



# City of Leavenworth

700 HIGHWAY 2 / POST OFFICE BOX 287  
LEAVENWORTH, WASHINGTON 98826  
(509) 548-5275 / FAX: (509) 548-6429  
Web: [www.cityofleavenworth.com](http://www.cityofleavenworth.com)

**City Council**  
Cheryl K. Farivar - *Mayor*  
Elmer Larsen  
Carolyn Wilson - *Mayor Pro-Tem*  
Mia Bretz  
Margaret Neighbors  
Sharon Waters  
Clint Strand  
Jason Lundgren  
Joel Walinski - *City Administrator*

## LEAVENWORTH CITY COUNCIL AGENDA

Leavenworth City Hall - Council Chambers  
February 13, 2018 - 6:30 PM

### Call to Order

### Flag Salute

### Roll Call

### Consent Agenda

1. Approval of Agenda
2. Approval of January 23, 2018 Regular Meeting Minutes
3. January 2018 Payroll \$243,461.32
4. 2018 Claims \$3,274,188.44 (Special \$3M to Investments)

### Public Safety Report: Sergeant Scott Lawrence, Liaison Officer

### Councilmember and Committee Reports

### Mayor/Administration Reports

### Comments from the Public on Items Not on the Agenda

### Resolutions, Ordinances, Orders and Other Business

1. Action: Leavenworth Winter Sports Club Snowmaking Agreement
2. Action: Annexation Request – Leavenworth Adventure Park
3. Action: Upper Valley Connection – Youth Funding
4. Action: Acceptance of Transportation Improvement Board Relight Washington Grant Award
5. Action: Special Use Permit – Noise / AleFest 2018
6. Discus: Permit Status Updates

### Information Items for Future Consideration

1. Public Disclosure Commission Filing Deadline April 15, 2018
2. FEMA Training, February 20, 2018 @ 6:00 PM, Council Chambers

### Executive Session: RCW 42.30.110 (1)(i)(ii) Potential Litigation

### Adjournment

<p><b><u>Council Committees - 2<sup>nd</sup> Tuesday</u></b> Economic Development 3:00 Parks 4:00 Public Works 5:00</p>
---

**(Next Ordinance is 1559 - Next Resolution is 2-2018)**

The City of Leavenworth is committed to providing reasonable accommodations in accordance with the Americans with Disabilities Act. Please contact City Hall at (509) 548-5275 at least 72 hours prior to a scheduled meeting to request an accommodation.

## SUPPLEMENTAL COUNCIL AGENDA

### **1. Leavenworth Winter Sports Club Snowmaking Agreement**

The City Council is being asked to review and consider for approval an agreement with the Leavenworth Winter Sports Club (LWSC) so that the Club may access City property and water for their future use of snowmaking operation at the Leavenworth Ski Hill. The agreement is in the form of a rental lease agreement. The five-year lease agreement covers the calculation of rent charged based on the square footage the LWSC has requested for placement of a pump building and storage building on City property adjacent to the Ski Hill Reservoir. In addition, the lease agreement identifies the calculation on the charge for city water, stipulates the timeframe for use, identifies insurance and liability language, and provides the timeframe and process for termination and renewal. One additional key element within the agreement is the provisions related to snowmaking and protection of the City water service.

The City began discussions with LWSC in 2014 regarding access to water for snowmaking. After a number of discussions with LWSC and some initial design work, the City Council approved the expenditure of funds to install a hydrant at the reservoir site that could be used by the Fire District to fill trucks and be used to provide access to water for LWSC. The water access plan would be for the LWSC to place a small building containing pumps and controls adjacent to the water hydrant located at the City water reservoir. A temporary 3-inch waterline would be placed to the edge of City property where a 6-foot by 6-foot ground vault would be installed. From the ground vault, a line would be constructed beneath Ski Hill Drive. On the other side of Ski Hill Drive, above ground hoses would be used to provide water to individual snowmaking machines. A drawing of the LWSC Site Plan is included in the packet materials.

The agreement was drafted and approved to form by City Attorney Thom Graafstra and was reviewed by the attorney for the LWSC. The LWSC Board has reviewed and approved the agreement. The charges for the use of City property and water use are taken from the Rate and Fee Schedule, Resolution 22-2017. The City Park Right of Way rental rate of .50 cents per square foot per month was used for the rental of City property. The hydrant use fee is \$3.30 per 1,000 gallons of water.

The following item is included under **TAB 1:**

- Lease Agreement and Exhibits
- LWSC Resolution Authorizing Approval and Signature
  - **MOTION:** *The Leavenworth City Council moves to approve and authorizes the Mayor to sign the Lease Agreement with the Leavenworth Winter Sports Club regarding use of City property and access to City water.*

### **2. Annexation Request – Leavenworth Adventure Park**

#### **a. Annexation Request – David R. Moffett agent for Larry W. Langston**

The City Council is being asked to consider the commencement of annexation proceedings and schedule the meeting with the property owner's agent. The pending property owner David R. Moffett (agent for Larry W. Langston) is requesting annexation for property located at 9342 Icicle Road, identified as parcel no. 241711420100, and further described as Township 24 North,

Range 17 East Willamette Meridian, Section 11 North West South East (quarter) – 10.11 acres (per the Chelan County Assessor’s Office). The full legal description will be provided and the deed is within the attachments. David R. Moffett submitted an intent letter on February 2, 2018, and is signed by the owner’s agent of not less than 10% in assessed value of the approximately 10.11 acre property sought for annexation. This property is being purchased from Larry W. Langston, and Mr. David R. Moffett has received a Dedication of Agent to pursue this annexation request. Upon receipt of the requested annexation, the City Council must set a date within 60 days after having received such notice for a meeting with the initiating parties to determine:

- a. If the City will accept the annexation;
- b. Whether the City will accept, reject, or geographically modify the proposed annexation;
- c. Whether it will require the simultaneous adoption of a proposed zoning regulation, if such a proposal has been prepared and filed (as provided for in RCW 35A.14.330 and RCW 35A.14.340);
- d. Whether it will require infrastructure improvements;
  - Require the necessary upgrades to the street to adopted standards and LMC regarding sidewalks and crosswalk; or
  - Accept modified sidewalks and crosswalk and require “a no protest of future assessments and connection agreement” to be recorded as a Notice to Title.
- e. Whether it will require transfer of water rights (if any); and
- f. Whether it will require the assumption of all or any portion of existing city indebtedness by the area to be annexed.

The Council will record its action into the record.

In addition and for informational purposes, David R. Moffett has provided the Council with preliminary plans and concepts for the proposed “Leavenworth Adventure Park” to be developed on the property. A full presentation will be provided at a public hearing if determined by the Council to continue the process.

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

- Intent to annex letter
- Dedication of Agent
- Maps (Vicinity, Zoning, and Aerial)
- Deed
- “Leavenworth Adventure Park” preliminary information
- **MOTION:** *The Leavenworth City Council moves to: 1) accept for annexation the Larry W. Langston (David R. Moffett agent) property located at 9342 Icicle Road, identified as parcel no. 241711420100, and further described as T 24N R 17EWM S 11 NWSE; 2) retain the existing zoning; 3) require transfer of water rights; 4) require frontage infrastructure improvements to include, but not limited to, installation of sidewalks per the LMC or installation of sidewalks at mid-block with pedestrian safety analysis; and 5) require the assumption of all or any portion of existing city indebtedness by the area to be annexed.*

**b. Motion to Set Public Hearing on Annexation Request for Larry W. Langston (David R. Moffett agent)**

Upon motion to accept annexation, the City Council is being asked to set a public hearing for March 13, 2018 at 6:30 PM and provide notice specifying the time and place of the hearing and inviting interested persons to appear and voice approval or disapproval of the annexation. The notice is to be:

1. Published in one or more issues of a newspaper of general circulation in the City; and
2. Posted in three public places within the territory proposed for 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 County Commissioners of the county in which the annexed property is located.

- **MOTION:** *The Leavenworth City Council moves to set a Public Hearing on the annexation request for March 13, 2018 at 6:30 PM.*

**3. Upper Valley Connection – Youth Funding**

The City Council is being asked to provide support to Upper Valley Connection (UVC); a non-profit group that supports local Leavenworth area youth and young adults with different abilities, disabilities, or special needs through meaningful interactions. Last year, the City of Leavenworth provided \$1,000 and in 2015, the City provided \$750.00 to the program. The Council is being asked to consider funding the program again this year. Funding for this is available in the City's General Fund for youth services. Provided in the materials is information from the UVC's website detailing who they are and the program objectives. You may find more information at their website: <http://www.uppervalleyconnection.org/>.

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

- Letter of Request for Donation Support
- Website Materials on Who They Are and Program Objectives

- **MOTION:** *The Leavenworth City Council moves to approve supporting the Upper Valley Connection Program for Leavenworth Area Residents in the amount of \$\_\_\_\_\_.*

**4. Acceptance of Transportation Improvement Board Relight Washington Grant Award**

The City Council is being asked to review and consider for approval a grant agreement between the City of Leavenworth and the State of Washington Transportation Improvement Board (TIB). The grant award is through the Relight Washington Program and is for the conversion of

standard streetlights to light-emitting diode (LED) style of lighting throughout the City. The grant amount is Eighty-Three Thousand, Five Hundred Fifty Three dollars (\$83,553). The format of the agreement is a standard TIB Grant Agreement that the City has entered into in the past.

In 2014, the PUD began exploring costs and conservation benefits associated with replacing the existing high-pressure sodium streetlights with LED fixtures. The PUD launched a pilot-project in a few Wenatchee area neighborhoods to gauge resident impacts and support for a fixture conversion. In 2016, a contractor conducted a countywide inventory of existing street and area lights. As a result of the inventory, smaller neighboring cities such as Cashmere, Chelan, Entiat, and Leavenworth were found to be eligible to secure state funding to cover up to 100 percent of the cost to install energy-saving LED streetlights. Converting existing high-pressure sodium street light fixtures to LED fixtures results in significant energy efficiency, which translates into lower costs. PUD staff presented a proposed new LED Street Light Electric Rate to their Commissioners during a regularly scheduled meeting on November 20, 2017. District Commissioners directed staff to initiate the public process for the proposed new rate; this is the basis for calculating future power and maintenance costs and estimating future savings.

A TIB grant application was developed and submitted to the TIB Relight Washington Program on January 12, 2018. If the cities and TIB decide to move forward with acceptance of the grant awards, the next step is for the PUD to authorize proceeding with the street lighting project. The PUD would contract to have all of the street light projects in Chelan County completed under one contract. Once the lighting project is completed, the PUD would bill the cities for the TIB qualified lights within their jurisdiction, the cities would then bill the TIB, and the cities would reimburse the PUD once the cities received the funds from the TIB.

The following items are included under **TAB 4:**

- TIB and City of Leavenworth Grant Agreement
  - Exhibit A – New LED Streetlight Rate
  - Summary Sheet of Small Cities Costs and Savings
  - History of PUD Streetlight Charges
- **MOTION:** *The Leavenworth City Council moves to approve and authorizes the Mayor to sign the agreement with the Transportation Improvement Board for the grant award of \$83,553 from the Relight Washington Program for the conversion of streetlights within the City to LED lighting.*

## **5. Special Use Permit – Noise / Ale-Fest 2018**

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 20 – 21, 2018. 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 5:**

- Compliance Analysis – Special Use Permit with Exhibits A - C
  - Special Use Permit Agreement – Exhibit C
- **MOTION:** *The Leavenworth City Council moves to approve the Special Use Permit for Ale-Fest.*

## **6. Permit Status Updates**

This time is set aside to provide an update and ‘status report’ of development, construction (building) and/or land use activities; and photos (or other depictions) of some of the construction projects. The Development Services Department is presenting this information to update the Council on activity within the Community. This information is a "snap shot" of construction. For the last few years and throughout these years, the Development Services Department presents detailed and oral reports to the Council on current projects.

1. The listed projects are considered recent and/or active, and many rollover through time.
2. This is not the "Year End Report." “Year End Reports” include tabulations / summaries and reflection of past years.
3. Many land use permits are attached to construction permits and have longer terms. Many land use permits may not be included in this report.
4. This report is separate from that of the regular "project tracker" presented by the City Administrator, although there may be overlap in identified projects.
5. The photos are for discussion, and not a complete photo documentation of all projects listed.

The following items are included under **TAB 6:**

- "Snapshot of Permits / Permit Report” and images of projects