



City of Leavenworth

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City Council
Cheryl K. Farivar - *Mayor*
Michael Molohon
Elmer Larsen
Robert Francis
Carolyn Wilson - *Mayor Pro Tem*
Gretchen Wearne
Mia Bretz
Margaret Neighbors
Joel Walinski - *City Administrator*

LEAVENWORTH CITY COUNCIL

AGENDA

Leavenworth City Hall - Council Chambers
February 9, 2016 - 6:30 p.m.

Call to Order

Flag Salute

Roll Call

Consent Agenda

1. Approval of Agenda
2. Approval of January 26, 2016 Regular Meeting Minutes
3. 2016 Claims \$161,982.90
4. January 2016 Payroll \$214,999.66

Public Safety Report: Sargent Bruce Long, Liaison Officer

Comments from the Public on Items Not on the Agenda

Councilmember and Committee Reports

Mayor/Administration Reports

Public Hearing on Annexation Request Cascade School District at 6:45 PM

Resolutions, Ordinances, Orders and Other Business

1. Action: Ordinance 1520 – Cascade School District Annexation
2. Action: Ordinance 1521 – Fence Code and Sight Distance Update
3. Action: Special Use Permit – Noise / Ale-Fest 2016
4. Action: Animal Control / Humane Society Contract

Information Items for Future Consideration

1. Public Disclosure Commission Filing Deadline April 15th
2. Group Funding Applications due by March 1st – Contact City Hall

Council Committees - 2nd Tuesday
Public Safety 3:00 Parks 4:00 Public
Works 5:00

(Next Ordinance is 1522 - Next Resolution is 02-2016)

SUPPLEMENTAL COUNCIL AGENDA

Public Hearing on Annexation Request Cascade School District at 6:45 PM

The City Council is being asked to conduct a public hearing for the requested annexation inviting interested persons to appear and voice approval or disapproval of the annexation. During the City Council Hearing, the City Council:

- a. Gives proponents and opponents an opportunity to speak.
- b. The City Council decides whether to approve the annexation. If the Council decides to approve, the Council must enact an ordinance (motion) to annex the territory (Pursuant to RCW 35A.14.140). Subject to RCW 35.02.170, the ordinance may annex all or any portion of the proposed area but may not include in the annexation any property not described in the petition. Upon passage of the annexation ordinance, a certified copy shall be filed with the Board of Chelan County Commissioners.
- c. The Ordinance is prepared for tonight's Council action under "Resolutions, Ordinances, Orders and Other Business."

Mr. Bill Motsenbocker, Superintendent for and representing the Cascade School District, proposes to construct a new Elementary School for the Cascade School District and has requested annexation into the City on behalf of the Cascade School District. The property is located at 12240 Pine Street, Leavenworth, WA 98826: Section 02, Township 24 N, Range 17 E. and, identified as Chelan County Assessor's parcel no. 241701320100; and further described as Lot B of BLA 2014-291 together with that portion of Pine Street right-of-way just south of the parcel and Titus Road from Pine Street to the northern limit of the existing city limits on the east side of Titus Road. The facility will be a 48,000 square foot building (two story) on a 6.4 acre site and will include all site and utility infrastructure associated with the development. The project will also include new onsite pedestrian and vehicle circulation, sidewalks, parking and drop-off zones, asphalt playground, lawn play field, and landscape planters. Necessary utility infrastructure to support the proposal will be constructed.

Bill Motsenbocker submitted a letter of intent on August 13, 2015 for annexation, and the Cascade School District is owner of not less than 10% in assessed value of the approximately 6.4 acre property sought for annexation. On September 8, 2015, the City Council continued the discussion of the annexation to a date certain of October 13, 2015. On October 13, 2015 and upon request by Mr. Bill Motsenbocker, the Leavenworth City Council rescinded the Cascade School District Annexation Request until further request by the School District. After ongoing discussions with the Cascade School District and Chelan County, the School District has requested that the annexation process be reinstated for this parcel of property.

The elements within the signed and approved Petition for Annexation has been to assist the School District in their efforts on the design and development of the new elementary school and the beneficial use of this property; equally, the effort of the signed and approved Petition for Annexation was to assist the City in securing the right-of-way on Pine Street and securing a level of financial assistance by the School District for the improvements necessary on Pine Street. The signed and approved Petition for Annexation achieves these outcomes.

1. Ordinance 1520 – Cascade School District Annexation

The City Council is being asked to adopt Ordinance No. 1520. Adoption of Ordinance No. 1520 is the final step for the annexation of property owned by the Cascade School District located at 12240 Pine Street, Leavenworth, WA 98826 and, identified as Chelan County Assessor's Parcel No. 241701320100.

The following items are included under **TAB 1**:

- Ordinance 1520
- Signed and approved Petition for Annexation
- **MOTION:** *The Leavenworth City Council moves to adopt Ordinance 1520, Annexation of property owned by the Cascade School District located at 12240 Pine Street, Leavenworth, WA 98826 and, identified as Chelan County Assessor's Parcel No. 241701320100 together with that portion of Pine Street right-of-way just south of the parcel and Titus Road from Pine Street to the northern limit of the existing city limits on the east side of Titus Road.*

2. Ordinance 1521 – Fence Code and Sight Distance Update

The City Council is being asked to adopt Ordinance No. 1521. Ordinance No. 1521 amends Leavenworth Municipal Code (LMC) Sections 18.24.010 and 18.24.020 regarding Corner lot – Obstructions to visibility prohibited and Fences, walls and hedges – Restrictions (respectively).

During the regular Council meeting of October 13, 2015, Jose M. Blazquez, 120 Ski Hill Drive, Leavenworth provided testimony regarding an incorrectly placed fence. Although approved by the City of Leavenworth, it was not placed correctly. Mr. Blazquez stated that he initially placed the fence where he felt the property line was located, but did not get an actual survey. He asked that the City help him and not penalize him; the City Council heard his plea. The Council agreed that the code may need to be reviewed and possibly amended. City Administrator Walinski and Development Services Manager Pate reviewed the matter and committed to come back with a recommendation for the Council.

City Administrator Walinski met with the Residential Advisory Committee to receive feedback, input, and discuss a potential change to the fence standards and specifications. As a result of those meetings, the draft fence code amendment was crafted for the Council's consideration.

During the regular Council Study Session of December 8, 2015, the Council studied the draft fence code amendment and provided direction. The amendment was updated based on Council's desire, and was presented for Council review and study.

During the regular Council Study Session of January 12, 2016, the updated draft language was provided which included the requested changes by Council. The requirement to permit fencing was removed from the code. Discussions with the Public Safety Committee requested consideration of the ordinance to include a 3 inch gap requirement between board planks for solid (view obscuring) fencing. The new LMC requires civil action to address fence related concerns between neighbors. There was discussion of the need to have clear view triangles and fence heights as part of the amendment and those suggested by Sergeant Bruce Long during the Safety Committee meetings.

The following items are included under **TAB 2**:

- Ordinance No. 1521

- **MOTION:** *The Leavenworth City Council moves to adopt Ordinance 1521 adopting amendments to the Leavenworth Municipal Code to update LMC Sections 18.24.010 and 18.24.020 regarding Corner lot – Obstructions to visibility prohibited and Fences, walls and hedges – Restrictions (respectively).*

3. Special Use Permit – Noise / Ale-Fest 2016

The City Council is being asked to consider and approve a Special Use Permit (SUP) to allow increased noise levels for Ale-Fest being held on April 22 – 23, 2016. A staff report is prepared, with the recommendation for approval with conditions which addresses and removes or reduces noise impacts to surrounding businesses and neighbors.

The following items are included under **TAB 3:**

- Compliance Analysis – Special Use Permit
- Special Use Permit Agreement

- **MOTION:** *The Leavenworth City Council moves to approve the Special Use Permit for Ale-Fest.*

4. Animal Control / Humane Society Contract

The Council is being asked to consider approval of an Animal Control Contract with the Wenatchee Valley Animal Care & Control, LLC. The current City contract expired on December 31, 2015. The Animal Control Executive Director and City Administrator have extended the contract through March 31, 2016 to allow time for consideration of a new contract.

The proposed contract is similar to the contract in effect in the City of Cashmere. It requires Animal Control to accept animal complaints 24 hours per day; Animal Control will also answer and respond to complaints during the hours of 8:00 a.m. to 5:00 p.m., Monday through Sunday; and Animal Control will provide staffing to investigate and enforce violations of any state or city regulations pertaining to animals. The contract being proposed is for three years, costs would increase from approximately \$9,000 annually to \$16,000 in the first year and a one percent increase per year in the following years. In addition, the Humane Society would handle the licensing of animals and collect and retain the fees for that licensing. In 2015 this was approximately \$830.00. This item was discussed at the study session this morning. Council can consider approval of the contract or table the contract with instructions to staff on services they would want to see either included or removed from the contract.

The following items are included under **TAB A:**

- Draft 2016 – 2018 Contract
- Contract for Services 2013 – 2015
- 2015 Leavenworth Year End Report

- **MOTION:** *The Leavenworth City Council moves to approve the Animal Control Contract for services with the Wenatchee Valley Animal Control, LLC for a period of three years and authorizes the Mayor to sign said contract.*