

LEAVENWORTH CITY COUNCIL MINUTES

June 8, 2010

Mayor Pro-tem Peter DeVries called the June 8, 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 Pro-tem Peter DeVries, Tibor Lak, Michael Molohon, Lucky Moore, Elmer Larsen, Robert Francis and Cheri Kelley Farivar.

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

Mayor Pro-tem DeVries excused Interim City Administrator Richard Brinkman and Mayor Robert Eaton who is out of town on business.

APPROVAL OF THE CONSENT AGENDA

Mayor Pro-tem DeVries moved to amend the Consent Agenda Claims Vouchers to \$145,072.80, under Resolutions, Ordinances, Orders and Other Business removal of Item 1. Water Use Efficiency Rule Report and added Item 10. Bremmer Construction Change Order. Mayor Pro-tem DeVries asked for a motion to approve the consent agenda amended as follows:

Consent Agenda:

1. Approval of Agenda
2. May 25, 2010 Regular Meeting Minutes
3. Claims Vouchers \$145,072.80
4. May 2010 Payroll \$164,325.36
5. PRSA Voucher Request \$9,000.00

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

PUBLIC SAFETY REPORTS

None.

COUNCILMEMBER AND COMMITTEE REPORTS

Councilmember Robert Francis reported that the Parks Committee met and reviewed the Parks Plan Update and various projects. He noted that the new mower has arrived.

Councilmember Lak requested a strong police presence for the weekend of June 19th.

Councilmember Elmer Larsen reported that there will be a composting meeting on June 15th.

Councilmember Lak reported that the Public Works Committee met and discussed yard waste and woody debris disposal. He stated that a tentative trial period has been set from June 14 through July 12 to bring the County chipper to Leavenworth. Residents should take the debris to the County yard located off the

Chumstick Highway. He stated that research is being done to possibly place five 96-gallon recycling totes on various City properties within the Downtown area, however the Waste Management contract must be reviewed prior to this moving forward.

MAYOR AND ADMINISTRATIVE REPORTS

Mayor Pro-tem DeVries reviewed the items from the Study Session discussion that included various open discussion topics about the Wine Walk, Chelan County Sheriff's contract, Special Use Permits, and Festivals and Events. Other topics of discussion on the morning Study Session agenda included review of the Six-Year Transportation Improvement Plan and discussion on Upcoming Code Amendments.

Community Development Director Connie Krueger reported that the estimates for the Comprehensive Plan Update have been received from the consultants and that the Housing Element and Critical Areas Element have been identified as a starting point. She noted that those two elements have been estimated at \$65,000.00. Director Krueger stated that she is still researching alternatives before making a recommendation. She said that the Park Plan and Shoreline update are still progressing with the use of City Staff and has reduced the potential costs by \$30,000.00 for all of the plan updates mentioned.

Finance Director Chantell Steiner reported that the quarterly Budget Amendment she spoke of in the morning Study Session will include a reduction in the Park Plan Fees as recommended by Staff. She stated that the City was awarded the Financing for the F-550 dump/plow truck at 2.349%.

Public Works Director Dave Schettler reported that work is starting on the Festhalle Cupola project and is projected to begin construction in July.

Councilmember Lak stated that Project Bayern has noted that they will help fund the Festhalle Cupola project.

PUBLIC HEARING – HEARING FOR ADOPTION OF ORDINANCE #1366: INTERIM CONTROLS RELATED TO UTILITY REIMBURSEMENT AGREEMENTS (6:30 P.M.)

Community Development Director Connie Krueger reviewed Ordinance #1366: Interim Controls Related to Utility Reimbursement Agreements and the need for these changes. She noted that a clarification on how Utility Reimbursement Agreements may be applied for was added to the controls.

Mayor Pro-tem DeVries opened the public hearing at 6:30 p.m. Hearing no comments he closed the public hearing at 6:33 p.m.

RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS

1. Water Use Efficiency Rule Report

This item was removed from the agenda and has been noticed for presentment at the July 13, 2010 Council meeting.

2. Community Foundation Grant Application/Leavenworth Swim Team

Director Steiner reviewed the Community Grant Application requesting \$5,000.00 to assist in the building of a storage facility on the City Pool property for pool and swim team equipment. This was received from

the Leavenworth Swim Team noting that the City will act as the fiscal agent for the Swim Team in this application making it responsible for receiving the grant funds and expending them as allocated per grant requirements if awarded.

Councilmember Larsen inquired about the design of the structure. Director Schettler stated that the structure will follow the Design Code and it was noted that the Parks Committee has reviewed the design and recommends supporting this Grant Application.

Councilmember Farivar moved to approve acting as the fiscal agent for the Community Foundation Grant Application. The motion was seconded by Councilmember Lak and passed unanimously.

3. Interlocal Cooperative Agreement: Regional Shoreline Master Program

Director Krueger explained that this Interlocal Agreement is for the final phase of the Regional Shoreline Master Program. She noted that the attachment referenced in the agreement is the same attachment that was previously approved by Council during the last agreement. Director Krueger reminded Council of how the process works and what the final product will be.

Councilmember Larsen moved to approve the Interlocal Cooperative Agreement: Regional Shoreline Master Program. The motion was seconded by Councilmember Moore and passed unanimously.

4. Motion to set Public Hearing Date for Six-Year Transportation Improvement Plan

Councilmember Larsen moved to set a Public Hearing Date of June 22nd at 6:20 p.m. for the Six-Year Transportation Improvement Plan. The motion was seconded by Councilmember Lak and passed unanimously.

5. Budget Adjustment – Payroll Schedule Change

Director Steiner noted that this will come before Council as part of the upcoming quarterly Budget Adjustment. Director Schettler explained that the City has been working with Teamsters Union on the job description and wage for the FOG Wastewater Treatment Plant Operator position. He stated that since both the FOG position and Assistant Wastewater Treatment Plant position require a Class I Operators Certification the Union and City have negotiated the FOG position salary to be equal to the Assistant Wastewater Treatment Plant position.

Councilmember Francis expressed concerns with applying probationary rates of pay versus probationary status for an employee that has yet to achieve the certification. A discussion of how this is procedurally handled ensued. Councilmember Francis reiterated his concerns with an employee having a normal rate of pay per the contract pay schedule without the proper certifications in place. Director Steiner assured him that there will be stipulations for completion of the certification prior to completion of the probationary status.

6. Interlocal Agreement: Affordable Housing Surcharge

Director Steiner noted that this is a housekeeping item and that it is an annual agreement which expires June 30th. Councilmember Farivar inquired about how much revenue it generates and Director Steiner explained that it generated approximately five to six thousand each year. A discussion continued pertaining to the uses of the funds for affordable housing and Director Steiner noted that we have used the funds twice and currently have funds banked for future use.

Councilmember Lak moved to approve the Interlocal Agreement for Affordable Housing Surcharges. The motion was seconded by Councilmember Molohon and passed unanimously.

7. Resolution 5-2010: Adopt Findings of Fact Utility Reimbursement Agreements

Director Krueger explained this resolution in reference to the public hearing and that it formally completes the adoption of Ordinance 1366.

Councilmember Farivar moved to approve Resolution 5-2010: Adopt Findings of Fact Utility Reimbursement Agreements. The motion was seconded by Councilmember Larsen and passed unanimously.

8. Ordinance 1367: Adopt Interim Controls Amending Chapter 21.13

City Attorney Terry McCauley explained that this interim control will bring Title 21 of the Leavenworth Municipal Code (LMC) into compliance with recent case law related to Code Enforcement proceedings. He further explained that the recent case law involved the City of Tacoma's Enforcement Codes and as such our amendment mirrors the City of Tacoma's newly amended code.

Councilmember Larsen moved to approve Ordinance 1367: Adopt Interim Controls Amending Chapter 21.13. The motion was seconded by Councilmember Lak and passed unanimously.

9. Ordinance 1368: Amending Section 5.04.035 for Businesses Serving Alcohol

Director Krueger reviewed discussion from the morning Study Session regarding this amendment to the Business License code and how it would affect businesses that serve alcohol and want to provide live entertainment.

City Attorney McCauley added that the Special Use Permit Ordinance may need to be reviewed and amended. Lengthy discussion took place regarding Special Use Permits and reiterating the morning Study Session discussion. Council consensus is to ensure that the public be notified of any changes and requirements to the Special Use Permits.

Isaac Kaplan-Woolner of the Wenatchee World asked how "Entertainment" is defined. Director Krueger says the City has followed the definition that the State gives, but typically it would apply to live or amplified music, etc.

Councilmember Molohon moved to approve Ordinance 1368: Amending Section 5.04.035 for Businesses Serving Alcohol. The motion was seconded by Councilmember Lak and passed unanimously.

10. Bremmer Construction Change Order – Front Street Paver Project

Director Schettler explained that Bremmer Construction is the contractor who was hired to do the Front Street Paver Project and has submitted their invoice which includes the distributed change order. The change order has been reviewed and Staff recommendation is to approve it.

Councilmember Lak noted that he was involved in the review of each of the items as well and recommends approval at this time. He noted that an additional \$2,000 was rejected for inclusion.

Councilmember Molohon moved to approve the Bremmer Construction Change Order. The motion was seconded by Councilmember Lak and passed unanimously.

COMMENTS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA

Linden Mead, Washington Department of Natural Resources Urban and Community Forestry: Ms. Mead spoke to Council regarding the Tree City USA program and distributed pamphlets to Councilmembers who serve on the Parks Committee. She would encourage the City seek participation in the program.

Councilmember Robert Francis stated that the concrete pad in Lions Club Park will be removed and turned into green space. He also added that he will be presenting a request for added material for the baseball fields to the Finance Committee soon.

ADJOURNMENT

Seeing no other business, Councilmember Molohon moved to adjourn the June 8, 2010 meeting of the Leavenworth City Council. The motion was seconded by Councilmember Larsen, which passed 5 to 1 with Councilmember Lak opposed. The meeting adjourned at 6:55 p.m.

APPROVED

Peter DeVries
Mayor Pro-tem

ATTEST

Chantell Steiner
Finance Director/City Clerk