

LEAVENWORTH CITY COUNCIL MINUTES

April 23, 2019

Mayor Cheryl Kelley Farivar called the April 23, 2019 Leavenworth City Council meeting to order at 6:30 PM and Development Services Manager Ms. Lilith Vespier led the City Council in the Flag Salute.

ROLL CALL

Council Present: Mayor Cheryl K. Farivar, Carolyn Wilson, Mia Bretz, Elmer Larsen, 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 April 9, 2019 Study Session Minutes
3. Approval of April 9, 2019 Regular Meeting Minutes
4. 2019 Claims \$541,019.74
5. PRSA Voucher Request \$15,500.00

Councilmember Wilson motioned to amend the consent agenda and add item #4 to the Resolutions, Ordinances, Orders, and Other Business regarding the consideration of revisions to the City's operating procedures for the surplus and sale of real property. The motion was seconded by Councilmember Strand and passed unanimously.

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

COUNCILMEMBER AND COMMITTEE REPORTS

Councilmember Strand reported on the Public Safety Committee meeting and stated that the Committee received a report from Chelan County Fire District #3; the Fire District is working on a homeowner readiness guide, which will soon be available to the public. Additional topics included the Christmas Lighting Public Safety meeting regarding traffic control, communication, and opportunities for improvement; the need for more clear and concise code language for the City's leash law; upcoming events such as Maifest on May 11th, Red Bull event on May 16th, and the European Car Club Rally on June 15th. He reported that he also attended the Finance Committee meeting noting that finances are holding steady.

Councilmember Waters reported on the Chelan Douglas Health District Board meeting and addressed the success of the nurse family home visit partnership for new and/or teen mothers. She also attended the Christmas Lighting, Downtown Steering, Housing, and Finance Committee meetings.

Councilmember Neighbors reported that she attended the Finance and Downtown Steering Committee meetings. She announced that the Upper Valley Museum has signed a new lease and will be moving into the Nutcracker Museum in November of this year.

Councilmember Bretz reported on the Leavenworth Area Promotions (LAP) meeting and stated that the Committee addressed billboards, which will be displayed in Portland and Spokane and continued work on the Der Wordbook, which is a Leavenworth designed dictionary. Councilmember Larsen added that the advertising will also include wraps on delivery trucks again this year. Councilmember Bretz then reported on the Link Transit Board meeting and stated that the Board passed a resolution for a levy request measure to be included on the August Ballot, which will ask for a sales tax increase that would be used to expand Link services. She said that there was a conversation regarding Link taking over services at Pangborn Memorial Airport; she reiterated that it is only a discussion at this point, nothing definitive. On a final note, she reported on the Housing Committee and stated that the group reviewed their work over the past year and honed in on new goals.

Councilmember Wilson reported that she attended the Public Safety Committee meeting and stated that the group received very productive information from the Fire District.

MAYOR/ADMINISTRATION REPORTS

Mayor Farivar reported that she attended an Executive Committee planning session with the Chelan Douglas Transportation Council (CDTC). She also attended the Christmas Lighting Public Safety meeting.

City Administrator Joel Walinski reported on the Downtown Steering Committee meeting and stated that the Committee reviewed the Council's comments regarding the project, discussed funding, and agreed to move forward with a Request for Proposal (RFP) for the restroom and stairway remodel. He confirmed that the Parking Advisory Committee will meet on May 2, 2019. He said that there will be a new bike rack installed on the corner of Front Street / 8th Street and that Link Transit has requested Bigbelly trash receptacles at the new transfer station. There was a brief discussion regarding the smart solar trash receptacles that compact themselves. On a final note, he provided a brief update on the Pine Street Phase I Reconstruction project and stated that the project will post on April 24, 2019, bid opening on May 15, 2019, and construction tentative to begin on June 15, 2019.

Finance Director Chantell Steiner reported that the first payment for LID (Local Improvement District) No. 24 is due on May 1, 2019. She said that she has received some, but not all payments; she will report again next month.

Development Services Manager Lilith Vespier reported that the Planning Commission will be holding a Public Hearing and workshop at the next Planning Commission meeting on May 8, 2019. She reported that staff is working on a short amendment to the Design Review Board procedures for administrative approval. She reported on the numbers of permits that the City has received over the months of March and April for residential, commercial, and land use. On a final note, she confirmed that the City has received an appeal for the Weidner Apartment Complex; staff is reviewing and discussions have begun.

Public Works Director Herb Amick reported on the Wastewater Treatment Plant Upgrade project and stated the engineering progress to date. He also reported on his meeting with Varela and Associates regarding the engineering progress and backflow prevention. He said that toward the end of May, the project should likely be at 60% engineering. Administrator Walinski noted that a representative from Varela & Associates will provide an update at an upcoming Study Session.

COMMENTS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA

Craig Hess, 125 Pine Street, Leavenworth; Mr. Hess stated that he voted for some new faces on the City Council because they were so big on communicating in a way that they felt was not being communicated with the public. He said that he's not seeing a big difference in the communication city wide. He would like to see a public forum; he is surprised to have not seen it in the six years that he has been in Leavenworth. He spoke to the formation of the Downtown Revitalization Steering Committee in 2004 and suggested removing "revitalization" as downtown has been revitalized. He suggested a steering committee for the residents. He addressed the appeal for the Apartment Complex regarding the stormwater issue; he compared that permit process to his own permit process in the residential zone. He said that he is shocked that the operation was allowed to move forward, when he had to have stamped engineer approved stormwater plans prior to breaking ground on his own project. He said that a double standard has been applied in this instance and that the Council should pay attention to the details.

PUBLIC HEARING ON GOLF COURSE PROPERTY SURPLUS AT 6:45 PM

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

City Administrator Joel Walinski stated that the Council is holding a public hearing on the consideration on the future use of the three golf course properties. He identified the properties on the overhead and provided a brief summary of how the Council identified the property, created three parcels, and changed the zoning to coincide with the surrounding residential properties. He noted that when the idea began, the Council was interested in putting the proceeds from the sale into the Osborn Elementary School site in order to provide a public space for the residents. He confirmed that although sewer was not available to the parcels, a perk test was completed and septic is an option; water is also available to the parcels. He confirmed that the City has no current use for the property, that there are no City, PUD, or restricted easements located on the property, and that the best use of the property is to put it into the hands of the public for reuse. He said that the Council will be asked to consider passing a resolution declaring the parcels as surplus. Mayor Farivar reiterated that the highest and best use of the property is with the public, as they are the last three golf course lots available for residential use.

There was discussion of the property evaluation, Mayor Farivar's comparative market analysis, and the sealed bid process. Councilmembers expressed their favorable views with regard to surplussing the parcels, selling, and using the proceeds toward the Osborne Elementary School site; Councilmembers also expressed favorable views regarding the City's role in facilitating affordable housing. There was a brief discussion of the letter provided by Mr. Carl Florea regarding RCW 39.33.015, which would allow the City to assist with land used for affordable housing. Mayor Farivar noted that the Council is in control of how the City's money is spent; Administrator Walinski noted that the RCW was discussed at the earlier Housing Committee meeting. City Attorney Graafstra cautioned the Council that they cannot take funds and acquire

property for affordable housing; he noted the infrastructure improvements that a City may provide for an affordable housing project.

Mayor Farivar asked if there were any questions from the public.

John Schramm, 222 Evans Street, Leavenworth; Mr. Schramm stated that he attended the meeting because of Carl Florea's letter. He and Mr. Florea were the founders of Share Community Land Trust, which was created to address affordable housing. He asked the Council to always consider affordable housing first; he has heard that from the Council, but has not seen that. He said that all of the communities in the County are saying that affordable housing is critical, but he has not seen much proactiveness from the leadership. He stressed that affordable housing is a high priority. Mayor Farivar briefly addressed the Housing Committee and Affordable Housing Study noting that these are critical steps for a city to move in the direction of legally supporting alternatives for affordable housing.

Stacey Barnhill, 9097 Icicle Road, Leavenworth; Ms. Barnhill stated that her property is next door and faces the vacant properties. She said that she is appalled; when her building was constructed, the owner was told that there would not be construction on the site. She said that the owner tried to purchase the land and was told no. She said that she didn't receive a proper notice and finds this completely inappropriate. She said that it is a green space and not safe for housing. She said that it reflects poor planning and there is mutual responsibility on the part of the City; if the City needs money for the Wastewater Treatment Plant, why didn't the City assess properly and mitigate with the group behind Safeway. She said that there are errors that haven't been called out. On a final note, she stated that green spaces are going away fast and the City needs to think about what they are doing to the town. Councilmember Wilson clarified Ms. Barnhill's statement regarding trying to purchase the property in approximately 1994 or 1996. Ms. Barnhill reiterated her opposition to the property surplus.

Chris Clark, 9281 Icicle Road, Leavenworth; Ms. Clark stated that she is a neighbor of the property and agrees that green space is vanishing. She questioned the zoning, single family homes, and the possibility of each home also constructing an accessory dwelling unit (ADU). She questioned the construction of a duplex; there was a brief discussion regarding duplexes. Mayor Farivar noted that the neighbors are backing up to the largest piece of green space that that the City owns, the Leavenworth Municipal Golf Course.

Zeke Reister, 508 Ash Street, Leavenworth; Mr. Reister stated that Mr. Florea's letter was speaking to a land swap, not selling for cash. He read a portion of RCW 39.33.015 and stated that real estate is not available for affordable housing and the City doesn't know what it will find at the Osborn site. He thinks that the City should table this item and do some homework on the RCW to see if there is a swap that can happen because we need the land. He said that building a park at the Osborn site is not a current crisis, affordable housing is the current need of the City. He noted that some of the Councilmembers ran on affordable housing; they need to work on affordable housing.

Craig Hess, 125 Pine Street, Leavenworth; Mr. Hess stated that affordable housing is an important issue, but he doesn't see it as "first"; he would like to put the infrastructure first. He said that the Council should consider things like the wastewater treatment plant upgrade and resurfacing the pool, rather than asking for more bonds and levies from the taxpayer. He said that the City has identified the best use of the parcels, but he does not think it should be used to

subsidize affordable housing when there are other tools available. He said there is real estate available and noted 60 plus acres north of Pinegrass; he spoke to working with developers on incentives for affordable housing. He said that he didn't want to see a dime of public money being spent on affordable housing; it is not the City's job, there are other tools. He spoke to the expenses the City charged to build his two homes and reiterated that we do not need to pay more taxes in the forms of bonds and levies. He questioned the bidding process; Administrator Walinski and Mayor Farivar clarified his question. On a final note, he stated that he would like to see the proceeds from the sale of the parcels applied to the Wastewater Treatment Plant Upgrade project.

Mayor Farivar asked if there were any further comments from the public; hearing none, she closed the public hearing at 7:34 PM.

RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS

1. Resolution 05-2019 – Golf Course Property Surplus

City Administrator Joel Walinski stated that the Council is being asked to approve Resolution 05-2019, which will approve the surplus of the property and the sealed bid process.

Councilmembers Bretz and Larsen expressed their favorable views with regard to providing a park north of the Highway for the residents use. Councilmember Bretz added that one of the long-standing goals of the community is for the City to provide open space for the residents use north of the highway. She went on to address affordable housing and the work of the Housing Affordability Task Force and Housing Committee, and noted that the Planning Commission is currently working on housing incentives for developers. She invited the members from the public to attend those meetings. Councilmember Larsen added that a park north of the highway has been a discussion item for quite some time and this is a good opportunity to provide that. He said that there are other opportunities for affordable housing and would like to remain with the original thought of using the Osborn site as open space for the residents. Councilmembers Neighbors, Waters, Strand, and Lundgren each stated their agreement with the thoughts of Councilmembers Bretz and Larsen. Councilmember Lungren reiterated that green space should be accessible to the public, which it is not in the current location at the golf course.

Councilmember Strand motioned to approve Resolution No. 05-2019 Declaring Properties Owned by the City of Leavenworth Surplus and directs the Administration to proceed with the sale of property. The motion was seconded by Councilmember Larsen and passed unanimously.

2. Resolution 06-2019 – Social Media Policies

Finance Director Chantell Steiner stated that the City Council is being asked to approve Resolution 06-2019 formalizing the approval of social media policy and procedures for city staff use, best practice guidelines for elected officials and volunteers, and terms and conditions for use by visitors of City social media sites. She reminded the Council of their workshop with Attorney Emily Guildner and noted that they are the same policies as discussed by Ms. Guildner. She added that clerical errors have been identified and corrected.

Councilmembers agreed that the policy was far too detailed and would need to be updated too often. They thought it best to leave the step by step instructions for removing content out of the

resolution and include that detail in a separate personnel or internal policy. City Attorney Graafstra clarified that the level of detail is regarding visitor posts and comments, and that the protocols within the policy show transparency; members of the public will know specifically how the City is dealing with public comments. Administrator Walinski reiterated that if a post is removed, the person will want to know the City's policy, procedure, and justification. There was a brief discussion in regard to religious comments versus the use of religious words.

Councilmember Bretz motioned to continue Resolution 06-2019 Social Media Policies to a date certain of May 14, 2019. The motion was seconded by Councilmember Neighbors and passed unanimously.

3. Surplus Computers

Finance Director Chantell Steiner stated that the City Council is being asked to authorize the Mayor to proceed with surplus the City's old and obsolete computer systems. She addressed six (6) computer systems for recycling. She explained that the City has a contract with Firefly to remove the hard drives from the obsolete computer systems and reuse the remaining components for donating back to other facilities such as schools and senior centers; the City retains the hard drives for retention purposes.

Councilmember Lundgren motioned to authorize the Mayor to surplus for recycling purposes with Firefly the computer systems as identified by serial numbers on the April 23, 2019 Computer Systems for Recycling List. The motion was seconded by Councilmember Waters and passed unanimously.

4. Golf Course Property Surplus

City Administrator Joel Walinski stated that there has been discussion regarding the current Standard Operating Procedures for the Surplus and Sale of Real Property Owned by the City of Leavenworth and that the Mayor and City Administrator are requesting a modification to those Standard Operating Procedures. He detailed those changes regarding the bid deposit of \$2,500, which may be non-refundable, a closing period of 60 days, and that each bid will be for only one (1) individual parcel. Mayor Farivar read through a rough outline of the sealed bid process; Councilmembers provided comments as she read through the process. Administrator Walinski noted that the procedure will be fine tuned and brought back to the Council for final approval.

Councilmember Neighbors motioned to approve the following modifications to the Sealed Bid Sale Procedure for the sale of this property only; 1.) Each bid shall be for one individual parcel; 2.) Each bid shall be accompanied by a bid deposit in the form of a cashiers check payable to the City of Leavenworth in the amount of \$2,500; and 3.) Payment of the remaining amount of the purchase price shall be made within sixty (60) days. The motion was seconded by Councilmember Wilson and passed unanimously.

ITEMS FOR FUTURE CONSIDERATION

Mayor Farivar stated that Mr. Richard DeRock will provide a presentation on Link Transit at the May 14, 2019 Study Session meeting. City Administrator Walinski stated that Mr. David Nickinovich representing the Chumstick Wildfire Coalition Steering Committee has requested city representation on the Committee. He stated that the next meeting will be held on Thursday,

April 25, 2019 at the Leavenworth Workspace from 6:00 PM – 7:30 PM. Councilmember Waters volunteered to attend the April 25th meeting. Administrator Walinski added that he will provide additional information regarding the City's role on the Committee at an upcoming Study Session.

ADJOURNMENT

Seeing no other business, Councilmember Bretz motioned to adjourn the April 23, 2019 meeting of the Leavenworth City Council. The motion was seconded by Councilmember Wilson and passed unanimously.

The meeting adjourned at 8:24 PM.

APPROVED



Cheryl Kelley Farivar
Mayor

ATTEST



Chantell Steiner
Finance Director / City Clerk