



City of Leavenworth

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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 27, 2018 - 6:30 PM

Call to Order

Flag Salute

Roll Call

Consent Agenda

1. Approval of Agenda
2. Approval of February 13, 2018 Regular Meeting Minutes
3. Approval of February 13, 2018 Study Session Minutes
4. 2018 Claims \$188,503.11

Councilmember and Committee Reports

Mayor/Administration Reports

Comments from the Public on Items Not on the Agenda

Public Hearing on Comprehensive Plan Amendments @ 6:30 PM

Public Hearing on Annexation Request for Larry Langston (David Moffett agent) @ 6:30 PM

Resolutions, Ordinances, Orders and Other Business

1. Action: Ordinance 1560 Annexation Request for Larry Langston (David Moffett agent)
2. Action: Ordinance 1559 Comprehensive Plan Amendments
3. Action: Bid Award - Commercial / Whitman / Enchantment Way Street Improvement Project
4. Discussion: LINK Transit Station Funding
5. Discussion: Interim Control Ordinance – Shared Common Wall Construction

Information Items for Future Consideration

1. Group Funding Applications Due by March 1, 2018
2. Transportation Benefit District Meeting to Follow Regular Meeting

Adjournment

Council Committees -4th Tuesday –

Public Safety 4:00 Finance 5:00

(Next Ordinance is 1561 - 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

Public Hearing on Comprehensive Plan Amendments @ 6:30 PM

The City Council is being asked to conduct a public hearing on the Comprehensive Plan Amendments. The Public Hearing is an opportunity for interested persons to appear and voice approval or disapproval of the Comprehensive Plan prior to the City Council's Consideration of adoption.

This Public Hearing is a part of the final stage for adopting the 2017 Comprehensive Plan. Although the process for creating, updating, and adopting the Plan included over a year of public outreach and two public hearings with the Planning Commission, traditionally this time is provided for the Council to hear any comments and/or testimony from the public.

The Comprehensive Plan expresses a community's vision of itself, the community it would like to become, its hopes and dreams, and the philosophical underpinning for any planning activity. It is an expression of the "public interest," in the sense of exercising the public authority of a municipality.

On January 3, 2018, the Planning Commission conducted their final Public Hearing with a unanimous vote to recommend to the Council the adoption of the Comprehensive Plan update.

During the City Council's January 9, 2018 Study Session, the City Council conducted the second reading of the 2017 Comprehensive Plan Update with a focus on the Transportation Element, Housing Element, and Goals and Policies. From this meeting, the Council affirmed that the Comprehensive Plan appeared substantively ready for adoption.

At the City Council's February 13, 2018 Study Session, City Council conducted the final reading of the 2017 Comprehensive Plan Update. An overview of the Planning Commission changes and update to the Comprehensive Plan was re-presented. Non-substantive changes and/or information from the Council has been incorporated into the Plan being presented for final adoption.

Public Hearing on Annexation Request David R. Moffett agent for Larry W. Langston at 6:30 PM

The City Council is being asked to conduct a public hearing for the requested annexation. The Public Hearing is an opportunity for 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."

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) – 10.55 acres. The full legal description and Survey are within the attachments of the Ordinance. 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 10.11acre 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.

On February 13, 2018, the City Council reviewed the intent for annexation; and set the date of February 27, 2018 to conduct its hearing and annexation process. Mandatory notice specifying the time and place of the hearing and inviting interested persons to appear and voice approval or disapproval of the annexation has been completed.

1. Ordinance 1560 Annexation Request for Larry Langston (David Moffett agent)

The City Council is being asked to adopt Ordinance No. 1560. Adoption of Ordinance No. 1560 is the final step for the annexation of property owned by Larry W. Langston located at 9342 Icicle Road, identified as parcel no. 241711420100, and further described and shown within Exhibits A and B of the ordinance.

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

- Ordinance No. 1560
- Annexation Territory Legal Description Exhibit “A”
- Annexation Territory Survey Exhibit "B"
- Intent to annex letter
- Dedication of Agent

- **MOTION:** *The Leavenworth City Council moves to adopt Ordinance 1560, Annexation of property owned by Larry W. Langston located at 9342 Icicle Road, identified as parcel no. 241711420100.*

2. Ordinance 1559 Comprehensive Plan Amendment

The City Council is being asked to adopt Ordinance No. 1559. This Ordinance amends the entire Comprehensive Plan, Land Use Designations Map, and its appendices as mandated by the State of Washington.

Background

During the Council’s February 13, 2018 Study Session, City Council conducted the final reading of the 2017 Comprehensive Plan Update. An overview of the Planning Commission changes and update to the Comprehensive Plan was re-presented.

During the Council’s September 12, 2017 Study Session, the Council was presented with an early introduction to the 2017 Comprehensive Plan. During the Council’s September 26, 2017

Study Session, the Transportation Element was reviewed in detail. During the December 12, 2017 City Council Study Session, the City Council conducted their first reading of the 2017 Comprehensive Plan Update and provided guidance on how to proceed with the review. During the Council's January 9, 2018 Study Session, the City Council conducted the second reading of the 2017 Comprehensive Plan Update with a focus on the Transportation Element, Housing Element, and Goals and Policies. From this meeting, the Council affirms that the Comprehensive Plan appeared substantively ready for adoption.

As a part of the process, the Planning Commission created subcommittees, invited the public to review each element with a small workgroup, and met on the following: Jan 12, Jan 20, Jan 25, Feb 2, Feb 8, Feb 15, Feb 23, Mar 2, and Mar 9, 2017. Subsequently, the Planning Commission conducted open public "Workshops and/or Open Houses" presenting the subcommittee recommendations to the body of the Commission and the public. These Planning Commission workshops invited the public to work with the Commission and review the draft Comprehensive Plan on: Feb 1, Mar 1, April 5, May 16, June 7, July 5, Aug 2, and Sept 8, 2017. From May, the Planning Commission invited the public to begin the review of the compiled entire final draft of the Comprehensive Plan.

The Planning Commission conducted its first Public Hearing on November 1, 2017 with a continuation for final minor edits. On January 3, 2018, the Planning Commission conducted their final Public Hearing with a unanimous vote to recommend to the Council the adoption of the Comprehensive Plan update.

Adopting a Comprehensive Plan is a key element in the land use planning process. The Comprehensive Plan expresses a community's vision of itself, the community it would like to become, its hopes and dreams, and the philosophical underpinning for any planning activity. It is an expression of the "public interest," in the sense of exercising the public authority of a municipality. Since the Growth Management Act (GMA) was enacted, it has become an enforceable blueprint or framework for all subsequent land use regulation activity. The Comprehensive Plan is now the centerpiece of local planning in Washington State.

The Comprehensive Plan is now the centerpiece of local planning in Leavenworth. Other agencies and organizations equate the Comprehensive Plan as their "Strategic Master Plan." The Comprehensive Plan is the starting point for any discussion of the local land use process. It is also the touchstone for measuring community actions, and the policy framework by which all community planning enactments will be judged. Comprehensive planning identifies community or "public" interest through a public and political process. The resulting plan reflects the political compromises needed to forge consensus for a community plan. While not everyone will be satisfied with the end result, the Comprehensive Plan as adopted should deal with the many conflicting forces that shape a community. It is not the purpose of a comprehensive plan to eliminate conflict. Rather, it provides the framework for considering and resolving conflicting issues in the community. The Comprehensive Plan is a broad statement of the community's vision for the future and contains policies primarily to guide the physical development of the City of Leavenworth, as well as certain aspects of its social and economic character. The Comprehensive Plan directs regulations, implementation actions and services that support the vision. The Comprehensive Plan reflects the long-term values and aspirations of the community as a whole and shows how various aspects, such as land use, housing, transportation, capital facilities and services work together to achieve the desired vision.

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

- Ordinance 1559
- 2017 Comprehensive Plan and Appendices – Digital Access.
- PC Staff Report
- PC Minutes
- PC Comprehensive Plan Introduction

- **MOTION:** *The Leavenworth City Council moves to adopt Ordinance 1559 the 2017 Comprehensive Plan update.*

3. Bid Award – Commercial / Whitman / Enchantment Way Street Improvement Project

The City Council is being asked to award the Whitman/Commercial/Enchantment Way Street Improvements Project to Central Washington Asphalt, Inc. in the bid amount of \$431,018.15. On January 23, 2018, the City Council authorized the rebid of the project. The project was advertised and posted per requirements and the bid opening was subsequently held on February 15, 2018. At the bid opening, Central Washington Asphalt, Inc. was determined to be the low bidder. The project consists of grinding the existing asphalt, leveling valves, catch basins, manholes, etc., and an installation of a new overlay of asphalt to Commercial Street from 3rd Street to Joseph Street, Enchantment Parkway from Commercial to Scholtz Street, and Whitman Street from Ski Hill Drive to Woodward.

In 2015, the Transportation Improvement Board (TIB) awarded the City of Leavenworth with a grant of \$477,000 with a City match of 5% (\$25,300) for the project. In March of 2017, the TIB Grant amount was reduced to \$445,100 based on the TIB review and engineer estimate of probable costs. On April 4, 2017, the Council authorized staff to place the project out for bid. Due to the demand for paving construction at that time, the lowest received bid was \$488,041.90, well above the engineer’s estimate at the time of \$342,000. On May 9, 2017, Council moved to reject all received bids and with TIB support, opted for a rebid of the project to occur in January or February of 2018.

It is the recommendation of the City Staff and the project engineer, Steve Marsh of TD&H Engineering, that the Council accepts the recent bid results and award the bid contract in the amount of \$431,018.15 to Central Washington Asphalt, Inc. This project will utilize the TIB grant funds (less previous engineering costs) for the project and supplement the additional costs with Transportation Benefit District funds. To date, \$55,883 has been expended for engineering and design costs for this project. Currently there is \$389,217 remaining in TIB funds for this project. This would require the expenditure of \$41,802 of TBD funds if no additional TIB funds are received.

City staff and TD&H Engineering have requested additional funding from the TIB to address part of the change in estimated project costs. At this time, staff is also requesting Council authorization to have the Mayor sign the Bid Award Updated Cost Estimate. This document will then be submitted to TIB for consideration of additional funding. If approved, the total expenditures for the project would be \$510,064 in TIB funding and \$27,054 from the City’s TBD Fund.

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

- Bid Opening Amounts
- TD&H Engineering Recommendation to Approve
- Updated Cost Estimate

- Project Maps
 - **MOTION:** *The Leavenworth City Council moves to award the Whitman/Commercial/Enchantment Way Street Improvements Project bid to Central Washington Asphalt, Inc. for a cost of completion of \$431,018.15 and authorizes the Mayor to sign the Bid Award Updated Cost Estimate.*

4. LINK Transit Station Funding

This is a discussion item for the City Council to consider future action of shared funding for the LINK Park & Ride Project. One request for funding was initiated by the City to add two unisex/family restrooms at the Link Park & Ride “comfort station.” The Public Works Committee has reviewed the concept plans and the Economic Development Committee has recommended that this expenditure and improvement be reviewed by the City Council. The project cost for the addition of two Unisex/Family restrooms at the new Link Park & Ride building is estimated to be \$95,000. In addition, the restrooms will be maintained by the City of Leavenworth staff.

The second request for City assistance in funding the LINK Park & Ride project is for additional ROW for the relocation of a necessary truck turnaround. Currently a truck turnaround is located along Ward Strasse for truck traffic for Safeway and Marson & Marson. The City also anticipates future use of RV traffic in this area as motorists miss turns and/or are lost trying to find the new entrance to the “KOA”. LINK staff members have requested consideration by the City to share a portion of the ROW costs, as this land and new roadway will be donated to the City at the completion of the project. At this writing, staff has not received a written estimate of this cost.

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

- Link Park and Ride “comfort station,” Park and Ride Vicinity / Project cover, and Park and Ride site plan showing location of “comfort station.”
- Relocated “Truck Turnaround” Vicinity / Project cover, and construction drawings.

5. Interim Control Ordinance – Shared Common Wall Construction

This is a discussion item to introduce the City Council to the idea of developing an Interim Control Ordinance to allow for shared common wall construction of single family residential (SFR) units. This is one of the recommendations forwarded by the Mayor’s Taskforce on Housing Affordability. In addition, the request for implementation of using shared wall construction was also stated during the public comments when the City Council accepted the Taskforce recommendations. Use of an Interim Control Ordinance would allow this type of construction project to proceed during the upcoming construction season. The Interim Ordinance would be developed by City staff based on examples from other communities that allow common wall construction. Council would review and consider for approval the interim control. If approved, the Planning Commission would then study and review the temporary code language and recommend changes for the permanent code. Currently, a study and review of SFR shared wall construction is on the 2018 Planning Commission Docket. However, the timeline for study and adoption may limit this type of project going forward this year. If the Council has interest in

proceeding with an interim control measure, staff will develop an example ordinance for discussion at a upcoming Study Session.

The following items are included under **TAB 5**:

- RCW 36.70A.390 Moratoria, interim zoning controls—Public hearing—Limitation on length—Exceptions.