

## **LEAVENWORTH CITY COUNCIL MINUTES February 13, 2018**

Mayor Farivar called the February 13, 2018 Leavenworth City Council meeting to order at 6:30 PM and Mr. Mike West led the City Council in the Flag Salute.

### **ROLL CALL**

Council Present: Mayor Cheryl K. Farivar, Carolyn Wilson, Mia Bretz, Elmer Larsen, Margaret Neighbors, Sharon Waters, Clint Strand, and Jason Lundgren.

Staff Present: City Administrator Joel Walinski, City Attorney Tom Graafstra, Chantell Steiner, Nathan Pate, Herb Amick, and Sue Cragun.

### **APPROVAL OF THE CONSENT AGENDA**

#### **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)

Councilmember Larsen motioned to approve the consent agenda. The motion was seconded by Councilmember Waters and passed unanimously.

### **PUBLIC SAFETY REPORT: SERGEANT SCOTT LAWRENCE, LIAISON OFFICER**

Sergeant Lawrence was not in attendance.

### **COUNCILMEMBER AND COMMITTEE REPORTS**

Councilmember Bretz reported on the Public Works Committee meeting and stated that the Committee discussed the Senator Hawkins Senate Bill No. 6055, which will help Leavenworth's disposal of brush and yard waste due to the apple maggot quarantine. She announced that the bill received unanimous support from the Senate and is now moving to the House; the Council may have another opportunity to go to Olympia to testify in support of the bill.

### **MAYOR/ADMINISTRATION REPORTS**

City Administrator Joel Walinski reported on the Festhalle Oversight Committee meeting and stated that the Committee was updated on the upcoming bookings and reviewed an update to the Festhalle Policy. He noted that Mr. Josh Flickner, Festhalle Manager, has hired employees from his own company and is billing back to the City. He said that this is a change from previous management and is proving greater efficiency than previous methods.

City Attorney Tom Graafstra reported that the Riverbend Park Homeowners Association and their Attorney, Mr. Demarest, have been to previous council meetings regarding the use of

Riverbend Drive; the City has provided a formal response, which states that Riverbend Drive will be used for emergency and service vehicles only (includes municipal vehicles), and will not be used by campground users and general public traffic. He stated that this is consistent with his review of the Chelan County Hearing Examiner review of the Conditional Use Permit and the City's code language.

Finance Director Chantell Steiner reported that the claim number in the consent agenda reflects \$3M in investments, which was a transfer of funds on the recommendation from the Finance Committee. She also noted that Water Fund transfers will be postponed until April due to the low cash fund balance within that fund.

Development Services Manager Nathan Pate reported that the Planning Commission has opened discussion in regard to a definition for "affordable housing." He noted that Commissioners do not want to use the Federal definition due to its relationship to poverty, are considering the term "workforce housing," and are aiming to make the definition clear for the future and defined by whom the City is serving. He noted that Commissioners are anticipating additional special meetings in order to complete their tasks. There was discussion of using layers of definitions and a sliding scale for developer incentives. Mayor Farivar cautioned that the definition needs to be simple to understand and easy to enforce.

Public Works Director Herb Amick reported that Mr. Derek Gildersleeve was hired into the new Facility / Utility Maintenance Worker position for weekend coverage and will begin March 1, 2018.

## **COMMENTS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA**

None.

## **RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS**

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

Public Works Director Herb Amick stated that the City Council is being asked to consider approval of an agreement with the Leavenworth Winter Sports Club (LWSC) for access to City property for snowmaking at the Leavenworth Ski Hill. He explained that it is a five (5) year lease agreement for placement of a pump building and storage building on City property adjacent to the Ski Hill Reservoir. He addressed the agreement and noted that it identifies the calculation for the city water charges, stipulates the timeframe for use, identifies insurance and liability language, and provides the timeframe and process for termination and renewal; additional key elements within the agreement are the provisions related to snowmaking and protection of City water services. He added that this discussion with the City began several years ago when the Ski Club was looking for services and exploring how they could add snowmaking to their winter time operations.

Mark Millette, Special Projects Manager at Leavenworth Winter Sports Club; Mr. Millette thanked the Council for the lease agreement and the generous support that they have provided the Ski Club over the years. He updated the Council regarding the Clubs recent progress and stated that LWSC has received their permit from the Forest Service for temporary above ground

snow making, the hydrant has been installed by the City, the Club has purchased the electrical line and steel water line, they have been in discussions with contractors and Chelan County Public Works regarding the project, and they have secured \$167,000 in capital funds to run one snow making gun. He provided the timeline to completion with work starting in the spring and being fully operational by December of 2018. On a final note he provided weather data explaining how many days they could have made snow over the past few years; they anticipate getting the season open earlier due to the installation of the snow making equipment.

Councilmember Bretz motioned 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. The motion was seconded by Councilmember Wilson and passed unanimously.

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

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

Development Services Manager Nathan Pate stated that the City Council is being asked to consider the commencement of annexation proceedings and schedule the public meeting with the property owner's agent. He said that the pending property owner Mr. David R. Moffett (agent for Larry W. Langston) is requesting annexation for property located at 9342 Icicle Road. He said that Mr. Moffett submitted an intent letter on February 2, 2018 and that it 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; the property is being purchased from Larry W. Langston, and Mr. David R. Moffett has received a Dedication of Agent to pursue this annexation request. He stated that when the City receives a request for 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; d) whether it will require infrastructure improvements; e.) whether it will require transfer of water rights; and f.) whether it will require the assumption of all or any portion of existing city indebtedness by the area to be annexed.

Manager Pate displayed the property location on the overhead and noted that the property is currently zoned Tourist Commercial, which will accommodate a commercial amusement center, which is a family oriented outdoor activity; this property is also a part of the Urban Growth Area. He said that the applicant has proposed a modified sidewalk, which may also be considered by the Council. City Administrator Walinski explained that this is a standard annexation request, similar to past annexations that the Council has considered. Council members asked questions regarding the process and inquired about what sorts of controls were available to them with regard to the type of operation that may be constructed following an annexation. City Attorney Graafstra reiterated the statutory requirements of the motion that need to be read into the record; 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; f) whether it will require the assumption of all or any portion of existing city indebtedness by the area to be annexed. He noted that items d and e from the Staff Report are historic standards of the City; the addition of "g" adherence to the Old World Bavarian Alpine Theme may be included in the motion. Mayor Farivar noted that the area is in

the Urban Grown Area (UGA) and if annexed into the City, the City will have control over any projects adherence to the Bavarian Theme.

Mr. David R. Moffett addressed the Council regarding the project. He began by briefly addressing his background in the ski business, his passion for the outdoors, skiing, and coasters. He said that there are approximately 36 Coasters in the United States and that approximately 28 of those are produced by a German company. He said that he and his partners are currently in the feasibility study period prior to the purchase of the land. He went on to address their timeline to completion of the project, which would begin this year with the hope of completing the slide in the summer of 2019.

Mr. John Sutherland addressed the Council and stated that their idea is to build an Adventure Park that will utilize the area in the winter as well as the summer. He noted that Adventure Parks are popping up in Bavaria and at other ski areas around the country; he has been working toward a project such as this for years and chose Leavenworth because of its proximity to the mountains, the City's market for tourism, and the project fits the Bavarian Alpine Theme. He said that it is their intent to build a first class operation and are currently working with local Architect Todd Smith, Syndicate Smith.

Councilmember Strand motioned to accept processing the annexation request for 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; which includes 1) the retention of the existing zoning; 2) the requirement for transfer of water rights; 3) the requirement for 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; 4) the requirement for the assumption of all or any portion of existing city indebtedness by the area to be annexed; and 5) adherence to the Old World Bavarian Alpine Theme. The motion was seconded by Councilmember Larsen and passed unanimously.

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

Development Services Manager Nathan Pate stated that the City Council is now being asked to set a public hearing for February 27, 2018 at 6:30 PM in order to allow the public to appear and voice approval or disapproval of the annexation. He confirmed that the notice will be advertised in the Leavenworth Echo and will be posted in three (3) public places within the territory proposed for annexation.

Councilmember Larsen motioned to set a Public Hearing on the annexation request for February 27, 2018 at 6:30 PM. The motion was seconded by Councilmember Neighbors and passed unanimously.

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

Finance Director Chantell Steiner stated that 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. She added that the City provided \$1,000 to the group in 2017 and \$750 in 2015. She

said that the funding is available from the City General Fund for youth services and that support for groups like this are limited to organizations within our community. Councilmembers inquired about other groups who have requested a donation from the Youth Services Fund, if Council may increase the donation, and if other groups will be hurt if the donation is increased for this group. Finance Director Steiner stated that she has not received additional requests, although the City provides funding for the Bike & Juice Festival annual insurance. Mayor Farivar suggested that Representatives from Upper Valley Connection attend a meeting and provide a report to the Council.

Councilmember Lundgren motioned to approve supporting the Upper Valley Connection Program for Leavenworth Area Residents in the amount of \$2,000. The motion was seconded by Councilmember Waters and passed unanimously.

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

Public Works Director Herb Amick stated that the City Council is being asked to consider approval of a grant agreement between the City of Leavenworth and the State of Washington Transportation Improvement Board (TIB). He said that the grant award is through the Relight Washington Program and is for the conversion of standard streetlights to a light-emitting diode (LED) style of lighting throughout the City; the grant is in the amount of \$83,553. He provided a brief background on the project and stated that the next steps will be for the PUD to authorize the project, the PUD will then complete the project, and the City will reimburse the PUD for the project costs. There was a brief discussion of the color of the lighting and the Council agreed that a warm color is most desirable.

Councilmember Waters motioned 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. The motion was seconded by Councilmember Wilson and passed unanimously.

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

City Administrator Joel Walinski stated that 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. He noted that the Festival has been going on for eleven years inside the Festhalle, the doors remain closed during the event which prevents noise problems, the group monitors their own noise levels, and that they have never had any complaints.

Councilmember Waters motioned to approve the Special Use Permit for Ale-Fest. The motion was seconded by Councilmember Strand and passed unanimously.

#### **6. Permit Status Updates**

Development Services Manager Nathan Pate provided an update and ‘status report’ of development, construction (building) and/or land use activities that are currently taking place throughout the City. He provided photos of the various construction projects and the Council asked questions about the progress of specific projects.

## INFORMATION ITEMS FOR FUTURE CONSIDERATION

Mayor Farivar reminded the Council that the Public Disclosure Commission filing deadline is April 15, 2018 and that the FEMA Training is scheduled to take place on February 20, 2018 at 6:00 PM in the Council Chambers.

## EXECUTIVE SESSION: RCW 42.30.110 (1)(I)(II) POTENTIAL LITIGATION

Councilmember Bretz motioned to enter into Executive Session at 8:06 PM for approximately 10 minutes to discuss potential Litigation with no action to be taken. The motion was seconded by Councilmember Waters and passed unanimously.

Councilmember Lundgren motioned to extend the Executive Session for 5 minutes. The motion was seconded by Councilmember Wilson and passed unanimously.

Mayor Farivar reconvened the Regular Council meeting at 8:21 PM.

## ADJOURNMENT


Seeing no other business, Councilmember Strand motioned to adjourn the February 13, 2018 meeting of the Leavenworth City Council. The motion was seconded by Councilmember Lundgren and passed unanimously.

The meeting adjourned at 8:22 PM.

**APPROVED**

  
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**Cheryl K. Farivar**  
Mayor

**ATTEST**

  
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**Chantell Steiner**  
Finance Director / City Clerk