

LEAVENWORTH CITY COUNCIL MINUTES
March 8, 2011

Mayor Pro Tempore Tibor Lak called the March 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 Pro Tempore Tibor Lak, Peter DeVries, Elmer Larsen, Robert Francis, Michael Molohon, and Larry Meyer.

Staff Present: Joel Walinski, Connie Krueger, and David Schettler.

Mayor Pro Tem Lak excused Mayor Eaton, Councilmember Cheri Farivar and Finance Director Chantell Steiner.

APPROVAL OF THE CONSENT AGENDA

City Administrator Joel Walinski briefed the Council on two changes that are being requested to the agenda. Action item number nine, under Resolutions, Ordinances, Orders and Other Business will be moved to action item number one and added item number ten to set a public hearing for March 22, 2011 for the Interim Sign Control Ordinance 1387.

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

Consent Agenda:

1. Approval of Agenda
2. Approval of February 8, 2011 Study Session Minutes
3. Approval of February 8, 2011 Regular Meeting Minutes
4. February Claims \$89,647.38, March Claims \$202,468.84
5. February 2011 Payroll \$158,308.97
6. Special Use Permits: Art in the Park
7. Special Use Permits: Farmer's Market

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

PUBLIC SAFETY REPORTS

None.

COUNCILMEMBER AND COMMITTEE REPORTS

Councilmember Meyer informed the Council of the initial yearly Mosquito Board meeting. He advised Council of the decision to continue the use of larvicide, and he noted if anyone approaches them with comments or concerns to direct them to the Mosquito Control Board; the Leavenworth Echo will soon be printing that contact information. Councilmember Meyer also commented on Village Art in the Park and their readiness to gear up for the new year.

Councilmember Francis reported on the Public Safety meeting. He noted that conversation was held regarding the City's contract with the Chelan County Sheriff's office. There has been talk by the Chelan County Commissioner's threatening to discontinue this contract which also incorporates RiverCom and their dispatch services. Councilmember Francis noted that Administrator Walinski will be entering into meetings to negotiate the condition and terms of this contract with the County. During the Parks Committee meeting there was discussion regarding the Farmer's Market, the City participation in the Farmer's Market to distribute information and answer questions from residents, and the proposal of the City removing the concrete slab in the park. There was also discussion in regards to cleaning up Waterfront Park, and what legally could be done considering the existing and new shoreline and critical areas ordinances. Councilmember Francis also reported on the lower parking lot at the Leavenworth Golf Course. He stated that the City will be working with the golf course to grade the parking lot which will help in alleviating the large bowls which currently exist. There was also talk in assisting the golf course with striping the upper level parking lot; this will also help in defining handicap parking spaces and keeping this area in compliance.

Councilmember Larsen reported on the Residential Advisory Committee meeting which was held last week. He confirmed that there has been a Town Hall meeting scheduled for April 13, 2011 at 7:00 p.m. This meeting will provide information on the Transportation Benefit District as well as details on the commercial recycling effort that is being undertaken by the City. Councilmember Larsen also informed Council of the scrap metal recycling event held by the County at the Dryden Transfer Station on April 2, 2011. There have been questions in the past as to where residents can dispose of computer monitors; Councilmember Larsen has found that the Salvation Army will accept these at their Wenatchee location. He also reported on the possibility of re-opening the yard waste and large woody debris dump site on Icicle Road. It looks as if the funding will be available and we will be able to work in conjunction with the County to operate the site. Councilmember Larsen noted that the \$125,000 funding for the City's recycling program is moving forward despite the previous uncertainties.

MAYOR AND ADMINISTRATIVE REPORTS

Mayor Pro Tem Lak reviewed discussions that took place at the morning study session. These topics included: group funding requests, interim changes on the sign code, noise ordinance, and streamlining the building permit process. Mayor Pro Tem Lak also commented on discussions that took place regarding the planning commission docket and what needs to be done over the next couple of years to keep the City moving forward in the right direction. He also noted that the City is still working towards replacing the sign at the Golf Course. We have been in contact with Graybeal signs and are currently waiting for sketches and estimates. Mayor Pro Tem Lak reported that the City will be using Transportation Benefit District funds to repair Ash and Summit Street in late July or August. He also commented on Phase II of the Icicle Train Station. The appropriation before the Senate did not go through on March 4, 2011; however, it is still alive; the legislature has given it a two week extension.

Administrator Walinski reported that the City is working on a Special Use Permit for the Cascade Booster Club, regarding the use of the City parking lot for special events. He also commented on the City newsletter and hopes to have a draft of that newsletter out this week, and potentially delivered to residents and businesses within ten days.

Community Development Director Connie Krueger commented on community initiatives that potentially could be included in the City newsletter with the given space limitations. Director Krueger stated that discussion has occurred in regards to creating a web page on our web site dedicated towards those specific items. A link will be provided on the City's website where in-depth detail can be found. Director Krueger also reported on a meeting that she attended with the Washington State Department of Transportation (DOT) and the Chelan County Public Utility District Department of Commerce. This meeting was held in regards to electric vehicle charging stations. The Department of Commerce and DOT has received funding to install larger, faster, charging stations. They are looking for an area where these stations would be suitable and beneficial; their search has included Leavenworth. Director Krueger noted that this is the first electric scenic byway in the nation, and at this time the only electric tourism corridor in the world.

RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS

1. Resolution 2-2011: Support of Think Local First

Administrator Walinski stated that the Council is being asked to approve Resolution 2-2011 endorsing the mission and vision statements for the Think Local First project for the City of Leavenworth. Administrator Walinski asked Jeff Parsons to approach the Council and summarize these two statements.

Jeff Parsons, with Life 2 for a more sustainable Leavenworth, spoke in regards to Think Local First. Mr. Parsons stated that the group's mission statement is to build a sustainable economy by increasing awareness about the personal, community, and economic benefits of choosing local, independently owned, businesses first. He then read aloud the Think Local vision statement: We envision a thriving collaborative community where local businesses are prosperous and contribute to a healthy environment and the well-being of all citizens, where significant and expanding percentage of businesses and consumers purchase locally produced and locally grown products and services from locally owned businesses, and where we maximize the generation circulation and retention of money within the local community for the benefit of the local community. Mr. Parsons commented on the suggestions that were made by the Council at the previous study session, in which he noted that the Think Local First group will look into how they can accommodate those suggestions. Mr. Parsons informed Council of a recent study that he had performed which reflects the positive outcomes and returns that would benefit the entire community.

Councilmember Larsen motioned to approve Resolution 2-2011 for the endorsement of Think Local First. The motion was seconded by Councilmember Molohon and passed unanimously.

2. Lodging Tax Group Funding Requests

- a. Administrator Walinski commented on the recommendations made by the Council during study session and how the Council determined to split the lodging tax funds. The City Council sets aside \$10,000 of the lodging tax funds to help organizations in the startup or maintenance of new festivals. The three organizations that requested funding this year that were to be awarded are: The Leavenworth International Dance Festival, The Northwest Accordion Society and the Nutcracker Museum in their funding of the Leavenworth Ale Fest. Administrator Walinski noted that in the 2011 budget the Council provided the Leavenworth Museum, who also applied, with \$5,000; therefore they have not been provided additional funding at this time.

Councilmember DeVries motioned to approve the 2011 lodging tax group funding request in the amount of \$2,500 each to the following groups: The Leavenworth International Dance Festival, The Northwest Accordion Society, and the Nutcracker Museum in their funding of the Leavenworth Ale Fest. The motion was seconded by Councilmember Molohon and passed unanimously.

- b. Administrator Walinski commented on the lodging tax dollars available for additional projects. The Council mentioned in December that they were going to review the year end totals for 2010, and once they knew what their fund balance was, and what the outlook was going into 2011, they would determine what dollar amounts were available to fund other projects. Administrator Walinski recalled discussions of appropriating \$9,000 towards the Department of Transportation signage along the state highways. He also recalled that the Council had discussed the maintenance and rehabilitation of the downtown gazebo, which could quite possibly be embarked upon through a partnership with Projekt Bayern.

Councilmember Larsen motioned to direct the staff to develop a budget amendment for the 2011 lodging tax fund to accommodate the expenditure of up to \$9,000 for the Washington State Department of Transportation interstate highway signs, and up to \$16,000 for the design and engineering for the maintenance and rehabilitation of the downtown gazebo. The motion was seconded by Councilmember Meyer and passed unanimously.

3. Special Use Permit: Chamber Food Festival

Administrator Walinski stated that the Leavenworth Chamber of Commerce has requested a Special Use Permit for the food festival which will occur at the beginning of April. The chamber has requested an exemption for the use of an oversized tent which will be erected in Front Street Park, by Ordinance this exemption has to be granted by the Council.

Councilmember DeVries motioned to approve the Special Use Permit as presented to the Council. The motion was seconded by Councilmember Molohon and passed unanimously.

4. Confirmation of the Planning Commission Docket

Director Krueger commented on a few items that needed to be added to the docket after earlier review by the Council. The first amendment being the creation of regulations for maximum size of homes on substandard lots, the second was film guidelines or film regulations, and the third being to recognize that the City is in the process of a sign code update. These are the recommendations that were discussed earlier, which would need to be added to the proposed docket which spans from 2011-2012.

Councilmember Larsen motioned to approve the Planning Commission Docket from this year. The motion was seconded by Councilmember Meyer and passed unanimously.

5. Agreement Website Redesign

Administrator Walinski has asked that the Council consider approving the contract for the City's web redesign with 11Worth Design. The cost is not to exceed \$5,000. The breakdown is as follows: \$3,500 for the web redesign and \$1,500 for the maintenance and training of staff. Administrator Walinski noted that the Council will need to re-evaluate in 2012 in case additional funds will be needed for future improvements.

Councilmember Meyer motioned to approve the agreement with Matt Fields, 11Worth Design, for the web site redesign. The motion was seconded by Councilmember Molohon and passed unanimously.

Councilmember Meyer noted that the three finalists were interviewed for a second time, and the candidate that the Council had chosen was the only one that had passion for the mission.

6. Ordinance 1385: Business License Chapter 5 Code Update

Administrator Walinski informed Council of the business code licensing updates that needed to be made which were discussed at previous council meetings. After the last review of the ordinance, an additional review was done for some minor changes by the State Department of Licensing for Master Licenses. The proposed ordinance includes those changes that have been reviewed and approved by legal counsel.

Councilmember DeVries motioned to approve Ordinance 1385 Business License Chapter 5 Code Updates. The motion was seconded by Councilmember Molohon and passed unanimously.

7. Ordinance 1386: Prohibiting Noise Disturbance

Administrator Walinski commented on the review of Ordinance 1386 at the previously held council meetings. He stated that the City has three different zones; residential, commercial, and industrial. In the residential area the decibel level will be dictated at 60, in the commercial zone the decibel level will be 70 and in the industrial area it will be 75. He also noted that those are the limiting levels between 7:00 a.m. to 10:00 p.m., after this time frame the decibel levels will decrease by 10 in the residential and commercial zones. Administrator Walinski also noted that they have added some flexibility into the ordinance for minor short term increases of decibel readings. He also noted that there is some language included in the ordinance pertaining to conditions and provisions specifying the granting of a special use permit.

Councilmember Molohon motioned to approve Ordinance 1386 Prohibiting Noise Disturbance. The motion was seconded by Councilmember Larsen and passed unanimously.

Councilmember DeVries stated that this ordinance and the one that immediately follows are two of the most difficult ordinances that the Staff and Council has been involved in for a long time. Staff has put a lot of work into trying to be fair to as many people as possible.

8. Ordinance 1387: Interim Controls LMC Chapter 14 Sign Code Revisions

Director Krueger commented on a couple of modifications that she had made to the drafted sign ordinance that came directly from dialogue which was held in the morning study session. A few of those changes include but are not limited to: projecting signs, reordering of language around the Bavarian font's, colors, and graphics, and the creation of language on how to work with political free speech and political election signs. Director Krueger noted that the interim period is for six months and that there will also be a public hearing set on March 22, 2011 for public comments.

Steve Demarest, Leavenworth Business Owner: Mr. Demarest briefed the Council on his recommendations and comments regarding the proposed changes to the interim sign ordinance.

Since attending the morning study session meeting he has been able to review the proposed changes and presented the Council with a list of his own suggestions/comments concerning the ordinance. Mr. Demarest also noted that we need to be extra careful when we craft regulations that manage how businesses can speak about their products. Mr. Demarest encouraged Council to do the right thing, which includes spending additional time revising this and then adopting the best possible version.

Matt Erickson, 1311 N. Western Avenue # 304, Wenatchee: Mr. Erickson stated that he is impressed with the progress that he is seeing on the political and free speech signs. Although, Mr. Erickson noted that he was not in agreement for the time period of 15 days for temporary signage. He also made clear that he was not in agreement with some of the language pertaining to political signs and free speech signs.

Director Krueger commented on the concerns voiced by Mr. Demarest and Mr. Erickson. She stated that the staff anticipated additional amendments to be incorporated which is why it is a interim control at this time. Director Krueger noted that it was really good to hear from everyone tonight so more adjustments/enhancements can be made for the permanent controls.

Councilmember Larsen moved to approve Ordinance 1387 Interim Controls LMC Chapter 14 Sign Code Revisions with changes as presented. The motion was seconded by Councilmember Molohon and passed unanimously.

9. Ordinance 1388: Changes to Leavenworth Municipal Code Chapter 2: Planning Commission

Administrator Walinski noted that the Council is being asked to approve Ordinance 1388, which addresses and clarifies the procedure for the Mayor's appointment of the Planning Commission Members with the Council then confirming the Mayor's appointments.

Councilmember DeVries motioned to approve Ordinance 1388 Changes to Leavenworth Municipal Code Chapter 2: Planning Commission. The motion was seconded by Councilmember Larsen and passed unanimously.

10. Motion to Set Public Hearing: March 22, 2011

Councilmember Larsen motioned to set a public hearing at 6:15 p.m. on March 22, 2011 to consider the interim controls for the sign code. The motion was seconded by Councilmember Francis and passed unanimously.

Councilmember DeVries stated that at that meeting he would like to see staff review any items that come up at the meeting that might need revision.

Councilmember Larsen noted that the Council is aware that times are changing; he noted that the Council is trying to treat all businesses equally. The Council is receptive to making this as functional as possible.

INFORMATION ITEMS FOR FUTURE CONSIDERATION

1. Reminder – Public Disclosure Commission Filing Deadline April 15th
2. City/Chamber Agreement for use of Lodging Taxes
3. Interim Sign Controls Chapter 14: Public Hearing March 22

COMMENTS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA

This item was inadvertently skipped during the meeting.

ADJOURNMENT

Seeing no other business, Councilmember DeVries motioned to adjourn the March 8, 2011 meeting of the Leavenworth City Council. The motion was seconded by Councilmember Larsen and passed unanimously.

Steve Demarest, Leavenworth Business Owner: Mr. Demarest approached the podium and was immediately recognized by Mayor Pro Tem Lak to speak to the Council. Mr. Demarest noted to the Council that they had not called for public comments on the Noise Disturbance Ordinance and asked the Council why they had skipped this step. Mayor Pro Tem Lak apologized for not asking for the comments during that discussion. Mr. Demarest proceeded to express his frustration and discern with the entire Council's lack of attention to this step in the public process.

The meeting adjourned at 7:22 p.m.

APPROVED

ATTEST

Tibor Lak
Mayor Pro Tempore

Joel Walinski
City Administrator