review of Peak Traffic” as a City sponsored review, which may result in modification of the request, deletion of the request, or retaining the request. The motion was seconded by Councilmember Lundgren and passed unanimously.

4. Community Cupboard Lease Agreement – Upper Valley MEND

City Administrator Joel Walinski stated that the City Council is being asked to approve a lease agreement with Upper Valley MEND for the rental of City property located at 219 14th Street, Leavenworth, WA. He said that the City and MEND have had a lease arrangement for the use of the property for more than 25 years at a lease rate of \$1.00 annually. He noted that either party may terminate the lease; the City must provide a one-year notice to MEND, and MEND must provide a 60-day notice to the City.

Upper Valley MEND Executive Director Kaylin Bettinger briefly shared the mission of the group and how they support the community.

Councilmember Lundgren motioned to approve and authorizes the Mayor to sign the lease agreement with Upper Valley MEND for their use of the property and building located at 219 14th Street, Leavenworth, WA. The motion was seconded by Councilmember Waters and passed unanimously.

5. Cascade School District Skateboard Park Memorandum Amendment

City Administrator Joel Walinski stated that the City Council is being asked to approve an amendment to the Skateboard Park Memorandum of Understanding (MOU) between the City of Leavenworth and Cascade School District, which includes a cost sharing partnership for the replacement skate park, and provides an Option for Purchase on a remnant parcel of property of the existing Osborn School property. He said that the date for the School District to surplus the Skate Park Portion is being extended from June 30, 2019 to June 30, 2020; the City shall then be given until September 30, 2020 to examine the School District portion of land for surplus, exercise its option, and proceed to close. He confirmed the closing deadline of September 30, 2020; if the City does not close on the School District portion of land, the School District will pay the City the sum of \$100,000 on or before October 31, 2020 for their share of the Skate Park. He noted that with the school administration change, this amendment will provide the District with additional time to work through the process. He provided a timeline of tasks to be completed prior to vacating the property.

Councilmember Waters motioned to approve and authorizes the Mayor to sign Amendment No. 1 to the Skateboard Park MOU. The motion was seconded by Councilmember Bretz and passed unanimously.

6. Resolution 22-2019 Cost Allocation Plan Amendment

Finance Director Chantell Steiner stated that the City Council is being asked to approve Resolution 22-2019 amending the City's Cost Allocation Plan, which includes definitions and procedures when distributing personnel related services. She said that the WA State Auditor's Office gave the City a management level recommendation to either comply with the Plan without any adjustments or to consider amendment of the Plan to allow for adjustments. She added that staff has opted to add additional language to allow for adjustments and explained how employee time can be amended by the administration.

Councilmember Strand motioned to approve Resolution 22-2019 amending the Cost Allocation Plan. The motion was seconded by Councilmember Bretz and passed unanimously.

7. Interlocal Agreement: 2020 Chelan County Regional Justice Center Contract

City Administrator Joel Walinski stated that the City Council is being asked to approve the 2020 Interlocal Agreement with the Chelan County Regional Justice Center for inmate housing in the Chelan County Jail. He said that the 2020 Contract includes an increase in the daily cost per inmate from \$96 to \$120.50 per day; the total contract amount for 2020 is \$33,096.83, which is calculated using a three-year rolling average from July 1, 2016 through June 30, 2019. He added that the City is also responsible for the payment of prescription drugs and medical expenses.

Councilmember Wilson motioned to approve and authorizes the Mayor to sign the 2020 Interlocal Agreement between Chelan County and the City of Leavenworth for the Housing of Inmates in the Chelan County Regional Justice Center. The motion was seconded by Councilmember Neighbors and passed unanimously.

8. Interlocal Agreement: Chelan County Fire District No. 3

City Administrator Joel Walinski stated that the City Council is being asked to approve a three-year amendment to the Interlocal Agreement for Fire Marshall services with Chelan County Fire District No. 3. He said that the contract cost is \$43,000 annually, which is consistent with the current cost.

Councilmember Neighbors motioned to approve and authorizes the Mayor to sign the Agreement Amendment with Chelan County Fire District No. 3 for International Fire Code Services/Fire Marshall Services for a period of three years from January 1, 2020 through December 31, 2022. The motion was seconded by Councilmember Waters and passed unanimously.

9. Bobcat Purchase Request

a. Resolution 23-2019 Sole Source Vendor

Public Works Director Herb Amick stated that the City Council is being asked to authorize, by Resolution 23-2019, exemption from competitive bidding for the purchase of a replacement Bobcat Skid-Steer Loader from Rowe's Tractor, LLC in East Wenatchee.

b. Purchase Approval

Public Works Director Herb Amick stated that the City Council is being asked to authorize the expenditure of funds for the purchase of a S570 T4 Bobcat Skid-Steer Loader in the amount of \$37,983.61, including sales tax, from Rowe's Tractor, LLC, East Wenatchee, Washington.

Councilmember Strand motioned to Approve Resolution 23-2019 exemption from competitive bidding for the purchase of a replacement Bobcat Skid-Steer Loader from Rowe's Tractor, LLC. The motion was seconded by Councilmember Bretz and passed unanimously.

Councilmember Strand motioned to Approve the purchase of a S570 T4 Bobcat Skid-Steer Loader in the amount of \$37,983.61. The motion was seconded by Councilmember Lundgren and passed unanimously.

10. Resolution 24-2019 Purchasing Policy Amendment

Finance Director Chantell Steiner stated that the Purchasing Policy update is due to changes in State law regarding increased authorization limits for cities, specifically Public Works related projects. She confirmed that there were no changes to the purchase limits for supervisor's, department heads, and the City Administrator; staff is recommending a purchase limit increase to \$50,000 for the Mayor, with the caveat that the project/purchase is already included within the approved budget. She went on to address additional changes regarding contract administration, clarifications included to address compliance with Chapter 39 of the RCW, and language regarding the ability to piggyback with other agencies. There was discussion of apprising the Council when the Mayor signs off on a large expenditure.

Councilmember Waters motioned to approve Resolution 24-2019 amending the Purchasing Policy. The motion was seconded by Councilmember Bretz and passed unanimously.

INFORMATION ITEMS FOR FUTURE CONSIDERATION

Mayor Farivar stated that the 2020 Rate & Fee Schedule and 2019 Budget Amendment will be addressed at the December 10, 2019 City Council meeting. She also invited the Council to attend the reception for the outgoing Mayor and Council being held on December 10, 2019 at 5:30 PM in the Council Chambers.

ADJOURNMENT

Seeing no other business, Councilmember Lundgren motioned to adjourn the November 26, 2019 meeting of the Leavenworth City Council. The motion was seconded by Councilmember Waters and passed unanimously.

The meeting adjourned at 8:25 PM.

APPROVED



Cheryl K. Farivar
Mayor

ATTEST



Chantell Steiner
Finance Director / City Clerk