

LEAVENWORTH CITY COUNCIL MINUTES

April 26, 2011

Mayor Robert Eaton called the April 26, 2011 Leavenworth City Council meeting to order at 6:06 p.m. and led the City Council in the Flag Salute.

ROLL CALL

Council Present: Mayor Robert Eaton, Peter DeVries, Elmer Larsen, Robert Francis, Michael Molohon, Cheri Farivar, and Larry Meyer.

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

Mayor Eaton noted that Councilmember Tibor Lak is excused.

APPROVAL OF THE CONSENT AGENDA

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

Consent Agenda:

1. Approval of Agenda
2. Approval of April 12, 2011 Study Session Minutes
3. Approval of April 12, 2011 Regular Meeting Minutes
4. Claims \$69,995.95

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

PUBLIC SAFETY REPORTS

Lieutenant Bruce Long briefed the Council on various statistics related to calls, citations, violations, and other information in Leavenworth for February 2011. He noted that Leavenworth had the second highest number of calls for the month. Council reviewed locations of tagging that have been identified and are currently being addressed by staff and property owners.

COUNCILMEMBER AND COMMITTEE REPORTS

Councilmember Meyer stated that the Mosquito Board is currently underway in working to reduce/eliminate the potential mosquitoes in the area. He added that he also attended a Link Board meeting with no new updates at this time.

Councilmember Farivar reported on the Finance Committee meeting that was held today to review two potential investment firms to look at options for longer term investments that would possibly provide a higher rate of return. She said that the Committee would review them at the next meeting for a possible recommendation.

Councilmember Larson reported on the recent town hall meeting with the Residential Advisory Committee. There was a good discussion with the Department of Fish & Wildlife pertaining to the bear population and ways to help reduce interactions with residents and visitors. He said it would be good to

have a follow-up meeting with the County. He said ideas were discussed in relation to garbage and possibly modifying the pick-up schedules to start later in the morning to allow citizens to put out the garbage in the morning rather than the evening before.

Councilmember DeVries reported on the Leavenworth Area Promotions (LAP) meeting this morning where Channel 5 was present to do a news piece on how communities are responding to bring in more visitors with the rising gas prices. He briefly reviewed the meeting discussions and noted that the advertising done on the sides of buses in the Seattle area helped tremendously in previous years. He noted that the Department of Tourism is being eliminated with the State budget cuts and said it will be very critical for cities and other agencies to seriously consider this loss, as tourism is a strong revenue stream for the entire state.

MAYOR AND ADMINISTRATIVE REPORTS

Mayor Eaton reported on the Upper Valley Park and Recreation Service District (PRSA) meeting yesterday. The Board will be reviewing its long-term plans for inclusion in the City's Park Plan, expansion opportunities, and new capital improvements such as parks and trails. He said that he spoke with Senator Murray's office today regarding the removal of all federal appropriations in the State budget. He will be meeting with other agencies to identify potential funding sources for transportation related projects. He added that Congress has yet to commit to appropriation requests that includes a request of \$1.63 million for the Pine/Ski Hill project, although, at this time, they are still included in the original bills from two years ago.

Community Development Director Connie Krueger stated that the City released a Request for Qualifications for Engineering Services this week for a variety of transportation and development review projects. She said staff identified some options for the downtown kiosk that is now being reviewed by Public Works Director Dave Schettler. Director Krueger said that the City hired Don Heffner for the position of Building/Code Inspector. She added that she has been working on site proposals for an electric vehicle charging station and responding to questions from the Department of Health on the draft Water System Plan.

Council questioned the status of the sign corrals and funding for the Safe Routes to School grant. City Administrator Joel Walinski and Director Schettler noted that they are working on cost estimates for the sign corrals at this time. Director Krueger said that the City anticipates formal approval of the Safe Routes to School grant this spring and said that she anticipates funding availability by July 1.

Director Schettler reported on the Front Street plaza area construction and noted that the city public works staff is making some minor corrections from the previous construction work in this area. He added that the restrooms in Waterfront Park are currently being repaired due to work associated with the Posthotel Construction.

RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS

1. MEND Project Update

Upper Valley MEND Director Brian Thompson-Royer presented the Council with a PowerPoint presentation that reviewed the old plan versus the new phased plans, timelines, pre-development sources, and preliminary cost estimates for construction that identifies the costs for the city portion for major infrastructure. He reviewed the list of various partners involved for financial support and thanked those present that would like to speak in favor of the project.

Roger Hudson, 237 Birch Street: Mr. Hudson, representing Habitat for Humanity, spoke in favor of the project partly due to the planned closure of Habitat for Humanity. He noted that he is working with MEND to transfer any assets of Habitat for Humanity over to MEND.

Steve McKenna, 12490 Shore Street, Superintendent for Cascade School District: Mr. McKenna reviewed statistics on population data and noted the recent reductions have had a large impact on the District's budget. Current populations figures are close to those from the 1980's. With 32 transfers out of the district in the last two months, they did a survey of the parents and found that most of them moved due to a change to a family's income due to a change in job and lack of affordable housing.

John Agnew, 8120 Dempsey Road, Board Chair for MEND: Mr. Agnew reviewed population and housing statistics that were identified in the Wenatchee World for Leavenworth as having a 5.3% decline in population. He added that other figures from the census bureau showed 1 in 4 homes are vacant in the city limits. He announced that the MEND Board would be having its annual Dessert meeting on May 18th from 6:30 to 8:00 p.m. at the Canyon Wren, Icicle Creek Music Center Campus, to allow for public comment and involvement in the plan for development.

Mark Judy, 12081 Bretz Road, Administrator for Cascade Medical Center: Mr. Judy said he supports this project for the community as well as to help provide housing for many of the service-level employees working in the community that cannot afford to live in Leavenworth.

Darrin Rylaarsdam, 236 Scholze Street, Cashmere Valley Bank Lender: Mr. Rylaarsdam described living in Leavenworth in comparison to a T.V. show that votes to keep or remove people from an island. He said that he believes this project is a good example of how the community is voting to either keep people in or move them out based on housing affordability and availability. He added that Cashmere Valley Bank currently has funding available for loans if the city or others are in need to help get this project off the ground.

Mr. Thompson-Royer thanked the Council and Staff for working with MEND on this project and noted that they look forward to the next steps in the process.

Councilmember DeVries spoke for the Council and said that MEND has come a long way in redeveloping the plans into a realistic project. He said the Council will continue to support a housing project such as this and noted that there is still a need to seek grant funding for the construction phases. He said that the Council will continue to partner with MEND in seeking funding opportunities for the future phases.

City Attorney Terry McCauley commented and recognized former Councilmember Carl Florea for his passion and efforts in the development of MEND. Mayor Eaton added that many people in the community have donated their time and effort to these types of projects and thanked all of those citizens for coming tonight and speaking for the project. Mr. Thompson-Royer closed with special thanks to David Stipe of Project Groundwork who has greatly helped the project with the engineering and design work to date.

2. Der Hinterhof Special Use Permit

Administrator Walinski reviewed discussions with the Council from the previous meeting pertaining to section five of the special use permit (SUP). He noted that the section has been updated to address the process for citizens to file a complaint and the process for the applicant to respond to those complaints. He identified an email from Rebeca Wadkins related to the recent Ale Fest event that identified sound level readings that were taken directly outside of the Festhalle. Administrator Walinski reviewed the Sheriff's ability to enforce and opportunities available for establishing enforcement versus compliance.

He said that there are options involved with enforcement and compliance that would require training and equipment upgrades either with the Sheriff's office or with a city staff member, either option would incur costs.

Council discussed having a process to review sound level readings for each month of the SUP, options for enforcement/compliance or requiring the applicant to log sound level readings for review by the Council. The Council reviewed the dates requested in the SUP and prior decibel readings. Councilmember Francis noted that without enforcement there would not be compliance. Councilmember Molohon reiterated his frustration with passing a noise ordinance and then immediately issuing a permit to exceed the limits. Council continued to discuss ideas for how best to approach this request. Mayor Eaton suggested that the Council work towards compliance at this time with the applicant and opened up the discussion for public comment.

Lynn Reppas, 12626 Ranger Road: Mrs. Reppas said that she lives a block and half away and has had issues with the applicant whom she feels has not been able to be compliant in the past.

Bill Lynn, 9700 E. Leavenworth Road: Mr. Lynn said he has been listening to decibel readings ranging from 70 to 110 over the last three years that has affected his business across the river. He said he does not have issue with the music itself but rather with the amplified bass that goes on for hours on end. He said he is baffled at the Noise Ordinance because he believes the intent was to allow a permit for special events and not for ongoing events such as this request.

Kathy Lynn, 9700 E. Leavenworth Road: Mrs. Lynn reviewed the Council's ability to revoke this SUP. She reminded Council that when the noise ordinance was created it was intended to allow the SUP's for special events, not for continuous events that occur every weekend. She respectfully requests that the Council vote against authorizing this SUP.

Rebeca Wadkins, Leavenworth: Ms. Wadkins wanted to clarify the process needed for future Ale Fest activities to ensure no penalties. Council noted that she should apply for the SUP each year if the event is anticipated to surpass the decibel levels to avoid any issues.

Steve Demarest, Der Hinterhof: Mr. Demarest expressed remorse at the level of attention being brought to this request but noted that the request came as part of the process that was adopted by Council. The request is in compliance with the process and he is not sure how best to proceed. He questioned the City Attorney on Council's ability to reduce the days and whether that reduction would constitute a denial of the request, which would require him to reapply. Attorney McCauley noted that the Council could amend the amount of days by reducing them but would not be increasing them. Mr. Demarest said that he feels this would not be acceptable and feels it is a violation of his constitutional rights and it would not meet his business plan. He said he would talk with his wife about how best to proceed.

Mike Hendricks, 9690 E. Leavenworth Road: Mr. Hendricks said he has tried in the past to work with Mr. Demarest to no avail. He said at times the music levels were acceptable although other times it has been challenging to try to work with Mr. Demarest on this issue. He gave examples of situations where it has been acceptable and not acceptable.

City Attorney McCauley reminded the Council that they have the ability to put whatever requirements they chose into the SUP. He suggested adding language requiring the applicant to pay for a trained professional to do sound level readings; self enforcement.

Council continued to discuss the desire to try the SUP out and see how the mitigation efforts affect the sound levels that Mr. Demarest has incorporated.

Mayor Eaton commented on Council's proactive approach to this SUP and noted his personal frustrations with the how the community has not been able to work this out as was done in the past when issues came about.

Councilmember Francis motioned to approve the Special Use Permit for Der Hinterhof for National Holidays on Saturday or Friday nights of the holiday request and for festival weekends only for the Maifest, Autumn Leaf and Oktoberfest festivals. The motion was seconded by Councilmember Larsen and passed 5 to 1 with Councilmember Molohon opposed.

BREAK

Mayor Eaton asked for a motion to take a 3-minute break.

Councilmember Farivar motioned to take a 3-minute break. The motion was seconded by Councilmember DeVries and passed unanimously.

3. Resolution 4-2011 Rate & Fees Amended

Administrator Walinski reviewed the adjustments in the schedule that include changes to pre-application fees for commercial development, garbage rates for offering 96-gallon totes to commercial accounts, the removal of outside city charges for water meters, and minor amendments to the pool fee schedule as recommended by the Upper Valley Park and Recreation Service District (PRSA) Board.

Councilmember Larsen recommended further review by the Public Works Committee of the 96-gallon totes identified in Exhibit C. Councilmember Farivar confirmed the age for seniors in the pool fees is going from 55 to 65 years of age.

Councilmember Larsen motioned to approve Resolution 4-2011 Rate & Fees with exception to Exhibit C to be tabled and remanded back to Public Works for review. The motion was seconded by Councilmember Francis and passed unanimously.

4. Resolution 5-2011 Electric Charging Station Location Proposal

Director Krueger briefly reviewed with Council the resolution that seeks submission of a proposal site for an electric charging station in Leavenworth. She introduced Ron Johnson-Rodriguez, Director of Advanced Vehicle Innovations and Plug-in, Greg Little of Leavenworth, Ross Freeman, Environmental Manager for Stevens Pass, and Andy Wendell of the Chelan County PUD.

Mr. Johnson-Rodriguez reviewed the history of the Electric Vehicle (EV) movement and said that Washington as well as other west coast states are leading the initiative with the west coast green highway project. He said that Leavenworth is a prime location for heading eastward and being a major tourist destination. He reviewed differences of electric versus hybrid type vehicles and the institution of public and private partnerships and locations for hosting the charging stations.

Mr. Freeman gave the Council a brief history on how Stevens Pass had applied for federal grants and is now in process of installing charging stations at the ski resort. He identified benefits for the customers and the reduced environmental impacts.

Mr. Little presented the Council with a Level 2 charging station and explained how the device works. He further explained how the devices can interact with smart phones to identify a vehicles remaining charge

capacity and locations of charging stations in the area as well as availability of the charging stations. He said that as this technology gains interest there may be a need in the future for Councils to adopt rules for locations of stations.

Mr. Wendell explained the study that has been done over the last nine months to review how, where, when, and what will be needed to provide power to the various types of devices being considered. He explained that a Level 1 station is equivalent to a household washing machine, a Level 2 station is equivalent to a large hot tub and a Level 3 would be equivalent to a small machine shop. Due to a Level 3 station being considered for Leavenworth they are working on impacts to the system and cost estimates at this time. He noted that WAC 480-110 prohibits the resell of electricity so this is a particular item that is being reviewed. He identified that the estimates for installation of a Level 3 station have been about the same for all the locations being considered and suggested that whatever location is chosen is set up on its own metering device.

Director Krueger followed up on the discussion and said that the device for consideration at the Leavenworth City Hall would be a Level 3 station that could charge a vehicle within twenty to thirty minutes. She said that City Hall was specifically chosen for the amenities provided such as shelter, restrooms, Wi-Fi availability, and quick access to the downtown area.

Councilmember DeVries motioned to approve Resolution 5-2011 Electric Charging Station Location Proposal. The motion was seconded by Councilmember Farivar and passed unanimously.

5. Resolution 6-2011 City Sponsored Special Events

Administrator Walinski noted that this resolution has not been completed at this time and proceeded to identify the exemption section of the recent Noise Ordinance for City Sponsored Special Events. He said this resolution will include special city sanctioned events and parades that meet criteria that are approved by the Council. He identified four criteria at this time that can be amended by the Council in the future, the current criteria includes the following:

1. The event has a long standing history of occurrence, and
2. The main event is open to the public at no cost, and
3. The primary focus of the event takes place on City owned property; Right of Way or park property, and
4. The City has made a significant commitment of resources to the success of the event.

Administrator Walinski identified current events that meet the criteria including Maifest, Autumn Leaf and Christmas Lighting. Council suggested including Kinderfest and removing item number one to allow for new events to be considered as special city sanctioned events.

Councilmember DeVries motioned to table Resolution 6-2011 City Sponsored Special Events. The motion was seconded by Councilmember Farivar and passed unanimously.

6. Motion to Set Public Hearing for May 10 at 6:15 p.m. to Update the City TIP

Councilmember Molohon motioned to set a public hearing for May 10th at 6:15 p.m. to update the City's Transportation Improvement Plan. The motion was seconded by Councilmember Francis and passed unanimously.

7. Attorney Discussion

Mayor Eaton stated that after reviewing the proposal documents he has received, he intends to make an appointment for the new attorney and will put that forth to Council for consideration at the May 24th meeting. He noted that the firm will have representatives available for Council related questions. He added that he will likely not be in attendance as he has a meeting scheduled with Congressman Doc Hastings in Washington DC on May 23rd concerning federal appropriations.

INFORMATION ITEMS FOR FUTURE CONSIDERATION

Mayor Eaton reminded Council of the annual budget retreat for the City and Transportation Benefit District to be held on April 27th at the Enzian Inn beginning at 8:00 a.m.

COMMENTS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA

None.

ADJOURNMENT

Seeing no other business, Councilmember DeVries motioned to adjourn the April 26, 2011 meeting of the Leavenworth City Council. The motion was seconded by Councilmember Francis and passed unanimously.

The meeting adjourned at 9:13 p.m.

APPROVED

Robert C. Eaton
Mayor

ATTEST

Chantell Steiner
Finance Director/City Clerk