



City of Leavenworth

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

LEAVENWORTH CITY COUNCIL AGENDA

Leavenworth City Hall - Council Chambers

May 24, 2016 - 6:30 p.m.

Call to Order

Flag Salute

Roll Call

Consent Agenda

1. Approval of Agenda
2. Approval of May 10, 2016 Regular Meeting Minutes
3. Approval of May 10, 2016 Study Session Minutes
4. 2016 Claims \$107,161.08
5. Motion to Set Public Hearing on Six-Year Transpo. Improvement Plan on 6/14/2016 @ 6:45 PM
6. PRSA Voucher Request \$52,000.00

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: Mayor Reappoint Peter DeVries to the Design Review Board – Expires June 1, 2016
2. Action: Special Use Permit – Oktoberfest Noise Permit
3. Action: Resolution 08-2016 Emergency Ban on Fireworks for 2016
4. Action: Ordinance 1527 Amending Leavenworth Municipal Code Chapter 8.36 Fireworks
5. Action: Approving 2017 Council Goals Development Worksheet
6. Discus: P1/P2 Parking Improvements Discussion

Information Items for Future Consideration

1. Transportation Benefit District Meeting to Follow Regular Council Meeting

Adjournment

Council Committees -4th Tuesday –

Econ. Dev. 4:00 Finance 5:00

(Next Ordinance is 1528 - Next Resolution is 9-2016)

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. Mayor Reappoint Peter DeVries to the Design Review Board

The Leavenworth City Council is being asked to confirm the Mayoral reappointment of Peter DeVries to the Design Review Board. All Planning Commission members shall be appointed by the Mayor with confirmation by the City Council (LMC 2.38.010 (B)).

Peter DeVries resigned his term as a 12-year member of the City Council in December, 2013. He was also previously a member of the Design Review Board prior to being elected to the City Council. His qualifications include co-writing the original Bavarian-Alpine design ordinance, has worked in Germany three to four weeks a year for nine and a half years, has traveled extensively throughout Germany, Switzerland, Norway, Sweden, and other European countries and is quite familiar with many different forms of architecture in those countries, has designed many commercial buildings, motels, apartment buildings, and homes throughout his career with the majority of those being in the Bavarian-Alpine architecture, and has been an active and committed member of the Leavenworth community for the past 26 years.

The table below provides the current names of appointed Design Review Board members and their terms:

Peter DeVries	1 / Expires Jun 1, 2016
Todd Smith - Co Chair	2 / Expires Jun 1, 2017
Robert Smith	3 / Expires Dec 1, 2016
Ken Kohnhorst	4 / Expires Dec 1, 2017
Mary Morse - Chair	5 / Expires Jun 1, 2017
Heidi Forchemer	(Alternate) / Expires Jan 1, 2019
Fred Dowdy - Construction Specialist	

There are no items included under **TAB 1:**

- **MOTION:** *The Leavenworth City Council moves to confirm the Mayoral reappointment of Peter DeVries to the Design Review Board Position No. 1 for a four (4) year term.*

2. Special Use Permit: Oktoberfest Noise Permit

The City Council is being asked to give consideration of approving a Special Use Permit (SUP) applied for by Projekt Bayern in conjunction with their Oktoberfest event scheduled for Friday September 30th and Saturday October 1st, Friday October 7th and Saturday October 8th, and Friday October 14th and Saturday October 15th. The SUP would allow for the noise and sound levels to exceed 95 dBA during the event (including and up to 1:00 AM). Regardless of amplification, the applicant will allow no live or recorded amplified music after:

1. 10:00 PM Spaaz Platz (Festhalle Parking Lot – P3)
2. 11:00 PM Tanz Hall (Upper Parking Lot – P1)
3. 12:00 AM Bier Stubb (Lower Parking Lot – P2)
4. 1:00 AM Festhalle Building

The Festival & Events Committee determined the use of the staggered closing times in order to limit the sound emitted from the outdoor live music for the first time during Oktoberfest 2014. The requested staggered closing times are the same times that were used successfully last year.

The LMC 9.33.040 Exemptions allows for the City Council to approve with conditions or deny special use permits at its sole discretion. To approve the SUP the Council must consider the conditions and provisions for granting a special use permit stipulated in LMC 9.33.040 (I) (Items 1 – 5 below). The Council’s decision of approval or denial of the SUP must be based on whether the request meets the following criteria, information relating to each:

1. The special use permit is necessary;
2. There exists a special circumstance relative to size, topography, location or surroundings of the subject property;
3. Requesting property owner or agency has provided a plan for mitigation of noise to be implemented on the approval of the special use permit;
4. That the granting of the special use permit will not be materially detrimental to the comfort, health, or safety of the public; and
5. That the special use permit is limited to not more than 14 days in any 90 day period.

Projekt Bayern has committed to self-monitoring to help monitor and adjust music sound levels if and when necessary. The City will also do spot monitoring of noise levels during the evening hours of the event to ensure compliance to the SUP limitations. The requests for the SUP for noise levels is consistent with the recommendations of the Festival & Event Committee recommendations.

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

- Compliance Analysis
- Special Use Permit Agreement
- Letter of Request
- **MOTION:** *The Leavenworth City Council moves to approve the Special Use Permit for the Oktoberfest Noise Permit.*

3. Resolution 08-2016 Emergency Ban on Fireworks for 2016

The City Council is being asked to approve Resolution 08-2016 authorizing the Chelan County Fire District #3 Chief to enact an emergency ban on the discharge of all fireworks in 2016 in preparation for the 4th of July holiday weekend. Similar to last year, this resolution will be provided to the Fire Chief as supporting documentation for his discretion as authorized under Leavenworth Municipal Code Chapter 8.36.160 Fireworks – Emergencies – Restrictions on sale and use. The fire official may prohibit the discharge of all fireworks during periods of extreme fire danger.

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

- Resolution 08-2016
- **MOTION:** *The Leavenworth City Council moves to approve Resolution 08-2016 Emergency Ban on Fireworks for 2016.*

4. Ordinance 1527 Amending Leavenworth Municipal Code Chapter 8.36 Fireworks

The City Council is being asked to review and consider approval of Ordinance 1527 which includes changes to the Leavenworth Municipal Code Chapter 8.36 Fireworks. The City Council, after supporting a resolution supporting an emergency ban on fireworks use and sale within the City in 2015 requested City staff to review the City code and make recommendations on a permanent ban on the sale and use of personal fireworks. Currently State Law allows cities to ban personal fireworks use however, a one year waiting period is required prior to the ban being implemented. During the State Legislative Session 2015/2016, State Representative Brad Hawkins introduced a bill that would allow for those city bans to take effect immediately. The legislation did not pass. Following up on this, the City Council requested that the City proceed with modifications of the existing code to enact a permanent ban on the use of fireworks. At the May 10, 2016 Public Safety Committee meeting a draft of the amended code was reviewed by the Committee with the recommendation it be forwarded to the full City Council with a recommendation of approval. The draft regulations have been reviewed by the City Attorney and Fire District #3.

The changes to the ordinances would take effect in 2017. Changes include banning the use of personal fireworks within the City limits for the 4th of July celebration period and banning the sale of personal use fireworks within the City. Personal fireworks use would still be allowed for New Year's Celebration and a permit process would still be in place for commercial firework shows within the City. These changes are more restrictive than current state code.

As noted within the ordinance, the City of Leavenworth had a fireworks ban in place from 1912 through 1989.

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

- Ordinance 1527 Clean and Redline Changes for Fireworks Chapter 8.36
- RCW 70.77.395, 70.77.405 and WAC 212-17-060 – State Laws on Fireworks
- **MOTION:** *The Leavenworth City Council moves to adopt Ordinance 1527 amending Leavenworth Municipal Code Chapter 8.36 Fireworks.*

5. Approving 2017 Council Goals Development Worksheet

The City Council is being asked to provide a final review and consideration of the Council Goals Development Worksheet. If approved, this document will be used with the development of the 2017/2018 Budget and work plans for future years.

The following item is included under **TAB 5:**

- 2017 Council Goals Development Worksheet
- **MOTION:** *The Leavenworth City Council moves to approve the 2017 Council Goals Development Worksheet.*

6. P1/P2 Parking Improvements Discussion

This time is provided for a discussion on the proposed P1/P2 Parking Lot Improvements. This project was presented to the Council at the February 2016 Study Session, at that time the Council had requested several modifications and options. One was a price on exposed aggregated barriers and the other was for pricing options on various railing heights. In addition to the discussion on preferred options, several funding options will be provided. The current base project is estimated at \$307,195, which includes a 15% contingency. Projekt Bayern will be asked to provide funding for those alternate

items specific to enhancing the Oktoberfest Celebration, in addition, a second request for funding for those items which add to the Bavarian Theme – lighting, railings, landscaping – will also be made to Projekt Bayern. At this time, the following funding sources may be available to the Council to fund the base project:

- **Capital Projects Fund** (Warehouse) has \$90,666. These funds are specifically reserved for parking lot improvements.
- **Parking Fund:** The fund balance of the parking fund could be used for the project. Estimated fund balance by the end of 2016 is \$250,000. The Financial Policy has identified the goal for this Parking fund balance to have at a minimum of a one year debt service (\$184,000) in reserves by 2020.
- **Transportation Benefit District (TBD) Funds:** It is anticipated that the TBD fund balance will have \$150,000 of unallocated funds by years end. Parking is considered a transportation item so TBD funds could be appropriated for this project. Any unallocated funds at the end of 2016 however would be directed towards other street projects which are identified to be completed in 2017/2018.
- **Real Estate Excise Tax (REET):** Unallocated revenues in this fund by years end should near \$100,000. REET funds are limited to Capital Improvement Projects, these could be transportation or utility.
- **Lodging Tax Funds:** The Lodging Tax Fund currently has a \$200,000 fund balance. The fund balance has been designated for use in the event of emergency or capital improvements. The Lodging Fund is currently exceeding the 7% estimated growth, so replacement of the expenditure of the fund balance may be possible. Past experience has shown that a fire incident/smoke incident could potentially have a significant impact on the Lodging Fund revenues, this is why the fund balance was created. This project is tourism related; therefore, Lodging Tax funds could be allocated to support this project.

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

- P1/P2 Parking Improvement Cost Worksheet
- P1/P2 Parking Improvement Site Plan
- P1/P2 Itemized Costs (5 Sheets: Railings, Jersey Barriers, Boulders, Electrical, Landscaping)
- PCP Light Sconces Specifications
- Clipper Creek EV Charging Station Specifications
- Handrail Detail (TD&H)
- IntegriTech Electrical Site Plan