



City of Leavenworth

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

City Council
Cheryl K. Farivar - *Mayor*
Elmer Larsen
Carolyn Wilson - *Mayor Pro-Tem*
Gretchen Wearne
Mia Bretz
Margaret Neighbors
Richard Brinkman
Position No. 5 - Vacant
Joel Walinski - *City Administrator*

LEAVENWORTH CITY COUNCIL AGENDA

Leavenworth City Hall - Council Chambers
September 27, 2016 - 6:30 PM

Call to Order

Flag Salute

Roll Call

Consent Agenda

1. Approval of Agenda
2. Approval of September 13, 2016 Regular Meeting Minutes
3. Approval of September 13, 2016 Study Session Minutes
4. 2016 Claims \$329,318.14
5. Set Public Hearing on Community Development Block Grant Project Performance of the Meadowlark Affordable Housing Project on October 11, 2016 @ 6:45 PM

Councilmember and Committee Reports

Mayor/Administration Reports

Comments from the Public on Items Not on the Agenda

Group Funding Report – Simply Living Farm Sustainable Living / Farming Tour

Resolutions, Ordinances, Orders and Other Business

1. Action: Special Use Permit – Noise: Swiss Hotel Leavenworth
2. Discuss: Revised First Reading of Ordinance 1529: Alcohol Use in the Parks
3. Action: WSDOT Letter of Understanding Agreement – Pine Street Project
4. Action: Coordinated Cost Reimbursement Agreement
5. Action: Nordic Circle Acceptance of Right-of-way and Improvements
6. Action: 2017 Emergency Management Services Contract
7. Action: Resolution 14-2014 – Proclamation Public Power Week

Information Items for Future Consideration

1. City Administrator Annual Review

Adjournment

(Next Ordinance is 1532 - Next Resolution is 15-2016)

Council Committees -4th Tuesday –

Special Finance 2:00 – 4:00

Econ. Dev. 4:00 Finance 5:00

SUPPLEMENTAL COUNCIL AGENDA

1. Special Use Permit - Noise: Swiss Hotel Leavenworth

The City Council is being asked to consider approval of a Special Use Permit (SUP) to allow for an extended time period and increased noise levels for nighttime construction regarding the Waterline Improvements for the Swiss Hotel Leavenworth project.

In regard to the SUP, the LMC 9.33.040 Exemption 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:** "These Waterline Improvements are a critical component to the successful completion of the Hotel project. The hotel requires improvement to the fire flow capacity to ensure a properly functioning fire suppression system. With safety in mind, we wish to move forward with the improvement of the waterline along the proposed areas."

2. **There exists a special circumstance relative to size, topography, location or surroundings of the subject property:** "Given the daily volume of traffic which flows along Hwy 2, working during nonpeak hours is essential to mitigate construction related traffic impacts to downtown Leavenworth and its surrounding areas."

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:** "Though noise is an unavoidable byproduct of this improvement, the time of construction is intended to minimize sound impact to nearby businesses. A quick survey of the improvement area has revealed that most businesses will be closed during our work hours."

4. **That the granting of the special use permit will not be materially detrimental to the comfort, health, or safety of the public:** "The sound impact resulting from Waterline improvement will be less than 85 decibels for the majority of all work, with the exception of saw cutting which will exceed 85 decibels for short bursts of time."

5. **That the special use permit is limited to not more than 14 days in any 90 day period:** The applicant estimates that the work will take less than 14 days during the period of time that has been requested.

Staff is recommending approval of the Special Use Permit allowing the noise exemption to expedite the construction period and protect vehicle and pedestrian travel.

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

- Special Use Permit Agreement.
- Compliance Analysis w/ Exhibits.

- **MOTION:** *The Leavenworth City Council moves to approve the Special Use Permit to allow for extended time periods and increased noise levels for nighttime construction regarding the Swiss Hotel Leavenworth project.*

2. Revised First Reading of Ordinance 1529: Alcohol Use in the Parks

The City Council is being asked to review Ordinance 1529: Alcohol Use in Parks suggested language changes. The suggested changes to the code language reflect the Council's discussion to proceed slowly with the changes in allowing alcohol within the City Parks. The new language would only allow the sale and consumption of alcohol within Front Street Park as a part of an Old World Bavarian type festival and limits the time from 1:00 PM – 7:00 PM. A Special Use Permit (SUP) would be required for the event and would stipulate requirements by the Liquor Control Board and City, such as security, separation, clean up, etc. The Special Use Permit would be approved by the administration similar to other SUP's and based on compliance of the Council approved code language.

The current City code prohibits the sale and consumption of alcohol; there have been several requests from event organizers over the last several years to allow for the sale and consumption of alcohol within City parks. The City Council in the past has made exceptions to the code; however, earlier this year Council has requested staff to work with the Public Safety Committee and Park Committee to develop code language that would allow for limited sale and use of alcohol in conjunction with permitted events. The initial draft language was developed and reviewed by each committee and forwarded for a first reading of the ordinance at a City Council meeting on June 28, 2016. After that, the Council received comments from the Chamber of Commerce requesting modifications of the proposed ordinance changes.

The Chamber of Commerce requested consideration of the following:

- Consideration based on event appropriateness/site of venue
- No limitations to the number of permits issued
- Expanding the time frames limiting operation
- Not requiring the permit holder to be onsite during operation

The Council met with the Chamber of Commerce representatives at the August Study Session to further the discussion regarding the Chamber's request and comments. Follow-up discussions at the Public Safety Committee and Parks Committee meetings provided staff with the outline to develop the suggested language that is being reviewed as a 1st reading.

The current language would allow the Christmas Lighting Festival to continue with the Glüewein Tent and would allow for a Bier Tent for Maifest. The language does not limit the number of events per year, does expand the time frame from 1:00 PM – 4:00 PM to 1:00 PM to 7:00 PM and does not require the permit holder to be onsite (a contact person will need to be identified however as part of the SUP approval process). This new language is Front Street Park specific; the consumption and sale of alcohol in any other City park remains prohibited.

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

- LMC 12.24 Park Regulations

3. WSDOT Letter of Understanding Agreement – Pine Street Project

The City Council is being asked to approve and authorize the Mayor to sign the Letter of Understanding for Project Administration of the "Pine Street Reconstruction" project. The award of the Surface Transportation Block Grant Fund (STBG) federal funds to the City for use of the Pine Street Reconstruction Project require that the Washington Department of Transportation (WSDOT) has a letter of understanding between the agencies outlining the City's responsibilities in following the Local Agency Guidelines (LAG). The LAG Manual provides local agencies

with statewide policies and standards to follow when using Federal Highway Administration (FHWA) funds for transportation projects. Guidance is provided on how to accomplish the work and document the results. One recent example is the Commercial Street Reconstruction Project, which used a portion of federal funds. The City just completed a federal audit on the City's management responsibilities, which in essence is following the LAG Manual. The Pine Street Project will require similar attention to the federal and state project management guidelines. A link to the current manual can be found here:

<http://www.wsdot.wa.gov/Publications/Manuals/M36-63.htm>

The City was awarded \$705,000 for the "Pine Street Reconstruction" project by the Chelan Douglas Transportation Council (CDTC) earlier this year. The CDTC administers the STBG funding; however, the WSDOT Local Programs staff oversees the project process and provides necessary WSDOT approvals. If approved, the next step in the project will be the approval of a contract with TD&H Engineering who was selected as the consulting engineers for this project.

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

- Letter of Understanding for Project Administration, Aug 29, 2016
- **MOTION:** *The Leavenworth City Council moves to approve the Letter of Understanding for Project Administration of the "Pine Street Reconstruction" project and authorizes the Mayor to sign the agreement.*

4. Coordinated Cost Reimbursement Agreement

The Council is being asked to consider approval of the agreements related to the Coordinated Cost Reimbursement Program with Chelan County. There are two agreements being considered for approval; both pertain to the City's Water Right Application; one is the Application No. S4-33068(A) and the other is Application No. G4-33068(B). S4-33068(A) pertains to a surface water permit and G4-33068(B) pertains to a ground water permit; both are for the acquisition of water rights associated with the Wenatchee River. Both applications would be processed as part of the Coordinated Cost Reimbursement Program managed by Chelan County. Aspect Engineering would be the consultant group providing the expertise and staff time for completing the project.

The agreement pertaining to S4-33068(A) has a base fee of \$6,800 with additional contracted work of \$2,900. The G4-33068(B) has a base fee of \$8,400 with an additional contracted work of \$6,200. As noted in the pricing above, the cost for processing a ground water permit is higher than a surface water permit because of the added hydrologist report which is required.

This item was previously discussed at the September Study Session; at that time there was concurrence by the Council that both the surface water permit and ground water permit be processed. This would allow the City the most flexibility in the use of the new Water Rights at a future date. The recommendation from staff is to approve the agreement pertaining to Permit No. S4-33068 for the base amount of \$6,800 and approve the agreement pertaining to Permit No. G4-33068 for the full amount of \$14,600. In both cases, City staff will be providing the information for the processing of the permits; however, because the ground water permit does require the hydrologist report, this is best accomplished by using the contracted hydrologist from Aspect Consulting. The total cost of the processing of the applications and covered under these agreements would be \$21,400. The Water Fund would be the funding source for this appropriation.

The Coordinated Cost-Reimbursement Program is a tool used to expedite the allocation of the 4.0 cfs of water in the Wenatchee Reserve. This process is allowed under RCW 90.03.265 Appropriation Procedure – Cost-reimbursement agreement for expedited review of application – adoption of rules. In July of 2012, the water purveyors of the Wenatchee Water Work Group – Chelan County, Alpine Water District, Peshastin Water District, City of Cashmere and City of Leavenworth contracted with Aspect Engineering to initiate the Program and contacted the Department of Ecology (DOE) to request permission/agreement and initiate the Program. The Coordinated Cost-Reimbursement Program allows for the applicants of a water permit application to enter into an agreement with the DOE and pay for the cost of processing all water right permits within the basin. The cost reimbursement includes any consultant costs for processing the permit and also the staffing costs for the DOE which will oversee and approve the issuance of the water right permits. The total costs are appropriated to all individuals, agencies, and businesses that have submitted an application for future water rights, have a continued interest and willing to pay their proportional share of processing. For the Upper Wenatchee Basin, in December of 2012, all 110 applicants were contacted and invited to participate in the process, as of June 2013, 56 indicated that they had an interest in participating in the process. A response and approval of the cost agreement is required from any water right applicant that has an interest in their water application being processed. Those not responding positively will maintain an active water right application but not be processed as part of this program. They will be processed by DOE on an application by date as time and resources allow.

If approved and once the Coordinated Cost-Reimbursement Program is completed, the total amount of water available through the Wenatchee Reserve is 4.0 cfs, the amount being allocated to the City through these permits is 1.074 cfs at this time.

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

- Water Rights Application Cover Letter, August 15, 2016 Chelan County Natural Resources
 - Coordinated Cost-Reimbursement Agreement Application No. G4-33068 (A) Surface Water.
 - Coordinated Cost-Reimbursement Agreement Application No. G4-33068 (B) Ground Water.
- Coordinated Cost-Reimbursement, Part B: Water Right General Terms and Conditions.

The Council is being asked to approve each agreement separately:

- **MOTION A:** *The Leavenworth City Council moves to approve the Coordinated Cost-Reimbursement Agreement between the City of Leavenworth and Chelan County Natural Resource Department pertaining to Water Rights Application No. S4-33068(A) for a cost of \$6,800 and authorizes the City Administrator to sign.*
- **MOTION B:** *The Leavenworth City Council moves to approve the Coordinated Cost-Reimbursement Agreement between the City of Leavenworth and Chelan County Natural Resource Department pertaining to Water Rights Application No. G4-33068(B) for a cost of \$14,600 and authorizes the City Administrator to sign.*

5. Nordic Circle Acceptance of Right-of-Way and Improvements

The City Council is being asked to accept a portion of land that will be incorporated into the City Street System. The Public Works Department has inspected and certified the completion of all of the necessary public infrastructure to serve the new “Acton Addition” Subdivision owned by

Dan Acton. With the development of the property, acceptance of the street, water, sewer, and stormwater systems into the City’s public system is being sought and is known as “Nordic Circle.”

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

- Vicinity Map.
- Acton Addition Subdivision (the dedication and conveyance instrument)
- **MOTION:** *The Leavenworth City Council moves to accept the Dedication of Nordic Circle to the City of Leavenworth.*

6. 2016 Emergency Management Services Contract

The Council is being asked to review and approve the annual contract with the Chelan County Department of Emergency Management for compliance with the Superfund Amendment and Reauthorization Act. The contract covers several items that are financially important to the City of Leavenworth:

- The Emergency Management Department is charged with developing a comprehensive emergency management plan for the City. This plan is critical in securing future FEMA funding by the City, should the City of Leavenworth face a declared emergency incident or disaster.
- The Emergency Management Department would provide emergency and disaster control and coordination either on site or through the Emergency Operations Center (EOC). The added personnel, professional assistance, and access to equipment would help contain ongoing emergency operation planning costs and costs to the City during an incident. The cost of the contract amount is based on a “per resident” number. The per resident amount is the Emergency Management annual operating budget divided by the number of residents within Chelan County.

The amount of the 2017 contract is \$5,254.00, which is slightly higher than the 2016 contract cost of \$5,227.20. The table below reflects contract costs in previous years as a comparison:

| | |
|------|------------|
| 2016 | \$5,227.20 |
| 2015 | \$5,358.40 |
| 2014 | \$4,432.50 |
| 2013 | \$4,432.50 |
| 2012 | \$5,320.00 |
| 2011 | \$5,270.00 |
| 2010 | \$5,225.00 |
| 2009 | \$5,006.00 |

The change in costs in 2015 was based on a new calculation methodology by the Sheriff’s Department. The contract amounts are now based on a standard cost per resident throughout small cities in Chelan County. The increase of \$27 for the 2017 contract is due to a population increase in the City of Leavenworth. Economic nodes located in Chelan County, such as Peshastin, Monitor or Manson do not pay an added fee for Emergency Services or Public Safety Services as the small cities do. The Emergency Management Service contract is of benefit to the City; a recent example of the services provided by Emergency Management Services in 2016

was the incident management training exercise focused on “Shelter in Place”, traffic management, and emergency response and communication.

The following item is included under **TAB 6:**

- 2017 Emergency Management Contract
 - **MOTION:** *The Leavenworth City Council moves to approve the 2017 Emergency Management Contract with Chelan County in the amount of \$5254.00 and authorizes the Mayor to sign.*

7. Resolution 14-2016 – Proclamation: Public Power Week

The City Council is being asked to approve Resolution 14–2016 which states the City of Leavenworth’s support in the recognition of the Chelan County PUD Annual Public Power Week which will take place October 2 – 8, 2016. The Chelan County PUD, along with some 2,000 public utilities across the country will celebrate affordable rates, community involvement, and care for the environment, which are among the many benefits of public power.

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

- Resolution 14-2016
- Proclamation
 - **MOTION:** *The Leavenworth City Council moves to approve Resolution 14-2016 recognizing the 30th Annual Public Power Week.*