

LEAVENWORTH CITY COUNCIL MINUTES
January 24, 2012

Mayor Farivar called the January 24, 2012 Leavenworth City Council meeting to order at 6:00 PM and Councilmember Meyer led the City Council in the Flag Salute.

ROLL CALL

Council Present: Mayor Cheryl Kelley Farivar, Peter DeVries, Tibor Lak, Michael Molohon, Elmer Larsen, Robert Francis, Larry Meyer and Carolyn Wilson.

Staff Present: Joel Walinski, City Attorney Thom Graafstra, Dave Schettler, Nathan Pate, Chantell Steiner and Sue Palmer.

APPROVAL OF THE CONSENT AGENDA

Mayor Farivar asked for a motion to approve the consent agenda as follows:

Consent Agenda:

1. Approval of Agenda
2. Approval of January 10, 2012 Regular Meeting Minutes and Study Session Minutes
3. 2011 Final Claims \$124,514.61
4. 2012 Claims \$276,938.58
5. December Payroll \$14,916.39 (Quarterly Unemployment & L&I)

Mayor Farivar noted that there had been some changes to the Council agenda items. She stated that on the consent agenda, the 2011 final claims had been reduced to \$124,514.61 due to a previous error. She added that there were some minor verbiage changes to Ordinance 1408 and Resolution 2-2012.

Councilmember Larsen motioned to approve the Consent Agenda as presented. The motion was seconded by Councilmember Lak and passed unanimously.

PUBLIC SAFETY REPORTS

None.

COUNCILMEMBER AND COMMITTEE REPORTS

Councilmember Wilson reported that she and Mayor Farivar had just attended Newly Elected Officials Essentials, which is a training seminar put on by the Association of Washington Cities (AWC). She briefly stated all that she learned and enjoyed about the seminar. She said she

learned quite a bit and that it was very informative and interesting. She noted to the other Council members that it was an excellent experience and urged others to attend.

Councilmember Meyer stated that he would soon be attending Newly Elected Officials Essentials in the Tri-Cities on February 3rd and 4th, 2012.

Councilmember Francis reported that he was elected Chair of the Finance Committee. He commented to the Mayor, City Administrator and Public Works Director that he feels that the Public Works crews are doing an excellent job in regards to the snow removal.

Councilmember Larson stated that he has a Solid Waste Council meeting next Monday. He asked if anyone had any questions or comments that he could bring to the meeting.

Councilmember DeVries reported on the Finance Committee meeting. He stated that Hotel/Motel tax has increased 6.82% over last year and retail sales tax has increased 1.36%. He noted that at year end 2011, the City's actual expenditures were less than actual revenues by \$223,720. He noted that this was money that was budgeted, yet wasn't spent. He stated that he and Councilmember Larsen attended the Leavenworth Area Promotion (LAP) meeting and were given a revision to their budget as well as a list of the conventions they will be attending throughout the year. He added that he was elected Chair at the Chelan-Douglas Health Board meeting. He ended his report by reading an essay by H. S. Hart entitled "Wreckers".

MAYOR AND ADMINISTRATIVE REPORTS

Mayor Farivar reported that she also went to Newly Elected Officials Essentials with Councilmember Wilson. She stated that she has had meetings with Commissioner Keith Goehner and the Chelan County Planning Department to discuss future water rights on the Wenatchee River. She met with the Ski Hill Heritage Foundation and discussed the Pavilion and Ice Rink project. She said that yesterday she had met with the Chelan County PUD to discuss future City projects and how those projects will be coordinated with the PUD. She also added that she has met with constituents and business owners and is happy that she hasn't received any complaints about snow removal. She also stated that she feels the Public Works crews are doing an excellent job.

City Administrator Joel Walinski reported on the work completed over the weekend by the Public Works crews. He stated that due to the amount of snow the City has received, he appreciates the efforts of the crews and they appreciate the positive comments by councilors and city residents.

Finance Director Chantell Steiner reported that the quarterly and year end finance report has been delivered to all Council members. She addressed House Bill 2940 and stated that it is a tax and simplification plan that will streamline business licenses and how they are processed. She added that the plan requires all cities to go through the Department of Revenue as part of the business licensing process which Leavenworth has already done. She stated that the bill may have an effect on the City of Leavenworth in the flat fee structure being included in the bill; therefore, she will continue to watch the bill for final adoption.

Public Works Director David Schettler reported that the Gazebo Plans & Specifications will be available tomorrow, January 25, 2012 and the City will begin accepting bids for that project. He stated the estimated project cost to be approximately \$109,000. He added that the Downtown Leavenworth Street Reconstruction, Phase II project is ready to be bid as well. He noted that the Leavenworth Ski Club signage had been added to the Golf Course sign stating that the Leavenworth Nordic Trails located there are currently open.

Development Services Manager Nathan Pate reported on three commercial projects; Mountain Meadows, the Posthotel and Cascade Medical Center. He updated the Council as to the progress of the individual projects. He noted that last week they received a residential permit for a single family residence.

PUBLIC PRESENTATION:

Introduction of Mr. Stan Morse, City of Chelan

Mr. Morse was not able to attend due to the inclement weather and will be rescheduled to attend another meeting.

Richard DeRock from LINK Transit

Mayor Farivar introduced Mr. Richard DeRock and briefly shared his background. Mr. DeRock stated that Link Transit had just celebrated twenty years in service and that he put together a presentation which celebrates Link's history. He explained how Link works, what areas they service and how many people they service. He noted that they provide service for after school activities and work with private schools primarily in the Wenatchee area. He spoke of Links commitment to quality and the fact that they have had more than fifteen years of service without a "serious" accident. He noted that they have quality, long term employees who focus on providing excellent service to their guests.

PUBLIC HEARING: Annexation Request @ 6:30 PM

Mayor Farivar opened the Public Hearing at 6:40 PM and began with a staff report. Manager Pate distributed maps to the audience and Council which depicted a before and after look of the annexation area. He briefly summarized what had taken place up to the point of the Public Hearing. Manager Pate then explained that the reason for the Public Hearing is to allow proponents and opponents the opportunity to speak. He added that the City Council will decide to approve or disapprove the annexation.

Mayor Farivar opened up the Public Hearing for comment at 6:42 PM.

Hearing no comments, Mayor Farivar closed the Public Hearing on the Annexation Request at 6:43 PM.

RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS

1. Motion to Approve or Reject the Annexation Request

Manager Pate explained the annexation process and the properties involved. He briefly noted the steps they had taken in the annexation process. He addressed the noticing timeline as well as the comment period. He confirmed that the Duncan paperwork was complete and had been timely filed. He stated to Council that they may annex all or any portion of the area proposed for annexation, but they may not include any property not described in the annexation petition.

Councilmember Larsen motioned to annex the property described as (abbreviated) herein as the Upper Valley MEND, Titus LLC, Agnew/Hebert, and Duncan properties described as:

1. Parcel # 241701550135 - EMIG PARKs LOT 22s & 23s with 14 acres.
2. Parcel # 241701550153 - EMIG PARKs LOT 26s L B BA06-104,L B BA05-133s with 5.5000 acres.
3. Parcel # 241701550111 - EMIG PARKs PT LOT C BLA 2008-111 (TAX CODE/ANNEXED); LC BA06-122 LESS ANNEXED STRIPs with 0.3600 acres
4. Parcel # 241701550155 -EMIG PARKs LOT 26s BA# 2005-133 LOT As with 3.9000 acres.

And further, the Leavenworth City Council moves to retain the existing zoning; require transfer of water rights; require the assumption of all or any portion of existing city indebtedness by the area to be annexed; and adopt Ordinance No. 1409 (or otherwise numbered) for such annexation. The motion was seconded by Councilmember DeVries and passed unanimously.

2. Community Development Block Grant Application Varela & Associates

Administrator Walinski explained the Community Development Block Grant (CDBG) application process and asked Council to approve a contract allowing Varela & Associates to assist the City in completing the application. He stated that the grant application is quite complicated and with the help of Varela & Associates, the City and MEND will be able to put together a more complete and thorough application. He stated that the contract amount will not exceed \$10,590 and that Upper Valley MEND has agreed to fund one half the cost of the contract amount. Administrator Walinski said that there is currently \$15,859 available in the Affordable Housing Surcharge funds. He said that the staff recommendation would be to approve the use of those funds for the City's portion of the contract expenditure.

Councilmember Francis motioned to approve and authorizes the Mayor to sign a contract agreement with Varela & Associates in the amount of \$10,590 to complete the Community Development Block Grant Application. Furthermore the City will utilize the Affordable Housing Surcharge funds in the amount of \$5,295 with the other \$5,295 being reimbursed to the City by Upper Valley MEND. The motion was seconded by Councilmember Meyer and passed unanimously.

3. Motion to Set Public Hearing for CDBG Grant Application on February 14, 2012

Director Steiner explained that in order to proceed with the CDBG application, they must hold a Public Hearing as part of the application process. She added that there are other requirements,

including resolutions that need to be in place as part of the application process and she will present those documents at the time of the Public Hearing. She noted that the application deadline is March 1, 2012.

Councilmember DeVries motioned to set a public hearing for the CDBG Grant Application in relation to the Meadowlark Development on February 14, 2012 at 6:25 p.m. The motion was seconded by Councilmember Wilson and passed unanimously.

4. Approval of Front Street Plans and Specification/Authorization for Bid

Director Schettler stated that the plans and specifications for the Downtown Leavenworth Street Reconstruction Project, Phase II have been approved for bidding by the Washington State Department of Transportation (WSDOT) and the Transportation Improvement Board (TIB). He stated the construction timeline and noted that a contractor's incentive for completion prior to September 1, 2012 for physical completion shall be incorporated into the specification bid package. He stated the engineer's estimated cost of construction is \$1,930,950. He added that the project has been awarded funding of \$800,000 from the TIB and it is anticipated that the additional project funding will be provided through a Public Works Trust Fund (PWTF) low interest loan. The Council also discussed that in the event that the PWTF funds were not available the City would need to consider bonding for the additional funds needed for the project. Administrator Walinski stated that the City's project had been approved by the PWTF Board and was awaiting final funding approval by the state legislature and the City may know of this award in March, 2012.

Councilmember Meyer motioned to approve the Front Street Plans and Specifications and authorizes staff to proceed with the bid advertising. The motion was seconded by Councilmember Molohon and passed unanimously.

5. Front Street Change Order #2; Stormwater/Intersection Modification

Director Schettler stated that the engineered plans to the Downtown Leavenworth Street Reconstruction Project, Phase II required the intersection of Division and Front Streets to be reconfigured. He said that the redesign is necessary to provide access for a traffic entrance into the fruit warehouse lower parking area. He stated the cost of the change order to be \$5,596. Director Schettler reiterated that the City is seeking a PWTF low interest loan for the project. He said that in order to receive that particular loan, the City would need to upgrade the stormwater treatment facilities. He stated the engineering cost of the redesign change order to be \$23,388 at this time, although they are still in the process of negotiating that cost; therefore, he is not requesting a motion on that item tonight.

Councilmember Larsen motioned to approve the Front Street Change Order #2 for the Intersection Modifications, Exhibit A-1, Task 8.20 in the amount of \$5,596. The motion was seconded by Councilmember Lak and passed unanimously.

6. Motion to set a Public Hearing for the Park & Recreation Plan on February 14, 2012

Manager Pate stated that the Public Hearing would be the final review of the Parks and Recreation plan and that it would be another chance for the public to comment on the plan. The plan is scheduled for adoption at the February 28, 2012 City Council meeting. He noted that they are still in the comment period and have only received one new comment. He noted that the DOT confirmed that they have no comment.

Councilmember Larsen motioned to set a public hearing for the Park and Recreation Plan on February 14, 2012 at 6:15 p.m. The motion was seconded by Councilmember DeVries and passed unanimously.

7. Ordinance 1408 Amending LMC Chapter 10.08 Parking Regulations

Manager Pate explained the changes to the Leavenworth Municipal Code (LMC) Chapter 10.08. These included establishing the City's authority to operate a paid parking facility and the removal of certain sections from the LMC that specified parking areas. In the future, the Council would be able to establish no parking or timed parking zones by resolution rather than through the LMC. He said that this was the first step in an overall parking dialog and that they still have some follow-up resolutions that will need to be passed. There was discussion as to the response they anticipate from the public. It was agreed that they will first have a warning/education period prior to ticketing offenders, although they will be upholding the new parking regulations.

Councilmember DeVries motioned to adopt Ordinance 1408 amending the Leavenworth Municipal Code Chapter 10.08 Parking Regulations. The motion was seconded by Councilmember Wilson and passed unanimously.

8. Parking Resolutions

a) Creating Municipal Parking Lot Fees

Manager Pate stated that Resolution 2-2012 was the establishment and setting of the municipal parking lot fees. He added that the parking fee will be \$5.00 per stall per day during the week and \$10.00 per stall per day on weekends and during festivals. He noted that the parking fees will be applied in designated areas on property owned, leased, managed or maintained by the City. There was much discussion as to what constitutes the weekend and/or a festival. It was decided that the weekend would include Saturday and Sunday. Manager Pate explained that the fees may be reviewed and changed by resolution as the City Council begins to develop a more comprehensive parking plan.

Councilmember DeVries motioned to approve Resolution 2-2012 Creating Municipal Parking Lot Fees as follows; a \$5.00 fee per day on Monday – Friday and a \$10.00 fee per day on Saturday, Sunday and/or Festival days. The motion was seconded by Councilmember Lak and passed unanimously.

b) Parking Restrictions

Manager Pate explained that Resolution 3-2012 specifically identifies restricted parking within the City. He further identified parking restrictions as locations for “no parking”, timed parking, and loading zones within the City. Mr. Pate stated that the locations listed within the resolution are the current locations that had previously been removed in ordinance 1408. He added that the parking restrictions may be reviewed and changed by resolution at any time Council deems necessary.

Councilmember Molohon motioned to approve Resolution 3-2012 to Designate Portions of Streets of the City and Property of the City as Prohibited Parking Areas, Restricted Parking Zones, Municipal Parking, and/or Paid Parking Spaces. The motion was seconded by Councilmember Larsen and passed unanimously.

9. eCivis Grant Seeking Program

Administrator Walinski stated that the City applies for numerous grants every year. He explained that eCivis is a grants network company that provides software and tools for organizations to research and access grants, write and submit applications, and track and report on grant results. He added that this will help the City to search for grants that are right for the project and save much staff time in searching and preparing the grant applications. He noted that by using the software, it will help the City to compete for individual grants by tailoring the grants to the needs of the City. He added that he has used this software in the past and that it would be available for use on February 1, 2012.

Councilmember Molohon motioned to approve a subscription contract with eCivis Grants Management Network for a period of three years at a cost of \$2,869 annually and authorizes the Mayor to sign the agreement. The motion was seconded by Councilmember DeVries and passed unanimously.

10. Motion for Council to Confirm the Mayor’s Appointments to the Planning Commission

Mayor Farivar stated that the Planning Commission recently had two vacant positions. She said that she received seven letters of interest from members of the community, conducted interviews and deliberated on the selection of two members. She announced that she will appoint Charles B. Reppas and Lester Nunn to the vacant Planning Commission positions. She noted that she would be reappointing and/or reaffirming the remaining Planning Commissioners as well.

Councilmember Meyer motioned to confirm the Mayoral appointment of Chuck Reppas to the Leavenworth Planning Commission Position number 2. The motion was seconded by Councilmember DeVries and passed unanimously.

Councilmember DeVries motioned to confirm the Mayoral appointment of Lester Nunn to the Leavenworth Planning Commission Position number 5. The motion was seconded by Councilmember Lak and passed unanimously.

Councilmember Larsen motioned to confirm the Mayoral reappointment of Andy Lane to the Leavenworth Planning Commission Position number 3. The motion was seconded by Councilmember Wilson and passed unanimously.

Councilmember Molohon motioned to ratify the current terms of Planning Commissioners Marshall West to position 1, Pete Olson to position 4, Larry Hayes, Chair, to position 6, and Anne Hessburg to position 7. The motion was seconded by Councilmember Lak and passed unanimously.

11. Ordinance 1407 Amending LMC Chapter 2.04 City Council

Administrator Walinski stated that Ordinance 1407 has been amended per the Council discussion at the January 2012 Work Session meeting. He stated the changes included in the ordinance are correcting the scheduled date of work sessions, removal of the word "future" in regards to work sessions, and removal of the cancelation of the second Council meeting in February and July.

Councilmember DeVries motioned to adopt Ordinance 1407 amending the Leavenworth Municipal Code Chapter 2.04 City Council. The motion was seconded by Councilmember Molohon and passed unanimously.

12. Resolution 1-2012 Amending Council Rules of Conduct

Administrator Walinski stated that Council discussed two changes to Resolution 1-2012 at the January 2012 Study Session. He said that these areas pertained to the discussion topics at Work Sessions and clarity on the procedure for removing an item from the Consent Agenda. There was much discussion determining the difference between a Work Session and a Study Session. Finding no such difference, it was decided that going forward they would refer to their meeting as "Study Session" rather than "Work Session".

Councilmember Larsen motioned to approve Resolution 1-2012 amending the Council Rules of Conduct with the noted change. The motion was seconded by Councilmember Wilson and passed unanimously.

13. Motion for Council to Approve the Mayor Pro-Tempore's Appointments to the City Council Standing Committee and the Mayor's Appointments to the Ad Hoc Committee Assignments

Mayor Pro-tempore Francis described the selection process of the City Council committees. He stated that there were no changes to the Public Works or Economic Development committees. He noted that he is new to the Finance committee and Councilmembers Wilson and Larson are new to both the Parks committee and Public Safety committee. It was stated that the Mayor Pro-Tempore will only choose the members of the City Council committees and the Mayor will choose the members of the Ad Hoc committees in accordance with the new Council rules.

Councilmember DeVries motioned to approve the Mayor Pro-Tempore's appointments to the City Council Standing committee assignments. The motion was seconded by Councilmember Meyer and passed unanimously.

Mayor Farivar stated that there were no changes to the Ad Hoc Committees. Councilmember Francis noted that there was an opening on the Residential Advisory Committee (RAC) and volunteered to fill the open position. Mayor Farivar accepted his request. The Mayor then announced all committees and stated all committee members. It was noted that there was no Chamber of Commerce committee and therefore should be removed from the record.

Councilmember Larsen motioned to approve the Mayors appointments to the City Council Ad Hoc Committee assignments. The motion was seconded by Councilmember Meyer and passed unanimously.

INFORMATION ITEMS FOR FUTURE CONSIDERATION

Mayor Farivar noted that Council will be discussing the "Meadowlark" Planned Development at their next Study Session on February 14, 2012 at 9:00 AM and that they will also be having a special Study Session on February 28, 2012 to discuss parking. She noted that the February 28 meeting would be at 9:00 AM at the Festhalle.

COMMENTS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA.

None.

ADJOURNMENT

Seeing no other business, Councilmember DeVries motioned to adjourn the January 24, 2012 meeting of the Leavenworth City Council. The motion was seconded by Councilmember Molohon and passed 6/1 with Councilmember Lak opposed.

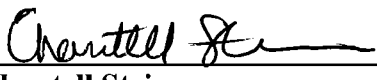
The meeting adjourned at 8:15 PM.

APPROVED



Cheryl K. Farivar
Mayor

ATTEST



Chantell Steiner
Finance Director/City Clerk