

LEAVENWORTH CITY COUNCIL MINUTES

March 10, 2020

Mayor Carl J. Florea called the March 10, 2020 Leavenworth City Council meeting to order at 6:30 PM and Councilmember Carolyn Wilson led the City Council in the Flag Salute.

ROLL CALL

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

Staff Present: Attorney Emily Guildner, Chantell Steiner, Lilith Vespier, Herb Amick, and Sue Cragun.

Mayor Florea excused Councilmember Zeke Reister from the meeting.

APPROVAL OF THE CONSENT AGENDA

Consent Agenda

1. Approval of Agenda
2. Approval of February 25, 2020 Regular Meeting Minutes
3. February 2020 Payroll \$229,047.21
4. 2020 Claims \$380,960.39
5. Authorization for Mayor to Sign South Interceptor Easement Agreements was moved to item number 14 under Resolutions, Ordinances, Orders, And Other Business
6. Set Public Hearing for Design Review Board Code Amendments on April 14, 2020 @ 6:45 PM
7. Set Public Hearing for Subdivision Code Amendments on April 14, 2020 @ 6:45 PM

Councilmember Bretz motioned to amend the consent agenda to add item number 13 – Leavenworth Area Promotions (LAP) appointments to the Agenda under Resolutions, Ordinances, Orders, and Other Business and to move Consent Agenda item number 5, Authorization for Mayor to Sign South Interceptor Easement Agreements to the Agenda as item number 14 under Resolutions, Ordinances, Orders, and Other Business. The motion was seconded by Councilmember Waters and passed unanimously.

Councilmember Wilson motioned to approve the consent agenda as amended. The motion was seconded by Councilmember Bretz 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 January 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 December.

COUNCILMEMBER AND COMMITTEE REPORTS

Councilmember Wilson reported that she attended the Economic Development and Parks Committee meetings. She stated that the Parks Committee discussed the addition of a water bottle filling station for the Festhalle, provided by the Lutheran Church First Stewardship Group, partnering with the

Chelan County PUD with regard to the Trout Unlimited kids fishing pond at Enchantment Park, the pool resurfacing project to resume in April and completed in May, and the Holidays on Ice temporary ice rink. She noted that the ice rink sold 12,000 tickets, would like to come back next year, and has proposed the addition of a vintage carousel adjacent to the ice rink. On a final note, she said that the County is pursuing a white-water park feasibility study along the Wenatchee River, of which there will be public meetings scheduled, following the study.

Councilmember Bretz reported that she is the Link Transit Board Vice-President and a member of the Executive Committee. At her recent meeting, the Executive Committee reviewed their directive and reviewed proposals for a consultant. She reported on the Economic Development Committee meeting and stated that the Committee discussed partnership funding agreements with the Autumn Leaf Festival Association (ALFA) and the Greater Leavenworth Museum. Discussion also included working with Chelan County on a new Urban Growth Area boundary with added light industrial, manufacturing, etc., which will provide more diversification for long term development.

Councilmember Waters stated that she attended the previous Link Transit Board Meeting while Councilmember Bretz was away. She reported that she attended the ALFA Royal Lady Gala where Ms. Penny Carpenter was selected as this year's Royal Lady. She reported on the Greater Leavenworth Museum Board meeting and stated that she is working on a project with Board Member Margaret Neighbors; the group is working hard to open the new location, although the Museum needs more donations from the public. She also attended the Parking Advisory Committee meeting as a non-member and noted that the Festhalle Oversight Committee meeting was canceled, due to the lack of a quorum.

Councilmember Lundgren reported that he attended the Parks and Public Works Committee meetings. He reported on Public Works and stated that the group discussed the Water Meter Replacement project; the Request for Proposal is due on March 27, 2020. He said that the project is approximately 75% grant funded and that they anticipate project completion in September; the new system has the ability to detect leaks and more tightly regulate water usage. He reported that Waste Loop began managing the City's Recycle Center on March 1, 2020 and that the City is midway through the Waste Assessment Study. He provided a brief update on the progress of that study and noted that they are finding that 36% - 40% of the commercial waste is compostable; there will be further discussion following the project. He noted that the Winton Mill site is working to have the ability to provide yard waste composting. On a final note, he stated that the City has received a grant to provide funding for the Pine Street Phase II design work, Whitman Street will be repaved this summer by way of a Pilot Pavement Project using different pavement techniques, and that the Wastewater Treatment Plant and Water System upgrades are in progress.

Councilmember Hessburg reported that she attended the Economic Development and Parking Advisory Committee meetings. She stated that the Parking Advisory Committee addressed kiosk designs, a Request for Proposal for meter post installation, decorative sleeves, a job description for a parking enforcement officer, and the upcoming Open House with the public.

MAYOR/ADMINISTRATION REPORTS

Mayor Carl Florea addressed the recent coronavirus outbreak and confirmed that Upper Valley MEND's Empty Bowls Soup Supper has been canceled, due to the virus; City meetings have not been canceled as of yet and he will be on a conference call with US Representative Kim Schrier's office on March 11, 2020; the call will include all Mayors in Representative Schrier's District. He added that conference calls with the State are ongoing; the City is doing its due diligence, while emphasizing social awareness and cleanliness habits. He reported on the morning Study Session and stated that the

Council discussed the City's Enforcement Policy and addressed the need for additional personnel to assist with planning and code enforcement. On a final note, he confirmed that the Council has agreed to participate in the Downtown Historic Walking Tour with Mr. Bob Stroup from the Upper Valley Historical Society; the tour will take place during the May Study Session meeting.

Development Services Manager Lilith Vespier reported on the recent Planning Commission public hearings and those items that will be forwarded to the City Council in April. She confirmed that a letter regarding housing was mailed to the Chelan County Commissioners and that the Housing Committee meeting will be held on March 24, 2020 at 3:00 PM. On a final note, she provided a brief update regarding the timeline to roll out the Permit Tax software system.

COMMENTS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA

Mayor Florea recognized Ms. Jocelyn Rodriguez and Ms. Emma Halseth who were in attendance for their "Citizens of Washington in a Contemporary World" class criteria at Cascade High School. Mayor Florea and the City Council thanked the students for attending the meeting and the Mayor presented each with a City of Leavenworth lapel pin.

PUBLIC HEARING FOR LMC 3.44 AUTHORIZING TAX FOR AFFORDABLE HOUSING PER HB 1406 @ 6:45 PM

Mayor Florea opened the public hearing at 6:53 PM.

Development Services Manager Lilith Vespier stated that in September, the Council adopted Resolution 18-2019, which states the intent to move forward with collecting WA State Sales Tax to be reimbursed to the City and used for affordable housing projects. She confirmed that Ordinance 1608 formalizes that process and provides a section in the Leavenworth Municipal Code (LMC) that details the process; monies will be coming to the City for the next twenty (20) years.

Mayor Florea asked for comments from the public; hearing none, he closed the public hearing at 6:54 PM.

RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS

1. Ordinance 1608: LMC 3.44 Authorizing Tax for Affordable Housing HB 1406

Development Services Manager Lilith Vespier addressed cost distribution and stated that if the County participates, there will be less money coming into the City. She confirmed that all cities within Chelan County wish to participate in the program and have provided intent letters. She noted that the County and cities within the County are working toward the same objective.

Councilmember Wilson motioned to adopt Ordinance 1608 authorizing the sales tax revenue and funding provisions for HB 1406. The motion was seconded by Councilmember Bretz and passed unanimously.

2. Resolution 04-2020: Mosquito Control District No. 2 Consent of Annexation

Finance Director Chantell Steiner stated that the City Council is being asked to approve a request from Mosquito Control District No. 2 to allow for the "Greater Zelt Strasse Area" to be annexed into the District. She said that the legal process to amend the District's boundaries requires the consent of the City prior to the District performing a public hearing and annexation process.

Mr. Chester Marler, representing the Leavenworth Mosquito Control District, addressed the Council and stated that the area is currently being treated by the District, although the Mosquito Control District is not receiving payment for providing the service, which is why the annexation is necessary.

Councilmember Strand motioned to approve Resolution No. 04-2020 consenting to the annexation of a portion of the City into Chelan County Mosquito Control District No. 2. The motion was seconded by Councilmember Hessburg and passed unanimously.

3. Planning Commission Appointments

Mayor Carl Florea stated that the City received seven (7) applications for the three (3) available Planning Commission positions. He requested that the City Council confirm the appointments of Ms. Angie Harrison (position 5), Mr. Colin Forsyth (position 6), and Ms. Alison Miller (position 7) to the Leavenworth Planning Commission.

Councilmember Bretz motioned to approve the Mayoral appointment of Ms. Angie Harrison to the Leavenworth Planning Commission Position No. 5. The motion was seconded by Councilmember Lundgren and passed unanimously.

Councilmember Lundgren motioned to approve the Mayoral appointment of Mr. Colin Forsyth to the Leavenworth Planning Commission Position No. 6. The motion was seconded by Councilmember Hessburg and passed unanimously.

Councilmember Hessburg motioned to approve the Mayoral appointment of Ms. Alison Miller to the Leavenworth Planning Commission Position No. 7. The motion was seconded by Councilmember Waters and passed unanimously.

4. Mayoral Appointment of Momi Palmieri to the Ad Hoc Parking Advisory Committee

Mayor Carl Florea stated that the City Council is being asked to confirm the appointment of Ms. Momi Palmieri to the Ad Hoc Parking Advisory Committee as a representative of the community for the remainder of a two-year term.

Councilmember Bretz motioned to confirm the Mayoral appointment of Momi Palmieri to the Ad Hoc Parking Advisory Committee for the remainder of a two-year term. The motion was seconded by Councilmember Strand and passed unanimously.

5. Autumn Leaf Festival Association Agreement for Lodging Tax Funds

Finance Director Chantell Steiner stated that the City Council is being asked to approve a Partnership Funding Agreement with the Autumn Leaf Festival Association (ALFA), which was further discussed at the Economic Development Committee meeting. She said that ALFA requested \$40,000 for the 2020 calendar year; the City has provided \$30,300 for the past five (5) years and the Economic Development Committee is recommending \$30,300 as a one-time commitment for the 2020 calendar year. There was a brief discussion regarding previous years where the City provided \$15,000 in Lodging Tax funding to ALFA and now the request has doubled. It was noted that ALFA is under new leadership and there will be follow-up discussions throughout the year. Staff will meet with ALFA representatives when drafting the City's budget in the fall with consideration of a 2021-2022 agreement with ALFA.

Councilmember Hessburg motioned to approve and authorizes the Mayor to sign the Partnership Funding Agreement with the Autumn Leaf Festival Association for \$30,300 of funding for the promotion of the Old World Bavarian Alpine Theme throughout the Pacific Northwest and Canada for 2020. The motion was seconded by Councilmember Waters and passed unanimously.

6. Greater Leavenworth Museum Agreement for Lodging Tax Funds

Finance Director Chantell Steiner stated that the City Council is being asked to approve a Partnership Funding Agreement with the Greater Leavenworth Museum. She noted that the City has historically provided \$10,000 in funding. She went on to explain that the agreement is for the City to provide up to Fourteen Thousand Dollars (\$14,000), which is an increase of \$2,000 from the groups Statement of Projected Revenues. She confirmed that the agreement has been under review by the Economic Development Committee and that the lodging tax funding will be used to provide support for the operation of a non-profit facility supported by tourism; specifically, for up to 50% of the monthly lease payment, not to exceed \$1,000 per month, advertising and marketing materials, and procurement of advertising space in media publications. She said that the agreement will be in effect for the 2020 calendar year with consideration of a 2021-2022 agreement this fall.

Greater Leavenworth Museum Board President Mr. Matt Cade spoke to the request for additional funding and stated that due to a \$1,500 rent increase, \$1,000 per month would cover half of the rent in their new location for a total of \$12,000 per year; the remaining \$2,000 would be put toward marketing materials. He went on to address their new downtown location, a larger location; therefore, the Museum anticipates additional revenue, due to increased ticket sales.

Councilmember Lundgren motioned to approve and authorizes the Mayor to sign the Partnership Funding Agreement with the Greater Leavenworth Museum for \$14,000 of funding to provide support for the operation of a non-profit facility supported by tourism for 2020. The motion was seconded by Councilmember Bretz and passed unanimously.

7. Bike & Juice Festival – Youth Funding Request

Finance Director Chantell Steiner stated that the City Council is being asked to consider a request from the Bike & Juice Festival for festival insurance coverage that the City has been providing over the past five years at a cost ranging from \$1,000 to \$1,400; this year's request is for \$1,220.90. She confirmed that there is currently \$4,000 available in the General Fund for youth services.

Councilmember Wilson motioned to approve supporting the Bike & Juice Festival insurance costs from the General Fund Youth Funding in the amount of \$1,220.90. The motion was seconded by Councilmember Bretz and passed unanimously.

8. Upper Valley Connection – Youth Funding Request

Finance Director Chantell Steiner stated that the City Council is being asked to provide support to Upper Valley Connection (UVC); a non-profit group that supports local Leavenworth area youth and young adults with different abilities, disabilities, or special needs through meaningful interactions. She noted that the Council has provided various amounts in previous years ranging from \$750 up to \$2,000 and that last year the Council provided \$1,000. She confirmed that funding is available in the City's General Fund for youth services, which includes a total of \$4,000 less approved funding to the Bike & Juice Festival. Councilmembers discussed the funding based on the request and the funding available in Youth Services.

Councilmember Strand motioned to approve supporting the Upper Valley Connection Program for Leavenworth Area Residents in the amount of \$1,000. The motion was seconded by Councilmember Lundgren and passed unanimously.

9. Transportation Improvement Board Whitman Street Pilot Project Grant Award Acceptance

Public Works Director Herb Amick stated that the City Council is being asked to authorize the Mayor to accept and sign the Fuel Tax Grant Agreement with the State of Washington Transportation Improvement Board (TIB) for the Pavement Pilot Project for Whitman Street. He confirmed grant funding in the amount of \$285,000 with the City contributing additional matching funds at 5%, in the amount of \$15,000, which will be provided with Transportation Benefit District (TBD) Funds. He briefly detailed the project to include "Pilot Testing" improvements on Whitman Street from Woodward to Evans Streets. There was discussion of the pilot testing and it was stated that there will be a kick off meeting to provide further information, prior to the start of the project.

Councilmember Hessburg motioned to accept and authorizes the Mayor to sign the Washington Transportation Improvement Board Fuel Tax Grant Agreement for the Pavement Pilot Project, Whitman Street. The motion was seconded by Councilmember Lundgren and passed unanimously.

10. Resolution 05-2020 Festhalle Facility Policy

Mayor Carl Florea addressed the changes to the Festhalle Facility Policy to include a Prohibition on Discrimination clause, clarification to janitorial services, and updated pricing schedule. He confirmed that the policy has been recommended for approval by the Festhalle Oversight Committee.

Councilmember Lundgren motioned to approve Resolution 05-2020 Festhalle Facilities Policy. The motion was seconded by Councilmember Waters and passed unanimously.

11. Equipment Replacements

Public Works Director Herb Amick stated that the City Council is being asked to authorize the expenditure of funds for the purchase of two (2) new replacement pieces of equipment utilized by the Parks Department. He confirmed that the City's Equipment Rental & Revolving (ER&R) schedule has identified their replacement in the 2020 budget. Director Amick detailed the new and surplussed equipment as follows:

A. Mower

Toro Grandstand Commercial Stand-on Mower from Valley Tractor and Rentals, East Wenatchee, WA at a cost of \$7,719.46 including WA State Sales Tax, which is a decrease of \$1,333.54 for the ER&R budget, to replace two (2) mowers currently identified for replacement in 2020 on the ER&R list for the Parks Department. Three (3) bids were reviewed and staff is requesting the high bid from Valley Tractor and Rentals as this mower is identified as the best option to meet the staff's needs and specifications.

Equipment to be surplussed: 2013 Hustler 15hp 36" Walk Behind Mower at a replacement cost of \$4,644 and a 2013 Ferris Walk Behind Mower at a replacement cost of \$4,409 (combined amount of \$9,053). Combined approximate surplus value of \$1,200.

B. John Deere Gator

John Deere XUV825E (MY20) 4-wheel drive Utility Gator (gas) at a cost of \$13,399.47 including WA State Sales Tax from Washington Tractor, Inc., Ellensburg, WA to replace the 2012 John Deere Utility Gator XUV8550. The ER&R budget identified a replacement cost of \$11,938, an increase of \$1,461.47; the new vehicle was selected by staff after request and review of several quotes on similar vehicles from area dealers. He noted that staff considered an electric gator, which is the low bid within the three bids received; however, this gator would not be functionable as it does not come in a 4-wheel drive option. The 2012 Utility Gator will be used as a replacement of the older 1994 Enchantment Park Ballfield Gator which has reached the end of its useful life for dragging fields.

Councilmember Strand motioned to approve the purchase of a 2020 Toro Grandstand Commercial Stand on Mower in the amount of \$7,719.46 including sales tax and authorizes the surplus of the 2013 Hustler 15hp Walk Behind Mower and the 2013 Ferris Walk Behind Mower. The motion was seconded by Councilmember Wilson and passed unanimously.

Councilmember Strand motioned to approve the purchase of a 2020 John Deere XUV825E (MY20) 4-wheel drive Utility Gator in the amount of \$13,399.47 including tax and authorizes the surplus of the 1994 John Deere Utility Gator. The motion was seconded by Councilmember Hessburg and passed unanimously.

12. Authorize Mayor to Sign Easement Acknowledgement Adventure Park

Mayor Carl Florea stated that the City Council is being asked to authorize the Mayor to sign an Acknowledgement of Final Easement Alignment for access to the Langston property (Adventure Park site) through the City property. He explained that in 2008, the City and neighboring property owners recorded a permanent easement for ingress, egress and underground utilities 40 feet in width, AFN 2289170. He confirmed that this is not a new easement, but clarification of the existing easement; this is in the best interest of the City as well as the project related to that easement. He noted that the topic was discussed during the morning Study Session, and is not something that is typically approved by the Council; however, with the objective of providing transparency, Mayor Florea chose to bring this item to the Council for affirmation.

Mayor Florea asked for comments from the public.

Friends of Leavenworth representative Ms. Kirvil Skinnerland addressed concerns regarding the use of the easement. She noted differences between the 2008 and 2020 area maps and requested that both maps display the same information. She requested that the City request a liability agreement for use of the easement, due to probable property damage and/or injury claims from the use of the easement. She also requested that the City use the standard American Land Title Association (ALTA) survey requirements when drafting new easements. On a final note, she requested a detailed and comprehensive list of permits and schedule as required for the project.

Attorney Emily Guildner spoke to the need for liability insurance and noted that she will further study the request, depending on the type of use of the easement. Development Services Manager Lilith Vespier stated that the process is for the applicant to submit permits to the City and confirmed that she has provided a list of permits to the Friends of Leavenworth and (the same list) to the applicant, which includes the Design Review Board (DRB) permit, building permit, and right-of-way permit; the applicant is not required to group their permits in any particular order. She said that it is important to realize that a building permit is not a public process; the standards have been adopted, the criteria are in the Leavenworth Municipal Code (LMC), and decisions are made with the Public Works Director, Development Services Manager, Health District, and Fire District, which is different than a land use application. She noted that once the permit tracking system is available to the public, all new permits

will be available for the public to view; the City currently does not publicly announce building permit applications that have already been through a land use process, and it would be unfair to treat this applicant different by announcing publicly that the City has received a new building permit.

Ms. Skinnerland disagreed that the permit issuance is not a public process. She said that the project is complicated, there were many conditions attached to the Conditional Use Permit (CUP), and there is a lot of public interest in the details of how the conditions in the CUP are met. She doesn't feel that the public should step out of the process, merely because the land use permit has been issued. On a final note, she stated that the Friends of Leavenworth submitted a Public Records Request, in order to learn more about the project; through that process they learned that the Development Services Manager had completed an administrative interpretation of "height" of the coaster, which was of great interest to the group, and felt that item should have been noticed to the public.

Mayor Florea stated that by saying that it is not a public process, does not mean that there is not public interest or concern; the City should not treat this applicant different than the City treats other applications, which are not announced publicly. He reiterated that when the public process is open for any application, that item will be noticed to the public. It was stated that the actions of the City are governed by the appearance of fairness doctrine. Manager Vespier further explained that standards are adopted and applicants build and/or adhere to the current standards, which does not require public oversight; once a building permit has been issued, the public has the opportunity to weigh in during the appeal period.

Councilmember Bretz motioned to approve and authorizes the Mayor to sign the Acknowledgement of Final Easement Alignment. The motion was seconded by Councilmember Hessburg and passed 5/1 with Councilmember Waters opposed.

13. Appointment of Rebecca Ryker and Gavin Evans to the Leavenworth Area Promotions (LAP) Committee

Mayor Florea stated that the Leavenworth Chamber of Commerce has requested that Rebecca Ryker from Icicle Creek Center for the Arts and Gavin Evans from Stein be appointed to the Leavenworth Area Promotions (LAP) Committee as representatives of the Chamber of Commerce.

Councilmember Bretz motioned to confirm the Mayoral appointments of Rebecca Ryker and Gavin Evans to the Leavenworth Area Promotions (LAP) Committee as representatives of the Chamber of Commerce. The motion was seconded by Councilmember Lundgren and passed unanimously.

14. Authorization for Mayor to Sign South Interceptor Easement Agreements

Attorney Emily Guildner provided an update to the Council and stated that all easement packages have not yet been finalized, although close; she asked that the Council authorize the Mayor to sign once corrections have been completed, subject to final approval and review by the Mayor and City Attorney. Mayor Florea added that the City is abiding by the requirements of Rural Development, in order for final approval.

Councilmember Lundgren motioned to authorize the Mayor to sign the South Interceptor Easement Agreements upon final attorney review and approval. The motion was seconded by Councilmember Wilson and passed unanimously.

INFORMATION ITEMS FOR FUTURE CONSIDERATION

Mayor Florea stated that the LIFE 2.0 Community Discussion and the Housing Open House and Discussion have been canceled by the School District, due to the current coronavirus outbreak. He said that both will be rescheduled as soon as possible.

ADJOURNMENT

Seeing no other business, Councilmember Lundgren motioned to adjourn the March 10, 2020 meeting of the Leavenworth City Council. The motion was seconded by Councilmember Waters and passed unanimously.

The meeting adjourned at 8:03 PM.

APPROVED



Carl J. Florea
Mayor

ATTEST



Chantell Steiner
Finance Director / City Clerk