

LEAVENWORTH CITY COUNCIL MINUTES

August 9, 2011

Mayor Pro Tempore Tibor Lak called the August 9, 2011 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 Tempore Tibor Lak, Peter DeVries, Elmer Larsen, Robert Francis, Michael Molohon, Cheri Farivar, and Larry Meyer.

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

City Administrator Joel Walinski asked for an amendment to the agenda to reflect the change to item #6 that will now be a motion to set a public hearing on September 13, 2011 at 6:15 PM for an appeal by Pete Olson for the Cascade Medical Center Utility Reimbursement Agreement. Councilmember Larsen noted a few corrections needed to the spelling of a citizen's name that was included in the minutes for the Joint City Council and Planning Commission Special Meeting held on July 26, 2011.

APPROVAL OF THE CONSENT AGENDA

Mayor Pro Tem Lak asked for a motion to approve the consent agenda as follows:

Consent Agenda:

1. Approval of Agenda
2. Approval of July 12, 2011 Study Session and Regular Meeting Minutes
3. Approval of July 19, 2011 Special Study Session and Special Regular Meeting Minutes
4. Approval of July 26, 2011 Special Joint City Council and Planning Commission Meeting Minutes.
5. July Claims \$109,112.96 and August Claims \$104,365.97
6. July 2011 Payroll \$211,375.42

Councilmember Larsen motioned to approve the Consent Agenda with the noted changes to the agenda and meeting minutes. The motion was seconded by Councilmember DeVries and passed unanimously.

PUBLIC SAFETY REPORTS

None.

COUNCILMEMBER AND COMMITTEE REPORTS

Councilmember Francis reported on the Parks Committee Meeting that was held earlier in the day. He noted that the Development Services Department is diligently working on the Parks Plan and that a survey will be circulated to the residents to obtain different ideas pertaining to the City's Parks.

Councilmember Larsen noted that the Residential Advisory Committee (RAC) did not meet this month. He then asked for an update on the activity of the tubers and rafters. Administrator Walinski reported that Sergeant Bruce Long has been keeping the City abreast to activity on the river. He noted that the City has placed a new sign at the entrance to the East Leavenworth Boat Launch which identified that consumption of alcohol is not allowed in public spaces. He added that the City has also been removing non-compliant and/or approved signage at the boat launch. Mayor Pro Tem Lak commented that he believes that the Chelan County Sheriff's Office did write seven alcohol citations on the river last weekend.

Councilmember Larsen reported that the Public Works Committee is in the process of identifying structures for sign kiosks in the downtown area, the approach would be to install one or two on a trial basis. Currently the committee is doing a cost analysis to see what is available and what areas can best utilize the kiosks. Councilmember Larsen also reported on street repairs currently underway on Ash and Summit. He reviewed previous street paving practices versus the new process of double shot chip sealing. Public Works Director Dave Schettler noted that the contractor is currently ahead of schedule and may finish early.

MAYOR AND ADMINISTRATIVE REPORTS

Mayor Pro Tem Lak reviewed discussions that took place at the morning study session. The topics included the following: A presentation by Tony Keyser of the Ski Hill Heritage Foundation on the proposed ice rink, Notice of Intent for 2011 local financing for a street sweeper, utility rate study update, utility reimbursement agreement processes, electrical vehicle charging station ordinance, quarterly city newsletter recommendations, and contract approvals.

Finance Director Chantell Steiner informed Council that the City received notification from the Washington State Archives Division that the City did not receive the state records grant funding for this cycle to continue the process of digitizing the Council Minutes and Ordinances. She noted that there was \$887,000 in requests and the state had \$200,000 for funding. The grant money went to 33 other cities. Director Steiner stated that she will reapply for the grant in the next cycle. Councilmember Larsen suggested trying to fund the continuation of the project in the City's 2012 Budget.

Public Works Director Dave Schettler reported on the Posthotel Project. He stated that 8th Street was closed today in order for the project to bypass the sewer line that needs to be relocated and to set the first manhole. Director Schettler also noted that they will be continuing to work on the sewer location throughout the following week.

RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS

1. Professional Services Agreements with TD&H

Administrator Walinski reviewed the first of three contracts for use of the Public Works Trust Funds. He noted that the engineering on these projects needs to be completed or at the 90% completion mark by September of 2012.

A. Commercial Street (3rd to 8th)

Councilmember Larsen motioned to approve authorization for the Mayor Pro Tem to sign the Professional Service Agreement with TD&H for Commercial Street, 3rd to 8th. The motion was seconded by Councilmember DeVries and passed unanimously.

B. Division Street (Commercial to Barn Beach)

Councilmember Larsen motioned to approve authorization for the Mayor Pro Tem to sign the Professional Service Agreement with TD&H for Division Street, Commercial to Barn Beach. The motion was seconded by Councilmember DeVries and passed unanimously.

C. Front Street Sidewalk (Highway 2 to 9th)

Councilmember Larsen motioned to approve authorization for the Mayor Pro Tem to sign the Professional Service Agreement with TD&H for Front Street Sidewalk, Highway 2 to 9th. The motion was seconded by Councilmember DeVries and passed unanimously.

Administrator Walinski clarified that the City is not looking at replacing all of the sidewalks on Front Street. There are certain sidewalks on Front Street that have maintenance, Right of Way, and construction issues and TD&H will aid the City in determining the specific plans for replacing different sections of the sidewalk.

2. Professional Services Agreement with RH2 Engineering for Phase 1 Environmental Survey

Administrator Walinski noted that the Nelson Legacy Group and the City agreed to a 90-day window to allow the City to complete further investigations of an environmental study, which will help identify mitigation costs for such things as the removal of asbestos and lead paint. The other issue for the City to look into is accessibility to Highway 2.

Councilmember Meyer motioned to approve the Professional Services Agreement with RH2 Engineering for Phase 1 Environmental Survey. The motion was seconded by Councilmember Molohon and passed unanimously.

3. Professional Services Agreement with GeoEngineers for Services on Various Projects

Administrator Walinski stated that this contract would allow engineers to test the physical make-up of the soils below some of our City streets. He noted that the City would use the information gathered to create a cross section for engineering and installation of pavers, new streets, curbs, and aprons. Administrator Walinski noted that this contract would cover all of our downtown area as well as some of the City's residential projects that are slated for repairs in 2012. Positive council discussion ensued.

Councilmember Larsen motioned to approve the Professional Services Agreement with GeoEngineers for Services on Various Projects. The motion was seconded by Councilmember Farivar and passed unanimously.

4. Authorize Mayor Pro Tem to Sign Notice of Intent for LOCAL Financing

Director Steiner reported on the City's notice of intent to submit to the State LOCAL Program for financing of the street sweeper. She noted that if the City was approved for financing the final paperwork would be completed at that time and brought back to Council for final approval.

5. Motion to Set Public Hearing Appeal to Utility Reimbursement Agreement (URA) by Albert Howie

Director Schettler identified the request made by Albert Howie to appeal the DNR, LLC waterline improvement URA at a public hearing to be set for August 23, 2011 at 6:15 p.m.

Councilmember Larsen motioned to set a Public Hearing for the appeal to the DNR, LLC Utility Reimbursement Agreement by Albert Howie on August 23, 2011 at 6:15 p.m. The motion was seconded by Councilmember Meyer and passed unanimously.

6. Motion to Set Public Hearing Appeal to Utility Reimbursement Agreement (URA) for Cascade Medical Center (CMC) on September 13, 2011 at 6:15 p.m.

Councilmember Larsen motioned to set a Public Hearing for the appeal to the Cascade Medical Center Utility Reimbursement Agreement by Pete Olson on September 13, 2011 at 6:15 p.m. The motion was seconded by Councilmember Francis and passed unanimously.

INFORMATION ITEMS FOR FUTURE CONSIDERATION

Councilmember DeVries reminded Council of the deadline for appointing an interim Mayor in September.

Councilmember Larsen noted that the Council is still researching options for a recycling center. He noted that the City is moving forward and their intention is to have a location within the City limits. Mayor Pro Tem Lak stated that Council and City Staff are moving ahead carefully to make sure that the recycling center is done right and to make sure that it works for everyone.

COMMENTS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA.

Kathy Lynn, 9700 East Leavenworth Road: Mrs. Lynn read a depiction of an evening spent at home during a warm August evening. She noted in her reading that she had the door open to enjoy the breeze, and due to the noise coming from across the river from Der Hinterhoff, her husband would have to turn up the volume on their television. Mrs. Lynn urged the Council to validate their efforts in order to enforce the noise ordinance.

Councilmember Farivar responded that she was able to hear the noise first hand when she received a complaint from a resident in the same area that Mrs. Lynn spoke of. She noted that she brought this matter to the attention of fellow councilmembers, and there is a consensus amongst them to make the code enforceable.

Mike Hendricks, 9690 East Leavenworth Road: Mr. Hendricks reported to Council that he has put forth the effort to make contact with Mr. Demarest and had previous success in working this issue out amongst the two of them; however, as of now he has been unsuccessful in his recent attempts.

EXECUTIVE SESSION

Mayor Pro Tem Lak announced that Council was going to enter into executive session at 6:40 p.m. under RCW 42.30.110 (1)(b) to discuss public property acquisitions and 42.30.110 (1)(i)(A) Litigation, for approximately forty-five minutes, with action to be taken. Real Estate Agent Mike West was present for the property acquisition portion of the executive session.

Councilmember DeVries moved to enter into executive session for approximately forty-five minutes to discuss public property acquisitions, and litigation with action to be taken. Councilmember Molohon seconded the motion, which passed unanimously.

Councilmember DeVries moved to reconvene the meeting at 7:32 p.m. The motion was seconded by Councilmember Molohon and passed unanimously.

7. Action Resulting from Executive Session Discussion

- A. Approve Sale and Purchase Agreement of \$275,000 for the property located at 14th & Commercial,
- B. Motion to Authorize a Budget Amendment to be developed to make the purchase,
- C. Authorize the Mayor Pro Tem to approve a contract with Forsgren and Associates for the completion of the environmental assessment of the property, not to exceed \$2,500.

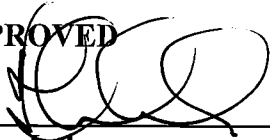
Councilmember Farivar motioned to approve Action Items A, B and C Resulting from the Executive Session Discussion. The motion was seconded by Councilmember Molohon and passed unanimously.

ADJOURNMENT

Seeing no other business, Councilmember DeVries motioned to adjourn the August 9, 2011 meeting of the Leavenworth City Council. The motion was seconded by Councilmember Molohon and passed unanimously.

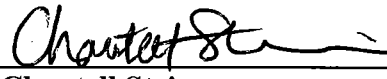
The meeting adjourned at 7:34 p.m.

APPROVED



Tibor Lak
Mayor Pro Tempore

ATTEST



Chantell Steiner
Finance Director/City Clerk