

## **LEAVENWORTH CITY COUNCIL MINUTES**

### **June 22, 2010**

Mayor Robert Eaton called the June 22, 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 Robert Eaton, Peter DeVries, Tibor Lak, Michael Molohon, Lucky Moore, Elmer Larsen, and Cheri Kelley Farivar.

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

Mayor Eaton excused Councilmember Francis. He then announced happy belated birthday to Mayor Pro-tem DeVries and was likewise greeted by others for his own birthday.

### **APPROVAL OF THE CONSENT AGENDA**

Mayor Eaton moved to amend the agenda under Resolutions, Ordinances, Orders and Other Business by changing Item #1 from action to info only and added Item #6 Authorizing the Mayor to sign a letter of support for the Ski Hill Heritage Foundation. Mayor Eaton asked for a motion to approve the consent agenda as follows:

#### Consent Agenda:

1. Approval of Agenda
2. Approval of June 8, 2010 Study Session Minutes
3. Approval of June 8, 2010 Regular Meeting Minutes
4. Claims Vouchers \$330,099.63

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

### **PUBLIC SAFETY REPORTS**

Mayor Eaton announced that he authorized additional deputies in the downtown area last weekend in anticipation of the busy weekend. He noted that there were over 700 cars from VW, Audi and BMW visiting, the Accordion Festival and the Bluegrass Fest in Cashmere. The extra deputies downtown were greatly appreciated.

### **COUNCILMEMBER AND COMMITTEE REPORTS**

Councilmember Larsen reported that there was a joint meeting with the Residential Committee and Life 2 on composting and recycling that created some good dialogue. He noted that he has visited the drop site for compostable materials over the last few days and is very impressed with how many citizens are utilizing the opportunity since it was organized.

Councilmember DeVries reported that the Finance Committee met today and noted that Retail Sales are up 5.3% and Hotel/Motel is up 5.54% over last year through the month of May. It was later clarified that these figures are reflective of November 2009 through March 2010 due to the two-month lag in receiving the revenues. He added that Director Steiner would be presenting budget reductions at the next meeting that are helping to positively affect the budget. He reported on the status of several Health Board statistics related to the second wave of H1N1 noting that 1,377 people were hospitalized, there were a total of 91 deaths and over 38,700 doses of vaccines in our area were administered. He said the good news is that the virus does not appear to be changing, which makes it easier to treat and control.

## **MAYOR AND ADMINISTRATIVE REPORTS**

Mayor Eaton reported that most of his work over the last few weeks has been related to items that will be discussed during executive session. He said that Joe Boardman, President of Amtrak, was traveling through Leavenworth yesterday on the train and he and several others greeted and thanked him for his support of the train station. He added that he will discuss items for future consideration that is on the agenda later this evening.

Interim City Administrator Brinkman jokingly said that he was intending to say farewell this evening for the third time; however, with the change from action to info of the Anti-Harassment Policy, he will be back for the July 13<sup>th</sup> meeting of the Council. He noted that his duties with the City will end on June 30<sup>th</sup>.

Community Development Director Krueger reminded Council of the Downtown Steering Committee meeting on Monday with Sea Reach pertaining to the way-finding signage contract.

Finance Director / City Clerk Steiner reported that Deputy Clerk Michelle Brooks was away this week in Seattle at training for her Certified Municipal Clerk designation.

Public Works Director Schettler had no report. Councilmember Farivar asked about the drinking fountains at the pump station. Director Schettler noted that they have been purchased and are currently at the City Shop. He continued to add that there would need to be a plan put together soon to determine other improvements to the site including the park bench that they have at the shop.

## **PUBLIC HEARING – HEARING FOR ADOPTION OF RESOLUTION 6-2010: SIX-YEAR TRANSPORTATION IMPROVEMENT PLAN (TIP) (6:20 P.M.)**

Director Schettler explained that staff has worked to put this plan together based on many projects from the previous year's version. He said some have been removed and others have been added, but for the most part they are very similar. He clarified that the priority as noted on the form does not delineate the priority level for when the City will move forward with each project since priority is driven by availability of funding sources.

It was further stressed by Mayor Eaton that priorities can and will change due to the funding. He explained that some of the projects that are lower in the prioritization already have requests in for state and federal funding and if received, they will move up in the process.

Mayor Eaton opened the public hearing at 6:25 p.m. Hearing no comments he closed the public hearing at 6:25 p.m.

## **RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS**

### **1. Motion to Adopt Anti-Harassment Policy**

Administrator Brinkman said that due to some discussions with legal counsel there are some items that need to be reviewed prior to adoption. He said that the current policy does not clearly outline steps for the individual and supervisor should one of these claims emerge. This new updated policy will clearly identify this process and identifies the State RCW's for compliance. He said that this will be brought for action at the July 13 meeting.

### **2. Letter of Agreement/Upper Valley Swim Team**

Director Steiner reminded Council of the approval of the grant application at the last meeting and noted that through that process it was identified that this letter of agreement was necessary. She said that she has worked with legal counsel to draft up the agreement and that it is recommended for approval.

Mayor Eaton clarified for the Council that this project is for a storage facility. A short discussion on ownership and grant revenues ensued.

Councilmember DeVries moved to approve the Letter of Agreement with the Upper Valley Swim Team. The motion was seconded by Councilmember Farivar and passed unanimously.

### **3. Resolution 6-2010: Six-year Transportation Improvement Plan (TIP)**

Councilmember Larsen quickly touched on the aggregation for residential projects in the plan but noted that the key is to get funding and then to determine how much of a project, like this one, could actually be completed at one time.

Councilmember Molohon further stressed for the Press that the priority number designated on the form does not mean that those are the deciding factors on when a particular project is started.

Director Krueger also noted that projects that are currently in process such as the Chumstick Trail are still on the plan to continue receiving the funding sources.

Councilmember Lak moved to approve Resolution 6-2010 for a Six-year Transportation Improvement Plan. The motion was seconded by Councilmember Larsen and passed unanimously.

### **4. Resolution 7-2010: Setting Date for Public Hearing for Establishment of Transportation Benefit District (TBD)**

Director Krueger said that this Resolution sets the date for the public hearing and identified a minor change to the language that creates more flexibility for reporting and is general in nature. She noted that the public hearing will be on July 13<sup>th</sup> at 6:30 p.m.

Councilmember Larsen said that he understands that Council will set the boundaries for the voters, which will be the city limits, but asked for clarification on funding mechanisms and how that will be incorporated.

Attorney McCauley responded that the Ordinance, to be adopted in July, would likely have language that identifies funding sources such as any sales taxes that would have to be approved by the voters. This Ordinance will allow for the TBD's required voted revenue sources to be put on the ballot for the upcoming election.

Director Krueger added that there are also non-voted funding sources in the Ordinance that will authorize the Council to utilize such as vehicle tab fees and impact fees. Discussion continued on what types of projects these funds could be used for. Director Krueger noted that many of the projects that could use these funds are identified in the Six-Year TIP. She further added that the language will include all of the state allowed uses of a TBD except for those related to Tolls.

Councilmember DeVries moved to approve Resolution 7-2010 setting a public hearing for July 13, 2010 at 6:30 p.m. The motion was seconded by Councilmember Molohon and passed unanimously.

#### 5. Special Use Permit (SUP) / Parks Use Request Form Discussion

Administrator Brinkman wanted to address some issues that have been occurring and to get Council direction on how best to proceed when dealing with these in the future. He gave some brief history on the use of the SUP versus a Park Use Request Form and identified that typically an SUP is used for a single vendor outside of a festival and is charged a fee. When vendors are part of a festival they are processed through the Park Use Request Form in conjunction with the festival and Chamber's approval with no fee from the City. The situation that has come up recently pertains to the "bouncy toy's and rock climbing wall." He said that there are now two vendors wanting to set-up on non-festival weekends. Challenges were identified in setting priority, drafting the SUP's for these random weekends, conforming with the Bavarian theme, costs for grounds maintenance as well as the long-term damaging effects to the Parks system in Front Street Park. After much discussion, Council consensus was to allow these vendors to participate during festivals through the Park Use Request Form. Rich further clarified that the Leavenworth Municipal Code identifies mechanisms and flexibility for other types of activities that could be done through the Parks Use Request Form and SUP that would not set a precedence of no non-festival weekend use.

Director Krueger added that the Codes are currently being reviewed and analyzed in how the parks are being used in relation to the discussion this evening.

#### 6. Motion to Authorize the Mayor to Sign a Letter of Support for the Ski Hill Heritage Foundation

Mayor Eaton explained that the Heritage Foundation is working on various projects including the museum, an ice rink and restoration to the ski lodge. He said they are asking the City for a general letter of support to continue in its fundraising efforts. He noted that they have received a \$50,000 commitment from Projekt Bayern for the restoration of the lodge.

Councilmember Farivar moved to authorize the Mayor to sign a letter of support for the Ski Hill Heritage Foundation. The motion was seconded by Councilmember DeVries and passed unanimously.

### **COMMENTS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA**

Bill Lynn, 9700 E. Leavenworth Road, Leavenworth: Mr. Lynn has come this evening to find out the status on the Noise Ordinance. He stated that the music has started up again this year from across the river and it has been very disruptive at times. He noted that he has been receiving complaints from his renters as well as many of the neighbors in his area. He thanked Director Steiner for confirming earlier today that this Ordinance is anticipated for presentment at the July 13 meeting. Mayor Eaton confirmed that it is expected to be adopted and would go into effect within five days after passage.

Brian Thompson-Royer, Executive Director, Upper Valley MEND, 894 Highway 2, Suite L, Leavenworth: Mr. Thompson-Royer handed out maps for his presentation that identified various options for infrastructure improvements for the planned Titus-Chumstick Valley housing area. He explained that the Upper Valley MEND has been working with various private partners, Project Groundwork and RH2 Engineering over the last three months to get to this phase in the project. He is pleased to be presenting in more detail at the Council Study Session on July 13<sup>th</sup> the plans thus far and the prospect of collaborative partnerships for funding sources with the City and County. He briefly discussed the potential for a \$1 million dollar Community Development Block Grant (CDBG) and how the City could apply for the funding. He noted that he will be meeting with the Department of Commerce tomorrow to review other funding opportunities. He identified some potential for an improvement to the City's other infrastructure areas with the development of this area. Although he hopes to get underway for the infrastructure phase in the next year, he noted that he anticipates the total project to be between three and four years. He thanked his partners in this project for their commitment and work to date and looks forward to the Council's support in the next phase.

Mayor Eaton said he is very pleased at the progress that the group has made since the last time a presentation was made to Council and looks forward to the presentation at the July Study Session.

Councilmember Larsen asked if there were any updates on other current projects such as Mountain Meadows and the Johnson Project. Director Krueger responded that she has not received a recent update but believes that the permits are ready for these projects and that they will move forward once the developers are ready.

A short discussion on the International Building Codes ensued noting that they will take effect in July 2010. Councilmember DeVries added that the Energy Code that was included in the plan will not be taking effect.

## **INFORMATION ITEMS FOR FUTURE CONSIDERATION**

### **1. Potential Increase to Sheriff Costs**

Mayor Eaton explained that the Sheriff is continuing to request that the surrounding City's contracts be reopened for an increase in costs for billing of 911 calls. He said that the Mayor's of each community have met and are not in agreement with this. He explained the relationship between the Sheriff and RiverCom and how RiverCom already bills for these calls to the end users. He further stated that the Mayor's are in agreement that the costs of this service are part of a basic emergency service that is covered in our property taxes and that the County receives approximately 20% of the property tax dollars. He said that the Mayor's will continue to not support this additional cost but wanted Council to be aware of the situation.

## **EXECUTIVE SESSION**

Mayor Eaton announced that Council was going to enter into executive session at 7:06 p.m. under RCW 42.30.110 (1)(g) Evaluating an Applicant for Public Employment for approximately fifteen minutes with no action to be taken.

Councilmember DeVries moved to enter into executive session for approximately fifteen minutes to discuss evaluating an applicant for public employment with no action to be taken. The motion was seconded by Councilmember Lak and passed unanimously.

Councilmember DeVries moved to reconvene the meeting at 7:25 p.m. The motion was seconded by Councilmember Molohon and passed unanimously.

## **ADJOURNMENT**

Seeing no other business, Councilmember Molohon moved to adjourn the June 22, 2010 meeting of the Leavenworth City Council. The motion was seconded by Councilmember Farivar, which did not pass at 1 to 5 with Councilmember Molohon in favor.

Councilmember Molohon moved to reconsider the motion. The motion was seconded by Councilmember Farivar and passed unanimously.

The meeting adjourned at 7:26 p.m.

## **APPROVED**

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**Robert C. Eaton**  
Mayor

## **ATTEST**

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**Chantell Steiner**  
Finance Director/City Clerk