



## City of Leavenworth

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**City Council**  
Cheryl K. Farivar - *Mayor*  
Elmer Larsen  
Carolyn Wilson - *Mayor Pro-Tem*  
Gretchen Wearne  
Mia Bretz  
Margaret Neighbors  
Richard Brinkman  
Sharon Waters  
Joel Walinski - *City Administrator*

### LEAVENWORTH CITY COUNCIL AGENDA

Leavenworth City Hall - Council Chambers  
April 11, 2017 - 6:30 PM

#### Call to Order

#### Flag Salute

#### Roll Call

#### Consent Agenda

1. Approval of Agenda
2. Approval of March 24, 2017 Annual Retreat Minutes
3. Approval of March 28, 2017 Regular Meeting Minutes
4. March 2017 Payroll \$198,082.84
5. 2017 Claims \$493,029.70
6. PRSA Voucher Request \$15,000.00

#### Council Committees - 2<sup>nd</sup> Tuesday

Public Safety 3:00 Parks 4:00  
Public Works 5:00

#### Public Safety Report: Sergeant Bruce Long, Liaison Officer

#### Councilmember and Committee Reports

#### Mayor/Administration Reports

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

#### Group Funding Report: Timbrrr! Winter Music Festival – Phil O’Sullivan

#### Resolutions, Ordinances, Orders and Other Business

1. Action: Skatepark Design Approval
2. Action: Chamber of Commerce Contract
3. Action: Special Use Permit: Trout Unlimited / PUD – Leavenworth Fish Pond
4. Action: Resolution 07-2017 Adoption of Cost Allocation Plan
5. Action: Resolution 08-2017 Alley Vacation - Betz
6. Action: Resolution 09-2017 Alley Vacation – Boyd
7. Action: Ordinance 1545 Quarterly Budget Amendment
8. Action: Downtown Revitalization Steering Committee Appointment

#### Information Items for Future Consideration

1. Final Reminder: Public Disclosure Commission Filing Deadline April 15, 2017

#### EXECUTIVE SESSION 42.30.110(1)(c) PROPERTY SALE

#### Adjournment

**(Next Ordinance is 1546 - Next Resolution is 10-2017)**

## SUPPLEMENTAL COUNCIL AGENDA

### **1. Skatepark Design Approval**

The Council is being asked by the Skate Park Ad Hoc Committee to approve the final design of the proposed Skate Park to be constructed in Enchantment Park as replacement for the original skate park that was removed at the request of and by the Cascade School District to accommodate the High School expansion. As per approval of Council and in agreement with the Skate Park Ad Hoc Committee, Grindline was chosen and contracted by the City to create the design and construction estimate for the proposed skate park.

Grindline assisted in the selection of a site and proposed an initial design and construction estimate that would meet the criteria of the City and the Committee to fit the footprint of that site. The initial public meeting (November 17, 2016) introduced the preliminary design and took public comment and suggestions; Grindline responded to initial comments, refined the design, and held a second public meeting (January 12, 2017). At the second public meeting, Grindline received further comment, responded to those comments, and then proposed a final design and construction estimate for possible Committee and Council approval.

On March 3, 2017, the Skate Park Ad Hoc Committee met in a joint conference call with Grindline to possibly settle on a final design and discuss the additional funding required for several add-ons to the basic design. During the course of that meeting, it was decided by the Committee to request that Grindline provide two (2) optional designs that focus primarily on the “bowl” end of the design. The request by the Committee was for these options to reflect several of the comments provided by the Community after the second public meeting. The addition of options would still fit within the required footprint and criteria. Grindline furnished the Committee members with those requested designs for their final review. On March 8, 2017, the Skate Park Ad Hoc Committee met and after discussion regarding the three designs, including shared community input, came to a unanimous decision on the preferred design that was presented to Council for approval at the March 14<sup>th</sup> Council meeting.

At the March 14<sup>th</sup> Council meeting, upon hearing public comment, prior to the vote, not in favor of the proposed design, the Council made the decision to remand the designs back to the Skate Park Ad Hoc Committee for further discussion. On March 22, 2017 the Skate Park Ad Hoc Committee held an unscheduled meeting to discuss the designs once again and come to an agreement of how to proceed. The Committee made the decision to put the three proposed designs to a physical vote to ensure community involvement in the decision. Voting was advertised on social media and ballot boxes and ballots made available at City Hall and the surrounding schools from Monday, March 27<sup>th</sup> through Friday, March 31<sup>st</sup>. On the afternoon of March 31, the ballot boxes were gathered by City staff and a tally taken, including comments. The breakdown of this tally can be seen behind Tab 1. Based on that tally and previous comments and discussions, the Skate Park Ad Hoc Committee is now recommending the “Moon Boot” design for Council approval tonight. The Committee believes that this design meets all of the criteria required by the City, falls within the required budget, will provide recreation opportunity for all skill levels of participants, and has met public scrutiny, input and involvement.

In addition to the base design, Grindline has also provided a skate park design that includes additional skating features and aesthetics to the base design. The total cost of these additions is estimated at \$60,000. The Committee recognizes that these enhancements would be beneficial to the outcome of the project. If the Council approves the final design, the Committee will work

with the skating community to identify opportunities for fundraising and in-kind donations to include a number of the alternatives in the final construction of the park.

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

- Vote Tally and Comments
- Recommended Final Skate Park Design
- Final Skate Park Design with added Skate Features and Aesthetic Improvements
  
- **MOTION:** *The Leavenworth City Council moves to approve the final “Moon Boot” design for the Leavenworth City Skate Park provided by Grindline and requested for approval by the Skate Park Ad Hoc Committee.*

## **2. Chamber of Commerce Contract**

The City Council is being asked to review and consider for approval a contract with the Leavenworth Chamber of Commerce for the expenditure of City of Leavenworth Lodging Tax Funds. The contract is for three years (April 1, 2017 – March 31, 2020) and provides the Chamber with 18.5% of the lodging tax funds provided to the City from the previous calendar year. The term of expenditures on an annual basis is from April 1 through March 31. The funds are expended by the Chamber under RCW 67.28.1816. The funds are paid to the Chamber on a quarterly basis after a report by the Chamber is provided and reviewed by the City. The primary expenditure of these funds is for the operation and maintenance of the Chamber’s Visitor Center.

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

- Draft 2017 – 2020 City/Chamber Agreement for Use of Lodging Tax - Redline
- RCW 67.28.1816 Lodging Tax - Tourism Promotion
- Chamber of Commerce Proposed Lodging Tax Expenditures
  
- **MOTION:** *The Leavenworth City Council moves to approve 2017 – 2020 City/Chamber Agreement for the use of Lodging Tax*

## **3. Special Use Permit: Trout Unlimited / PUD – Leavenworth Fish Pond**

The City Council is being asked to review and consider for approval a Special Use Permit (SUP) with Trout Unlimited and the Chelan County Public Utilities District (PUD) for access to Blackbird Pond for the purpose of operation and maintenance. The PUD uses the ponds as part of their Habitat Conservation Plan rearing steelhead salmon. After the release of the salmon, the pond is stocked with rainbow trout and Trout Unlimited uses the pond for a youth fishing program. The permit allows for the use of service equipment, pumps and alarms to regulate the water ingress and water and fish egress. Outlined within the SUP are the following conditions:

- No permanent improvements, no excavations or alterations of City property without additional City approval.
- Permittee maintains the property and improvements in a good and sanitary condition.
- Each Permittee indemnifies and holds the City harmless.
- A five (5) year term to the Special Use Permit.

This is a continuation of an old agreement that was allowed to expire. Trout Unlimited and the PUD requested an updated agreement to continue with the operation of rearing fish and providing a youth fishing pond. The agreement has been reviewed and approved as to form by the City Attorney and the legal department of the PUD. Lots of youth fishing activity does occur at the pond. The City has received a number of compliments for providing this opportunity, although not well known. The City has also received complaints from the non-fishing public.

The following item is included under **TAB 3**:

- Special Use Permit Chelan County PUD and Trout Unlimited with the City of Leavenworth
  - **MOTION:** *The Leavenworth City Council moves to approve the Special Use Permit with Chelan County PUD and Trout Unlimited for the Leavenworth Fish Pond.*

#### **4. Resolution 07-2017: Adoption of Cost Allocation Plan**

The City Council is being asked to approve Resolution 07-2017 adopting the Cost Allocation Plan for budgeting and auditing purposes. In February 2014 the City Council took part in the Audit Exit Conference with the Washington State Auditor's Office (SAO) Staff and City Staff pertaining to the 2011 – 2012 Fiscal Calendar Years Audit. Exit recommendations made from the SAO included the need to create a Cost Allocation Plan to demonstrate support for costs allocated to and expended from restricted and proprietary (Utility) funds. Charges to these funds should be equitable and appropriate as part of a written plan that complies with all applicable laws and regulations including RCW 35A.33.122 and RCW 43.09.240.

Finance Director Chantell Steiner began reviewing other cities plans throughout the remainder of 2014 and entered into a contract with EKL Consulting in early 2015 to assist in the creation of the new Cost Allocation Plan. All cities across the State were being required to create this type of plan document if an existing plan was not in place; however, at that time, only large cities had such plans. Those plans were very detailed, in many cases hundreds of pages long, and were very costly to create and administer. Small cities were faced with a significant challenge on expertise of understanding the details requested, as no direction was being provided, and no funding was identified. After contracting with EKL Consulting, due to the small size of Leavenworth's personnel and budget, the plan was drafted up for a total cost of just under \$1,600. Within the plan some positions require daily tracking of time to properly allocate across various funds; this tracking was completed between June 2015 and July 2016 for implementation into the 2017-2018 Budget.

Subsequently, the draft plan was provided in early 2016 to the SAO for review; however, no comments were provided back at that time. Staff anticipates a more detailed review of the plan and how it has been implemented into the 2017-2018 Budget when the SAO returns later this fall to audit the City. The Council is now being asked to formally review and adopt the plan that coincides with how each position of the city staff (personnel costs) has been calculated and allocated, and how allocations were completed for central service expenditures (expenses shared by all benefitting funds and departments such as paper, ink, checks, etc), insurance, and equipment. A draft version of the plan was provided to the Finance Committee for review at the March 28, 2017 committee meeting and is now being recommended for approval of the plan by resolution.

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

- Resolution 07-2017 Cost Allocation Plan
- RCW 35A.33.122 and RCW 43.09.240
- **MOTION:** *The Leavenworth City Council moves to approve Resolution 07-2017 Adoption of the Cost Allocation Plan.*

#### **5. Resolution 08-2017 Alley Vacation – Betz**

The City Council is being asked to approve Resolution No. 08-2017. On June 7, 2016, the City recieved a request to vacate and subsequently dispose of certain real property held by the City. Pursuant to RCW 35.79.010, the City, by this resolution, is fixing a time for a public hearing on this property vacation for April 25, 2017.

A "Right of Way Vacation Application / Petition" was received on June 7, 2016. This petition included signatures of the property owner (Mr. James Betz) abutting the alley. The requirement of vacation requires a minimum of two-thirds of the property owners sign and submit the petition. If the City determines to grant said petition or any part thereof, the City shall be authorized and have authority, by ordinance to vacate such alley, or any part thereof.

Mr. James Betz initiated the request application asking the Council for consideration of abandoning the alley adjacent to Mr. James Betz's property located at 108 River Street in Leavenworth.

The City has conducted its investigation. A previous request for vacation was denied by Council due to the use of the alley as snow storage. Subsequently, the alley has not been used for storage and/or any other public activity. In addition, the City finds that the Ralston's Addition to Leavenworth and its alleys that have not been used for its purpose of an alley may revert to the platted lands under the operations of law without compensation to the City. The City has concluded that no known city utilities, connection to public streets, paths, or other municipal infrastructure is located within the defined property. In addition, the property does not connect to a shoreline of statewide significance. Finally, the City's investigation finds that this real property has no current or future city need, as well as if disposed of, this property would be put to a higher or better use for the community at large.

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

- Resolution 08-2017
- "Right of Way Vacation Application / Petition" with support materials
- **MOTION:** *The Leavenworth City Council moves to approve Resolution 08-2017 Betz Alley Vacation Notice of Public Hearing.*

#### **6. Resolution 09-2017 Alley Vacation – Boyd**

The City Council is being asked to approve Resolution No. 09-2017. On September 10, 2016, the City Council recieved a request to vacate and subsequently dispose of certain real property held by the City. Pursuant to RCW 35.79.010, the City, by this resolution, is fixing a time for a public hearing on this property vacation for April 25, 2017.

A "Right of Way Vacation Application / Petition" was received on September 10, 2016. This petition included signatures of the property owner (Mr. Lyman Boyd) abutting the alley. The requirement of vacation requires a minimum of two-thirds of the property owners sign and submit the petition. If the City determines to grant said petition or any part thereof, the City shall be authorized and have authority, by ordinance to vacate such alley, or any part thereof, and the Council is being asked to consider vacated at a reasonable return.

Mr. Lyman Boyd initiated the request asking the Council for consideration of abandoning the alley adjacent to Mr. Boyd's property located at the corner of Mill Street and Hwy 2 in Leavenworth.

The City has conducted its investigation. Mr. Boyd is requesting that the alley be relocated or "vacated and dedicated" in lieu of processing an appraisal and compensation to the City. This "land swap" appears equitable, and allows for future utility connections. The existing alley is steep, and would be difficult to develop as an alley for access.

The City has concluded that no known city utilities or other municipal infrastructure is located within the defined property; and the continued connection to public streets and/or paths by providing a new alley is acceptable for public use. The property does not connect to a shoreline of statewide significance. Finally, the City's investigation finds that this current alley would be difficult and/or unlikely developed for future city needs, as well as if disposed of, this property would be put to a higher or better use for the community at large. Mr. Boyd is aware that he is responsible for appraisal costs, legal fees, survey, and the purchase price of the property which would be due if the surplus is approved by the Council if the land swap is not accepted.

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

- Resolution 09-2017
- " Right of Way Vacation Application / Petition " with support materials
  - **MOTION:** *The Leavenworth City Council moves to approve Resolution 09-2017 Boyd Alley Vacation Notice of Public Hearing.*

## **7. Ordinance 1545 Quarterly Budget Amendment**

The City Council is being asked to adopt Ordinance 1545 Quarterly Budget Amendment which amends the budget at the fund level. A majority of this amendment includes the necessary adjustments to the beginning and ending fund balances; the Council will find other amendments based on Council actions or necessary corrections to the 2017 budget that have either been carried over from the 2016 budget or require amendment due to changes not foreseen in the development of the original budget in 2016. For instance, the General, Street, Water, Sewer, Parking and Equipment Rental and Revolving (ER&R) Funds include amendments that may have carried over from 2016 or were previously approved by the City Council including estimates for the Meadowlark LID reimbursements. In addition, staff has included some minor changes necessary to conduct business and adjust budgeted projects between the 2017 and 2018 budget years. Finance Director Chantell Steiner will review the amendments and answer questions at the evening meeting.

The following items are located under **TAB 7:**

- Ordinance 1545 Quarterly Budget Amendment
- Revenue and Expense Line Item Details

- **MOTION:** *The Leavenworth City Council moves to adopt Ordinance 1545 Quarterly Budget Amendment.*

#### **8. Downtown Revitalization Steering Committee Appointment**

The Council is being asked to confirm a new appointment to the Downtown Revitalization Steering Committee. On March 14, 2017 the Council confirmed the Mayor's appointment of Mr. Doc Elsea to a one year term as a Chamber of Commerce representative on the Steering Committee. Since that time, Mr. Elsea has requested not to be on the Steering Committee, but participate and be active in the Parking Stakeholder Group as a Chamber Representative. The Chamber Board has recommended Ms. Paula Helsel be considered for appointment to the Committee. Ms. Helsel is currently the Chamber Board President and Chief Executive at Sleeping Lady Resort. The Mayor's appointment would be through 2017 to fill the initial one year term vacated by Mr. Elsea. Ms. Helsel attended the March Steering Committee meeting.

There are no attachments for this item.

- **MOTION:** *The Leavenworth City Council moves to confirm the Mayor's appointment of Ms. Paula Helsel to the Downtown Revitalization Steering Committee for a one year term which expires December 31, 2017.*