

**LEAVENWORTH JOINT CITY COUNCIL/PLANNING COMMISSION SPECIAL MEETING MINUTES**  
**July 26, 2011**

Mayor Pro Tempore Tibor Lak called the July 26, 2011 Joint Leavenworth City Council and Leavenworth Planning Commission special meeting to order at 6:00 p.m. and led the audience in the Flag Salute.

**ROLL CALL**

Council Present: Mayor Pro Tempore Tibor Lak, Peter DeVries, Michael Molohon, Elmer Larsen, Cheri Farivar, Larry Meyer and Robert Francis.

Planning Commission

Present: Planning Commission Chair Larry Hayes, Marshall West, Andy Lane, Pete Olsen, and Anne Hessburg.

Staff Present: Joel Walinski, Chantell Steiner and Nathan Pate.

**PUBLIC HEARING FOR CRITICAL AREAS**

Mayor Pro Tempore Lak opened the public hearing at 6:01 p.m.

Susan Driver of SMD Solutions explained that the Critical Areas section of the Leavenworth Municipal Code was originally adopted in 1993 and is updated periodically per state law. She noted that this update is required for adoption by the end of the month. She said that a majority of the updates were crafted by Sandra Strieby in compliance with State law requirements. She said that the final draft version being provided includes comments from the recent City Council Special Study Session and has been reviewed by both the City Council and Planning Commission.

Hearing no public comments, Mayor Pro Tem Lak closed the public hearing at 6:05 p.m.

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

1. Motion to Suspend Council Rules Section 19 Actions Taken During Public Meetings

City Administrator Joel Walinski explained the need to suspend the Council rules in order for the Council to adopt an Ordinance during a special meeting.

Councilmember DeVries motioned to suspend the Council Rules, Section 19, Actions Taken During Public Meetings. The motion was seconded by Councilmember Molohon and passed unanimously.

2. Ordinance 1395 Adoption of Critical Areas Update

Councilmember Larsen noted that the Critical Areas Code updates, although the ordinance is a state requirement he has concerns over the added costs to small developers and would like to see the City look at the options of consolidating the mitigation process concerning wetlands. He would like to see this discussed during the budgeting process.

Councilmember DeVries motioned to approve Ordinance 1395 Adoption of Critical Areas Update. The motion was seconded by Councilmember Farivar and passed unanimously.

### 3. Sign Code Permanent Controls

Administrator Walinski and Development Services Manager Nathan Pate reviewed the process for the evening with Manager Pate presenting a PowerPoint on existing signs used in the community. The presentation included sign samples and examples visually depicting differing classifications and sign types that are considered compliant, in violation, out of place, administratively approved, those that are covering 1/3 of a window, are portable, and/or those that are in the right-of-way. Manager Pate reviewed and answered questions about specific signs within the presentation for clarification. He added that in order to help facilitate education of the code there would be outreach to the businesses as well as information provided on the City's website as part of the adoption process of the new sign code.

Councilmember Larsen suggested having a set symbol to help recognize locations for such things as the sign corrals where general advertising can occur by all businesses. He also noted the need to include some examples/samples in the Code or to have an addendum.

Bruce Lane, 1440 Commercial Street, Leavenworth: Mr. Lane cautioned the Council in considering the use of sandwich boards and portable signs as they reduce the walkways and ambience of the community.

Dale Day, 1320 Highway 2, Leavenworth: Mr. Day noted his concern for the code that it be equal and fair across the board whether the business is a small business or a large corporation. He noted that Safeway currently has free standing signs that do wave in the wind.

Benedict Armstrong, 11779 Highway 2: Mr. Armstrong represents the Mittenwalder Platz building and a horse drawn carriage company in town. He agrees with Mr. Day for enforcing uniformity to all businesses. He briefed the Council on the history of the investment and pride in the community by the residents and business owners. He explained how the people have made sacrifices to live here and how everyone supports the Bavarian theme. He discussed concerns with not being allowed to have signs on the carriages as well as the difficulty he has had with trying to get an appropriate sign for the Mittenwalder Platz building. He noted the financial constraints with meeting the code for highway signage and a possible strict interpretation of the off-site term in the code by staff. He noted that he is encouraged by the new administration and the ability to be flexible in the new code language. He hopes this will help to alleviate financial burdens for business owners.

Julia Scott, Employee of Country Things, 211 8<sup>th</sup> Street, Leavenworth: Ms. Scott said she works at Country Things on 8<sup>th</sup> Street and in working with them she has discovered her passion for retail business and loves the Bavarian theme. She said that she has had multiple conversations with other business owners who have expressed that a business that is located on a side street and not on Front Street is likely not to succeed. She would like to propose exploration of adding poles on the corners of 8<sup>th</sup> and 9<sup>th</sup> Streets that would have slots for names of the businesses on the side streets to be inserted into for the visitors to see.

Lynn Reppas, 1217 Front Street, Leavenworth: Mrs. Reppas asked for clarification on the definition/expectation of "neat, finished and professional in appearance" that is noted throughout the code and would does use of "1/3 of a window" mean. Manager Pate clarified that the signage would not be acceptable, for instance, if there was pieces of paper taped together with duct tape and that it is important that it have Bavarian fonts. He added that 1/3 of a window means use of 1/3 of the entire window space available for coverage. Administrator Walinski added that this was modified to create conformity because of the allowance of this for real estate businesses.

Steve Demarest, Das Sonnenhaus, 321 9<sup>th</sup> Street, Leavenworth: Mr. Demarest positively commented on the use of his conforming signage in the presentation materials. He stated that overall he does have any issues with signage in the community and would prefer allowing more as opposed to limiting the type of signs that maybe used. He pointed out to the elected officials who are currently running for office that their election signs are not conforming to the current interim controls in that they do not have Bavarian fonts. He noted that election signs are not exempt from the Old Bavarian Theme in the interim controls; however, the exemption has been included for the draft of the permanent controls. Mr. Demarest acknowledged that the current Council may not have adopted the original codes, and he does not have any issues with the election signs but wanted to point out that if businesses are required to conform, then he feels that the elected officials should also conform to the rules that they are enacting.

Kevin Rieke, Leavenworth Chamber Board Director and owner of The Hat Shop/Wood Shop, 719 Front Street, Leavenworth: Mr. Rieke noted that at the recent Chamber meeting the new code was discussed; however, he does not believe they are aware of the newest changes. He thanked the Council and Staff for the educational opportunities to review prior to final adoption. He spoke for the Chamber's sixteen board members that wanted him to express a historical perspective of Leavenworth. He said the community is a unique place not only in this State but in this Country partly due to the history of how the people formed together and created their own rules and regulations for what it is today. He commented on how a person can see the difference over time of an old business versus a newer business due to the codes and sympathizes with those businesses that are not located on Front Street. He wants to ensure that the spirit of the code, the Bavarian Theme, is not jeopardized in any code changes. He briefly talked about his visit to Bavaria and the use of sandwich board signs and how they do clutter and would detract from the ambience that Leavenworth has. In closing, he is thankful for the opportunities to be involved in the changes of the codes, the education that is and will be available to other businesses, and he said that being a part of Team Leavenworth, as a good neighbor, is what it is all about.

Administrator Walinski clarified that the interim code was passed on March 22, 2011 and is valid for six months. If the Council chooses not to extend the period, the permanent controls will need to be adopted prior to September 22, 2011. He talked briefly about having an inventory of signage with examples of compliant signs with varying styles for business owners to view. Manager Pate added that there are key deadlines that need to be met and expressed that there would likely need to be a few workshops added prior to adoption.

Mr. Dale Day added that the Council could also consider two sets of rules, one for the downtown core businesses, and another for those that are on the highway and have different needs for driving cars. Administrator Walinski noted that there are specific differences in the interim controls that do address the different areas of the community and support the Bavarian Theme.

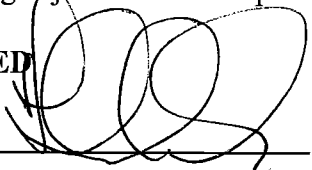
The City Council and Planning Commission members thanked everyone for their input and noted that the overall goal of the new sign code is to enhance the code and provide consistency and fairness with added flexibility for all residents and businesses. Council added that future meeting information and updates to the sign code controls will be added to the City's website prior to adoption that is currently set for September 22, 2011.

**ADJOURNMENT**

Seeing no other business, Councilmember DeVries motioned to adjourn the July 26, 2011 joint special meeting of the Leavenworth City Council and Leavenworth Planning Commission. The motion was seconded by Councilmember Meyer and passed 11-1 with Councilmember Francis opposed.

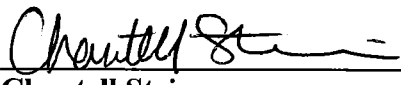
The meeting adjourned at 8:01 p.m.

**APPROVED**



**Tibor Lak**  
**Mayor Pro Tempore**

**ATTEST**



**Chantell Steiner**  
**Finance Director/City Clerk**