

LEAVENWORTH CITY COUNCIL MINUTES
February 9, 2010

Mayor Eaton called the February 9, 2010 Leavenworth City Council meeting to order at 6:00 p.m., and led the City Council in the Flag Salute.

ROLL CALL

Council Present: Mayor Eaton, Peter DeVries, Tibor Lak, Michael Molohon, Lucky Moore, Elmer Larsen, and Cheri Kelley Farivar.

Staff Present: Terry McCauley, Connie Krueger, Chantell Steiner, and David Schettler.

Mayor Eaton excused Councilmember Robert Francis.

APPROVAL OF THE CONSENT AGENDA

Mayor Eaton moved to amend the consent agenda and add Items 4a. Planning Commission Appointments and 4b. Phase II Icicle Station Shelter under Resolutions, Ordinances, Orders and Other Business. Mayor Eaton asked for a motion to approve the consent agenda amended as follows:

Consent Agenda:

1. Approval of Agenda
2. Approval of January 26, 2010 Regular Meeting Minutes
3. January Payroll \$153,643.87
4. Claims Vouchers \$163,362.49

Councilmember DeVries moved to approve the Consent Agenda as amended. The motion was seconded by Councilmember Lak and passed unanimously.

PUBLIC SAFETY REPORTS

None.

AWARDS PRESENTATION BY RICHARD HART

Richard Hart, Chair of the Awards Committee for the Washington Chapter of the American Planning Association presented to the City of Leavenworth two awards for the City of Leavenworth Downtown Master Plan and the Upper Valley Regional Trails Plan. Mr. Hart noted that the City's plans were chosen at the American Planning Association Conference last November and proceeded to read excerpts from several of the jurors comments on the plans and why they were chosen for the awards. He congratulated the City on a job well done and specifically acknowledged Mayor Eaton, several Councilmembers, citizens, organizations, and Community Development Director Connie Krueger for their participation in the projects. Mayor Eaton and Connie Krueger graciously accepted the awards for the City.

COUNCILMEMBER AND COMMITTEE REPORTS

Councilmember Farivar reported that the Parks Committee met and discussed repairs needed to the Gazebo and the red pavers around the Gazebo. She noted that the estimated cost for the Barn Beach Restrooms appears to be higher than was budgeted and the committee will look to a

private/public partnership to close the gap. She updated Council on the pocket park for Ski Hill and the signage within the parks. She noted that they will be working with school students to see if there can be some landscape projects done with student assistance and added that a new circulation pump for the Pool was discussed.

Councilmember Larsen gave a quick update on the Residential Advisory Committee and reminded Council that Rob Clark has stepped down from the committee. He encouraged anyone that is interested in involvement with the Committee to contact them.

Councilmember DeVries reported that the Finance Committee met today and discussed the major revenue streams and the Revenue and Expenditure reports. Retail Sales are down about ten percent and Hotel/Motel taxes are down about five percent, which continues to be in line with 2009 percentages. The Property Tax revenues are up and Real Estate Excise Taxes continue to be down from previous years. Mayor Eaton noted that the state of the City continues to be good despite the decreased revenue streams which continue to provide leverage at the state level for funding requests.

MAYOR AND ADMINISTRATIVE REPORTS

Mayor Eaton reviewed the items from the Study Session discussion that included various open discussion topics about seasonal employment, garbage pick-ups at City Hall, Carillon Bells at the Festhalle, downtown speaker systems, and the Chumstick Trail Project. Other topics included an Executive Session, budget amendments, use of the Festhalle for "City Days", Lodging Tax Group Funding Requests, and a review of the Icicle Train Station services with BT Parton of Leavenworth Shuttle and Taxi. He added that he has been mostly involved this last week in preparing for the Executive Session items for this evening and attended a National Amtrak Civic Convention where Leavenworth's station was recognized and well received.

Community Development Director Connie Krueger reported that the Downtown Steering Committee is focusing this year on downtown plaza planning and may be working specifically toward funding and development for the Royal Lady Plaza. She added that they are also working with Project Bayern on new flags for the City as well as starting the Way Finding Signage Strategy with SeaReach.

Public Works Director Dave Schettler reported on the replacement of a sludge pump at the Wastewater Treatment Plant that was approximately \$11,900. He said that he is currently working with Three Phase Energy Systems for a prototype of electrical devices that would create some electricity in the plant. He added that public works and parks crews are gearing up for the spring projects.

RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS

1. Icicle Brewery Industrial Discharge Contract

Director Schettler explained to the Council that this contract would put in place a production schedule for the next few years and regulates the discharge from the facility to avoid harm to the wastewater treatment plant. He further discussed how enforcement of the discharge would be done through sampling.

Councilmember DeVries moved to authorize the Mayor to sign the Icicle Brewery Industrial Discharge Contract. The motion was seconded by Councilmember Molohon and passed unanimously.

2. Ordinance 1355-59 – Utility Amendments, Vesting Dates, etc.

Attorney McCauley noted that Ordinances 1356 and 1357 need some minor modifications that are not technically substantial and asked that Council pass them subject to attorney review. Director Krueger noted to Council that these Ordinances contained the same information as was presented at the last meeting as one ordinance and noted that it was necessary to create them as separate ordinances for conforming to state laws.

Councilmember Molohon moved to approve Ordinance 1355 adopting amendments to the Leavenworth Municipal Code to provide for utility standard updates. The motion was seconded by Councilmember Lak and passed unanimously.

Councilmember Lak moved to approve Ordinance 1356 subject to attorney review adopting amendments to the Leavenworth Municipal Code to provide consistency with requirements of state law related to state environment policy act (SEPA) requirements. The motion was seconded by Councilmember Larsen and passed unanimously.

Councilmember Molohon moved to approve Ordinance 1357 subject to attorney review adopting amendments to the Leavenworth Municipal Code to provide consistency with requirements of state law related to critical areas. The motion was seconded by Councilmember Moore and passed unanimously.

Councilmember DeVries moved to approve Ordinance 1358 adopting amendments to the Leavenworth Municipal Code to establish vesting dates for development permits. The motion was seconded by Councilmember Larsen and passed unanimously.

Councilmember Molohon moved to approve Ordinance 1359 adopting amendments to the Leavenworth Municipal Code to provide for dangerous building abatement. The motion was seconded by Councilmember Lak and passed unanimously.

3. Ordinance 1360 – 2010 Budget Amendment

Finance Director Chantell Steiner reviewed the budget amendment that included adjustments to the actual beginning and ending fund balances, a few adjustments in the General Fund, adjustments to line items for engineering contracts from 2009, and removal of grant line items that were not received.

Councilmember DeVries moved to approve Ordinance 1360 - 2010 Budget Amendments. The motion was seconded by Councilmember Molohon and passed unanimously.

4. Authorization to Purchase Garbage Containers

Director Schettler reviewed for Council the quotes received for the garbage receptacles. He noted that the quote is in compliance with the contract bid for “piggybacking” on the City of Tacoma’s bid process. Council discussed the number of containers being ordered and requested an increase from 770 to 780 for the 64 gallon containers and from 130 to 150 for the 300 gallon containers with the quotes to be adjusted accordingly.

Councilmember Larsen moved to authorize the purchase of the Garbage Containers as amended. The motion was seconded by Councilmember Lak and passed unanimously.

4a. Planning Commission Appointments

Mayor Eaton asked Council for a motion to confirm two appointments to the Planning Commission for Anne Hessburg and Kenneth Renner-Singer. He noted that Kenneth has an extensive background in land

use planning and Anne works for the planning department in Wenatchee; both are members of the Leavenworth Community. He explained to Council that he interviewed four applicants for the two current vacancies including current Commissioners Farzan Farivar and Pete Olsen. A fifth applicant, Mike Kelly, was not able to attend his interview. He noted that he choose to pick two new applicants to allow for new members of the community to be involved in city process and that he encouraged the former Commissioners to reapply this spring when two more positions would be available for current Commissioners Larry Hayes and Marshall West's positions.

Councilmember Molohon moved to confirm Anne Hessburg to the Planning Commission vacancy. The motion was seconded by Councilmember Lak and passed unanimously.

Councilmember DeVries moved to confirm Kenneth Renner-Singer to the Planning Commission vacancy. The motion was seconded by Councilmember Larsen and passed unanimously.

4b. Phase II Icicle Station Shelter

Mayor Eaton and Councilmember Lak reiterated the need to proceed with the construction of the second shelter to utilize current permits with Amtrak and BNSF to avoid extraordinary future costs for reapplying for permits. Director Schettler said he would confirm with the contractors KRCI for proceeding with this portion of the project that was an alternate in the original bid.

Councilmember DeVries moved to authorize the Mayor to enter into construction for the additional shelter with KRCI and not to exceed \$45,000. The motion was seconded by Councilmember Molohon and passed unanimously.

COMMENTS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA

Bill Lynn, 9700 E. Leavenworth Road: Mr. Lynn thanked the Council and Staff for their efforts within the City over the last few years. He explained that he is here this evening because of excessive noise that appears to be coming from the Der Hinterhof buidling in downtown. He owns a home across the river and from Thursday through Friday it can sometimes become so loud that his guests at the rental complain. He noted that sometimes it is reasonable but at other times it can be very loud. He asked if Council is working on creating a noise ordinance as he has been told that it may be in process. Attorney McCauley noted that it has not been addressed at the Council level yet, but now that a formal complaint has been brought forth it will be reviewed and brought forward through the Staff/Council process.

EXECUTIVE SESSION

Mayor Eaton announced that Council was going to enter into executive session at 7:03 p.m. under RCW 42.30.110 (1)(b) to discuss public property acquisitions, RCW 42.30.140 (4)(b) for Collective Bargaining and RCW 42.30.110 (1)(i)(A) for litigation for approximately thirty minutes with potential action to be taken in open session.

Councilmember DeVries moved to enter into executive session for approximately thirty minutes to discuss public property acquisitions, collective bargaining and litigation with potential action to be taken in open session. Councilmember Lak seconded the motion, which passed unanimously.

Councilmember Molohon moved to reconvene the meeting at 7:43 p.m. The motion was seconded by Councilmember Lak and passed unanimously.

RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS CONTINUED

5. Authorize the Mayor to Sign the Collective Bargaining Agreement

Council briefly discussed having concerns about future negotiations within the current contract period pertaining to wages and a review of the medical plan.

Councilmember Molohon moved to authorize the Mayor to sign the Collective Bargaining Agreement. The motion was seconded by Councilmember Moore and passed 4 to 2 with Councilmembers Larsen and Farivar opposed.

6. Authorize the Mayor to sign the Seasonal Employee Agreement

Councilmember Farivar moved to authorize the Mayor to sign the Seasonal Employee Agreement. The motion was seconded by Councilmember Larsen and passed unanimously.

INFORMATION ITEMS FOR FUTURE CONSIDERATION

Mayor Eaton reminded Council that the annual deadline for submitting your information to the Public Disclosure Commission (PDC) is April 15th. He noted that it is an easy process and that he recommends doing it online at any time. Chantell added that there should be information also coming soon from the PDC. Mayor Eaton noted that the annual Special Use Permits for Village Art in the Park, Leavenworth Farmer's Market and the Wenatchee Valley Farmer's Market will be presented by Rich Brinkman soon as spring is fast approaching.

ADJOURNMENT

Seeing no other business, Councilmember DeVries moved to adjourn the February 9, 2010 meeting of the Leavenworth City Council. The motion was seconded by Councilmember Molohon, which passed 5 to 1 with Councilmember Lak opposed. The meeting adjourned at 7:49 p.m.

APPROVED

ATTEST

Robert C. Eaton
Mayor

Chantell Steiner
Finance Director/City Clerk