

LEAVENWORTH CITY COUNCIL MINUTES

February 8, 2011

Mayor Robert Eaton called the February 8, 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 Robert Eaton, Tibor Lak, Peter DeVries, Elmer Larsen, Robert Francis Cheri Kelley Farivar, Michael Molohon, and Larry Meyer.

Staff Present: Joel Walinski, Chantell Steiner, Connie Krueger, David Schettler and City Attorney Terry McCauley.

APPROVAL OF THE CONSENT AGENDA

Mayor Eaton motioned to amend the consent agenda from January Payroll 2010 to January Payroll 2011 and adjusting the claims from \$79,714.60 to \$82,539.43 due to invoices received from Western Peterbilt.

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

Consent Agenda:

1. Approval of Agenda
2. Approval of January 25, 2011 Regular Meeting Minutes
3. Claims \$82,539.43
4. January 2011 Payroll \$159,521.61
5. Ratification of District Court Services Interlocal Agreement

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

PUBLIC SAFETY REPORTS

Sheriff Brian Burnett, Chelan County Sheriff's Office, was present to introduce his current staff members to the City Council. John Wisemore was introduced as the Chief of Operations, and Roxanne Giffin was introduced as the Chief Civil Deputy for the Chelan County Sheriff's office. Sheriff Burnett wanted to emphasize the importance of the Chelan County Sheriff's office and the City of Leavenworth being able to have an open line of communication. Sheriff Burnett noted that he is looking forward to building a strong relationship with the City. Sheriff Burnett discussed the budget process with the Council; he also noted the review which is taking place regarding the 2010 and 2011 budgets.

COUNCILMEMBER AND COMMITTEE REPORTS

Councilmember Francis informed Council of the Parks Committee meeting which was held previously. Councilmember Francis noted the Committee reviewed issues that were related to the parks, in which they concurred; there are no existing issues that need resolution.

Councilmember Larsen reported on the Link Transit workshop that he had recently attended. Councilmember Larsen informed Council that the basic intent of the workshop was to discuss their budget shortfall and ways to help reduce the deficit. Councilmember Larsen stated that Link suggested eliminating the trolley system which will reduce costs by \$300,000. Link also suggested working with the City on the possibility of transfer of ownership of the trolley. Councilmember Larsen also reported on several other items Link had discussed in order to help with their debt concern that included discontinuing their last evening run, fare increases, cutting less efficient routes, as well as eliminating some Saturday routes. Councilmember Larsen wanted to reiterate that these considerations were only proposals at this time.

Councilmember Lak commented on the Public Works Committee meeting which was held earlier today. Councilmember Lak said the committee will be reviewing the preliminary drawings for the Icicle Station Phase II project. He said that the committee will be getting input from the railroad on design factors, and will then bring drawings back to Council for final input.

MAYOR AND ADMINISTRATIVE REPORTS

Mayor Eaton reported on the open discussion items at the morning Study Session. Council had indicated that in respect for invited guests, open discussion portions of future Study Sessions should be moved to the end of the meetings. There was also talk of expanding the allotted time frame for open discussion to allow for more robust discussions. Mayor Eaton reviewed additional conversations that took place during the study session. These topics included the Design Review Board and Planning Commission appointments and how Council confirms those appointments made by the Mayor, Study Session times and possibly changing the current time to an evening session, Business License Code Revisions and the Sign Code Interim Controls update, Quarterly Newsletter, Filming Production Guidelines, Icicle Station Phase II Update, and a presentation by Think Local First. Mayor Eaton also reported that he has been working with staff regarding Council policy issues in terms of Travel. Mayor Eaton noted that Councilmember DeVries has been instrumental in pointing out different areas where the City can tighten up its budget in terms of travel authorization requests. Mayor Eaton also updated Council on the transportation appropriations before Congress and noted that the City is currently in a continued resolution through March 4th, 2011. The City has a \$1.6M appropriation request through Congressman Doc Hastings's office for Ski Hill Drive and Pine Street, as well as a \$900,000 appropriation in the Omnibus Bill. Mayor Eaton reported that both of the appropriations that the City has requested are still intact and he hopes to know more by March 4th, 2011.

City Administrator Joel Walinski provided the Council with updates from the Wenatchee Valley Humane Society. Administrator Walinski noted that the City will continue to receive these updates on a quarterly basis. He reminded the Economic Development Committee of the website interviews being held Friday morning. He also informed Council of the Parks and Recreation Service Area (PRSA) meeting being held on February 16th, 2011. Mayor Eaton commented that the PRSA meeting date will need to be modified.

Public Works Director Dave Schettler reported on two different utility reimbursement agreements that he has been working on, one being for Cascade Medical Center and the other for D & R (Delvo and Richardson).

EXECUTIVE SESSION

Mayor Eaton announced that Council was going to enter into executive session at 6:26 p.m. under RCW 42.30.110 (1)(i)(C) to discuss Potential Litigation for approximately fifteen minutes with possible action to be taken.

Councilmember Farivar motioned to enter into executive session for approximately fifteen minutes to discuss potential litigation with possible action to be taken in open session. Councilmember Francis seconded the motion, which passed unanimously.

Councilmember DeVries motioned to reconvene the meeting at 6:47 p.m. The motion was seconded by Councilmember Larsen and passed unanimously.

RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS

1. Approval for Claim of Reimbursement

Councilmember Farivar motioned to approve the Claim for Reimbursement with any necessary easements to be recorded. The motion was seconded by Councilmember Lak and passed 6 to 1 with Councilmember Molohon opposed.

2. Discussion Prohibiting Noise Disturbance Ordinance

Administrator Walinski reviewed the passage of the initial noise ordinance which was then vetoed by Mayor Eaton for further review. Administrator Walinski commented on the public meeting which was held and the comments that were taken from that meeting and reviewed various information that was used to come up with the recommended changes. He noted that several different ordinances from other jurisdictions were reviewed, as well as the RCW's on which noise measurements are set to help in reconstructing the previous noise ordinance. Administrator Walinski noted the first change on page 3 which included a table change. The ordinance no longer has a sending and receiving area, it has three types of properties, and then it has the maximum decibel readings allowed at those sites. Administrator Walinski noted that he used 60, 70 and 75 for the decibel ratings and he concluded upon those from the different measurements that were performed in September and early October. Administrator Walinski added that the second change occurred in item B, in which the decibels were lowered by 10 decibels from 10:00 p.m. to 7:00 a.m. Administrator Walinski informed Council of the third change which outlined the minimal distance being 25 feet from the source.

Councilmember Farivar questioned Administrator Walinski regarding where the 25 feet begins.

Administrator Walinski responded with a scenario of a band playing at an unknown location inside of a building, at that point you would not know where to begin your measurements, but if you walk across the street from that same building you would be at least 25 feet away. Administrator Walinski also commented on a few other changes to the ordinance; on page 4 a sentence was added in regards to individuals of the community restoring property to a safe condition following a public calamity, as well as adding in exceptions that might occur such as parades, public events, and special use permits.

Isaac with KOHO radio questioned spikes of sound levels and time allotments to these spikes and if there would be actual enforcement for negligence to the ordinance, or would it be solely complaint driven.

Councilmember Larsen noted that the spike is identified as a period of five to fifteen minutes depending on the decibel level and Councilmember Farivar reviewed her understanding of the ordinance and suspected that enforcement would be initiated by complaints from the community members. Mayor Eaton concurred that it would be complaint driven. Discussion continued on property lines and where a reading would be taken from.

Isaac further questioned whether the City and approved events by the City would be subject to the Ordinance.

Mayor Eaton responded that under the rules in the ordinance, the City may be exempt under certain circumstances and in the case of special use permits. Discussion ensued on the requirements for public hearings and that this modification to the Leavenworth Municipal Code would not require a public hearing, however, comments are welcomed from the community prior to adoption.

3. Resolution 1-2011: Support of TBD Funds for STP Residential Street Grant

Administrator Walinski explained that the Transportation Benefit District (TBD) will have a similar resolution. He explained that the grant request is for a total of \$450,000, with \$360,000 coming directly from the grant and \$90,000 of those funds would be allocated from TBD funds. He then reviewed the portion of Pine Street and Ski Hill, as well as a portion of Commercial Street and Benton Street that were submitted for the grant money. Administrator Walinski informed Council that this project would consist of flattening out current man holes, preparing the base, and applying some overlays. He reiterated that this project would be to preserve the pavement, not reconstruct the pavement.

Mayor Eaton enlightened the Council on his communications held with delegates in Olympia. He noted that they were elated to hear what the City has done to help its community with the implementation of the TBD. Mayor Eaton stated that Olympia recognizes that the City is serious about its transportation needs, and they will continue to look favorably upon us as we continue to move forward.

Director Krueger stated that there was 4.2 million dollars in total applications submitted throughout the region. She noted that this is a highly competitive process. Director Krueger also informed Council that the City's funding request had been broken down into five different projects with Ski Hill being the top priority on the City's list.

Councilmember DeVries motioned to approve Resolution 1-2011 Support of TBD Funds for STP Residential Street Grant. The motion was seconded by Councilmember Farivar and passed unanimously.

INFORMATION ITEMS FOR FUTURE CONSIDERATION

Mayor Eaton reminded the Council that there will not be a regularly scheduled Council Meeting on February 22, 2011 per the Leavenworth Municipal Code.

Mayor Eaton also reminded the Council of the Public Disclosure Commission filing deadline of April 15, 2011.

Administrator Walinski commented on requests that had been made by the Farmer's Market and Art in the Park for Special Use Permits and that they would be coming soon for approval.

Director Krueger commented on the discussions that had taken place over the past year regarding the creation of a docket that the Planning Commission could institute and then incorporate ideas within that docket to bring forward to City Council, which at that point would be voted upon to include those recommended items or not to include them. Director Krueger requested Council to bring concerns that they would like to address at the March Study Session.

COMMENTS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA

Bill Lynn – 9700 East Leavenworth Rd.: Mr. Lynn expressed his gratitude for the hard work that had been put into the noise ordinance thus far. Mr. Lynn also reminded everyone present of the culinary event that is being hosted by the Chamber on April 2, 2011.

Councilmember Molohon added comments to the Chamber culinary event stating that there is a request for two 20x40 tents; these tents will house an international food market, different food vendors, and German beer tasting in Front Street Park. Councilmember Molohon also noted that there will be entertainment provided.

ADJOURNMENT

Seeing no other business, Councilmember DeVries motioned to adjourn the February 8, 2011 meeting of the Leavenworth City Council. The motion was seconded by Councilmember Lak and passed 6 -1, with Councilmember Larsen opposed.

The meeting adjourned at 7:18 p.m.

APPROVED

ATTEST

Robert Eaton
Mayor

Chantell Steiner
Finance Director/City Clerk