



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*
Mia Bretz
Margaret Neighbors
Sharon Waters
Clint Strand
Jason Lundgren
Joel Walinski - *City Administrator*

LEAVENWORTH CITY COUNCIL AGENDA

Leavenworth City Hall – Council Chambers

October 23, 2018 – 6:30 PM

Call to Order

Flag Salute

Roll Call

Council Committees – 4th Tuesday

Housing 3:00 PM

Public Safety 4:00 PM

Finance 5:00 PM

Consent Agenda

1. Approval of Agenda
2. Approval of October 9, 2018 Study Session Minutes
3. Approval of October 9, 2018 Regular Meeting Minutes
4. 2018 Claims \$386,766.98
5. Set Public Hearing on 2019-2020 Preliminary Budget on November 13, 2018 at 6:45 PM
6. Set Public Hearing on 2019-2020 Final Budget on November 27, 2018 at 6:45 PM

Mayoral Proclamation: End Polio Day

Councilmember and Committee Reports

Mayor / Administration Reports

Group Funding Report: Leavenworth Fall Wine Walk – Rhona Baron

Comments from the Public on Items Not on the Agenda

Public Hearing on Surplus Property at 6:45 PM

Public Hearing on Waste Management Solid Waste Services Agreement at 6:45 PM

Public Hearing on Ad Valorem (Property) Tax at 6:45 PM

Resolutions, Ordinances, Orders, and Other Business

1. Action: Surplus Property
2. Action: 2nd Reading Waste Management Contract
 - a. Resolution 17-2018 Findings of Fact
 - b. Contract Approval
3. Action: Acceptance & Adoption of the 2018 Parking Study
4. Action: Special Use Permit Noise - Timbrrr! Winter Music Festival
5. Action: Chelan County Prosecution Services Agreement for 2019

Information Items for Future Consideration

1. Ad Valorem Tax Ordinance / Public Hearing Preliminary Budget on 11/13/2018
2. Transportation Benefit District Meeting to Follow Regular Council Meeting

Adjournment

(Next Ordinance is 1576 – Next Resolution is 18-2018)

SUPPLEMENTAL COUNCIL AGENDA

1. Surplus Property

The City Council is being asked to provide direction to staff regarding the surplussing of the property located on Highway 2, west of the Blue Spirits Distillery, and east of the access point of the US Forest Service, following public comment from the public hearing.

The request for consideration of surplussing City property is being made by Mr. Thomas Lin the abutting property owner. Although the entire parcel is 1.31 acres (57,021 SF), the request is for surplussing the eastern most portion of the parcel, .49 acres (21,221 SF). The City has completed a document review of the existing agreements with the Washington State Department of Transportation, Link Transit, and the U.S. Forest Service. All of these documents pertain to the the property and maintenance of the Link Park & Ride located to the west of this property. The Forest Service was also contacted regarding the landscaping of City property located in front of their property; no comment has been received as of this time.

After the public hearing, the Council will need to determine if the the property can be declared surplus and if the City Council has an interest in declaring the property surplus. If the Council is interested in declaring the property surplus, the first step is to complete a subdivision process to create the two separate parcels. Motion A would be to direct staff to begin that process. At a later date, once the subdivision is completed, the Council would then consider action on the surplussing of the parcel and the method of sale.

In the event that the City Council recieves information regarding the public use or future public use of the property on Tuesday evening, the Council may decide on not proceeding with consideration of surplussing the property at that time. Motion B would reflect that action.

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

- Unsigned Record of Survey December 13, 2017
- Design Concept March 30, 2017
- **MOTION (A):** *The Leavenworth City Council moves to direct staff to begin the subdivision process for Parcel 241701430030 and at a future time may consider the new parcels as surplus.*

OR

- **MOTION (B):** *The Leqavenworth City Council does not consider any part of Parcel 241701430030 to be surplus property at this time.*

2. 2nd Reading Waste Management Contract

The City Council is being asked to review and approve a second reading of the Solid Waste Services Agreement with Waste Management, Inc. The contractual agreement will allow for Waste Management to collect residential solid waste within the city limits of Leavenworth. Previously, the City Council authorized Waste Management to collect recycling materials at both residential and commercial accounts; the change in service under this agreement will be limited to the collection and billing for residential customers only. The City will continue to provide the yard waste dropoff site

and the Spring/Fall Clean-Up programs for residential properties. Once an agreement is approved, the education and transition process will begin and residential garbage service through Waste Management will commence on February 1, 2019.

The City Council has reviewed the contract language several times to date at both Study Session and City Council meetings. The Public Works Committee began the review of this transition after a request was made by the Residential Advisory Committee (RAC) to explore providing more recycling and solid waste container services for residents.

Currently, the City provides sanitary waste pick up services to City residents and business accounts. Businesses and residents within the City may also contract with Waste Management for recycling services. This contract will require that residents have garbage services through Waste Management; residents may elect to have recycling services through Waste Management. At this time, Waste Management is only offering the optional recycling service because of the current issues with the disposal of recyclable materials, as opposed to mandated recycling service. Waste Management has also notified the City that recycling charges and qualified materials will change, as the discussion regarding the disposal of the recycling material on a world wide basis continues. More specific information regarding the changes to the recycling program are provided within the packet materials.

The current City of Leavenworth Garbage Service for single family residential collection is as follows:

	Garbage Cart Size	Garbage Only Rate Per Month	Recycling Rebate Option Per Month
Residential	64 gal	\$26.52	\$5.00

Under the contractual agreement with Waste Management services, requirements and options would also include:

- Allowance for the residential service for removal of “bulky items.”
- Modification regarding the use of City Carts and choices on cart sizes.
- A qualified low income service provision similar to the current City provision for low income utility service provided by the City, a 50% price reduction.
- Language and provisions added for “special services” which includes Temporary Container Services, Refuse Services Transition Plan, Business Outreach on waste reduction, and Complimentary Recycling Service provided for the City’s Festhalle.
- Service level provisions by Waste Management Employees, equipment used, vehicle cleanliness, and records retention and availability.
- The annual price adjustment is 3.25% annually.
- The public outreach and change of service would begin after the City Council approves the agreement; full implementation would be February 1, 2019.

One item that was discussed at the September Study Session was a request by Fish and Wildlife representatives to require a “Kodiak” style bear resistant garbage receptacle. That request was taken back to Waste Management. Waste Management can make the “Kodiak” receptacle/cart available on a voluntary basis in two sizes for local residents at the added fee of \$11.35 per month. This is the same fee as previously offered for the “bear resistant” cart that they currently offer, although the Kodiak receptacle is a more expensive cart. The Snoqualmie pricing that was mentioned at the September

Study Session cannot be matched by Waste Management in this area at this time because of the limited service area (density and types of service offered) and the availability of “Kodiak” carts in this region. They will make the Kodiak carts available specific to Leavenworth; an alternate bear “resistent cart” is available for County residents at the same pricing. In addition, residents have the option of placing the garbage container at the curbside at 7:00 AM rather than at curbside overnight and/or having the Kodiak cart for a period of time if they are having bear issues with their solid waste. Waste Management representatives did attend the September 25th Council Meeting and did have their “Bear Proof” cart available for the Council to see.

The approval process for this contract is being completed under **RCW 35.21.156 Solid waste—Contracts with vendors for solid waste handling systems, plants, sites, or facilities—Requirements—Vendor selection procedures.**

(6) Prior to entering into a contract with a vendor, the legislative authority of the city or town shall make written findings, after holding a public hearing on the proposal, that it is in the public interest to enter into the contract, that the contract is financially sound, and that it is advantageous for the city or town to use this method for awarding contracts compared to other methods.

At the first reading of the agreement at the regurly scheduled Council meeting on September 25, 2018, the City Council scheduled a public hearing for the City Council meeting on October 23, 2018, prior to the second reading and consideration of approval. In addition, minor revisions necessary within the Leavenworth Municipal Code 8.04.010 were approved by Council at the October 9, 2018 Council meeting in preparation for the public hearing and consideration at the October 23, 2018 meeting. The code language changes were necessary to provide the authority for a garbage collector other than the City of Leavenworth to provide the service. Other minor wording revisions to the agreement, suggested by Council at the first reading, have also been incorporated in the second reading.

The Council will be provided a resolution on Tuesday evening for consideration to adopt findings of facts after the public hearing is conducted.

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

- Solid Waste Services Agreement
- LMC 8.04.010 Collection and Disposal System - Use Required
- 2019 Waste Management Contract Recyclable Materials Specifications
- Smart Center Fact Sheet
- Resolution 17-2018 Findings of Fact (to be provided at the meeting)

- **ITEM A: MOTION:** *The Leavenworth City Council moves to approve Resolution 17-2018 Findings of Fact.*

- **ITEM B: MOTION:** *The Leavenworth City Council moves to approve and authorizes the Mayor to sign the 2018 Waste Management Solid Waste Services Agreement.*

3. Acceptance of the 2018 Parking Study & Adoption of the Guiding Principles

The City Council is being asked to consider accepting the City of Leavenworth Downtown Strategic Parking Management Plan 2018 Parking Study and adopting the Guiding Principles as the policy guidelines for managing parking in the downtown area.

In accepting the Strategic Parking Management Plan, the City Council is acknowledging that the parking study was completed to the defined scope of work. By accepting the Draft Final Report, the report will then become the City of Leavenworth Downtown Strategic Parking Management Plan Final Report.

The second item is adopting the Guiding Principles, which is the call to action of implementing a parking plan. By adopting the Guiding Principles, the Council is adopting the policy guidelines for managing parking within the Leavenworth downtown area. The Guiding Principles identify the various elements of parking management: the City's Role; the role of the Private Sector; the establishment of a Parking Advisory Committee; identifying the priority users for the parking locations and the goals for managing parking resources – on-street parking downtown, on-street parking in the adjacent neighborhoods, managing for on-street parking turn over, off street parking - coordinated to meet employee demand, and encourage walking, biking, transit and carpooling. Moreover, the Guiding Principles call for the parking management decisions to be data driven based on performance measurements, decisions and actions based on using the 85% rule (85% capacity), planning for quality improvements of existing parking, enhanced communication for the users, and integrate parking with other modes of transportation. In addition, the Guiding Principles do call out for planning for future supply and growth with that process beginning now. And finally, the planning and managing of parking must be fiscally responsible; the parking plan and use of resources must be financially sustainable.

The Executive Summary of the Downtown Strategic Parking Management Plan draft report and the Proposed Guiding Principles for Downtown Parking Management are included within the packet materials. The full Strategic Parking Management Plan Draft Report is available via the City's Website:

<http://cityofleavenworth.com/city-services/facilities/parking/leavenworth-parking-study/>

The Economic Development Committee discussed the Parking Plan and the Guiding Principles at their last meeting; at that time, they recommended the full City Council accept the report and adopt the Guiding Principles as written. The Council did review and discuss the draft of the parking plan at the September Study Session. If and when the Guiding Principles are adopted by the City Council, the next step will be to form the Parking Advisory Committee. The group's responsibility will be to review, research, and recommend the implementation of parking management elements within the Parking Plan. Their recommendations will be presented to the City Council prior to implementation; many of these recommendations will require City Council approval because of the expenditure of City funds or possible changes in code language.

History:

The Parking Study was initiated by the City's Economic Development Committee and their discussions with the Leavenworth Area Chamber of Commerce. Both the City Council and Chamber of Commerce Board had identified initiating and completing a Parking Study in their 2017/2018 goals. Follow-up meetings were then held with the Chelan County Port to build a partnership and to seek an additional funding source. The three partners (City, Chamber, and Port) contracted with Rick Williams Consulting to perform the study. The cost of the study was \$56,322. The Port committed

\$30,000 in funding for the project, the Chamber \$13,161 and the City \$13,161. The City also provided the staffing resources to oversee and facilitate the study.

A Parking Study and Assessment was found to be necessary for the City to have the information to incorporate best management practices for the existing and future vehicle parking locations and the allocation of future parking resources. The study provides information on the current availability and use of existing parking resources, gains an understanding of future parking needs, and collects high-level information on potential future major capital improvements, such as a parking garage. The Management Plan identifies parking options that benefit Leavenworth. Parking is managed to ensure the continued economic vitality of Leavenworth and the area.

Background: The concerns of parking availability in Leavenworth began shortly after the success of Project L.I.F.E (Leavenworth Improvement for Everyone) and the transformation of Leavenworth into the Bavarian Village; with tourism and visitors, comes vehicles and the questions on parking. Parking is essential in providing easy access for residents, guests and visitors, limiting congestion, and ensuring the growth to the City's businesses and the tourism based economy. The history and conversation on parking is long: The first parking survey was completed by the City in 1989; in 1995, the City commissioned Perteet Engineering to conduct a Downtown Parking Study; in 2011, the City requested Republic Parking to provide a high level assessment of the parking resources in Leavenworth; and in 2012, the City purchased the Fruit Warehouse Property, added 200 plus parking stalls and implemented paid parking and/or timed parking at several of the off-street City owned parking lots. Early in 2015, the City, Chamber of Commerce, and community once again began the discussion on addressing the ongoing need for additional parking; as a result, the Chamber and City both identified the need for the completion of a Parking Study and Assessment in their priorities for 2017.

Why a Parking Study and Assessment? An undersupply of parking spaces compromises access and circulation, creates spillover problems for adjacent uses, and if left unaddressed could be a limiting factor on the economic vitality and growth of the area. Conversely, an oversupply of parking is costly to the City and businesses, is visually unattractive, may negatively impact the urban design and streetscape, which could negatively affect the economic vitality of the area. To that end, the Parking Study and Assessment provides the decision makers with the necessary information to achieve the following:

- Evaluation of parking supply and demand based on today's "normal" peak use.
- Improve parking availability for customers.
- Assist in developing modifications of existing parking management and regulations.
- Evaluation of parking supply and demand given expected land use changes and development.
- Development of parking opportunities in the context of a multi-modal downtown.
- Explore the financial feasibility of building and operating a parking garage.

Listed below are the two motions for City Council consideration on Tuesday evening.

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

- Executive Summary: City of Leavenworth, Washington Downtown Strategic Parking Management Plan.
- Proposed Guiding Principles for Downtown Parking Management, October 2017

- **MOTION A:** *The Leavenworth City Council moves to accept the City of Leavenworth Downtown Strategic Parking Management Plan Final Report.*
- **MOTION B:** *The Leavenworth City Council moves to adopt the Guiding Principles for Downtown Parking Management; these guiding principles will be the policy guidelines for managing parking within the City of Leavenworth.*

4. Special Use Permit – Noise: Timbrrrr! Winter Music Festival

The City Council is being asked to consider approval of a Special Use Permit (SUP) to allow an extended time period and increased noise levels for the Timbrrrr! Winter Music Festival. This will be the sixth year that the Timbrrrr! Partners held this annual Winter Music Festival in the City of Leavenworth. The event is scheduled to take place at the Leavenworth Festhalle on Friday, January 25 and Saturday, January 26, 2019. This is a live music event; music begins each evening at 5:00 PM and ends at 12:30 AM each day. Approval of the Special Use Permit would allow for the permitted dB noise and sound levels to be permitted to a level not to exceed 95 dB.

In regard to the SUP, the LMC 9.33.040 Exemptions allow 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:** The permit is necessary because the noise level at various times during the event may exceed the 70 dB or 60 dB level specified in LMC 9.33. The event is held within the confines of the Festhalle, so the noise generally will be contained within the building.
2. **There exists a special circumstance relative to size, topography, location, or surroundings of the subject property:** The Festhalle facility is located within the Central Commercial District, which is the preferred location for these events to be held.
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:** The organizers will be monitoring the noise levels outside the building to ensure that they do not exceed the 95 dB noise level. Noise monitoring from other events typically show that sounds levels on the exterior of the Festhalle do not exceed the 70 dB which is allowed under LMC 9.33.
4. **That the granting of the special use permit will not be materially detrimental to the comfort, health, or safety of the public:** The granting of the permit is for a 2 day event. Past events held within the confines of the Festhalle facility have not been an issue with surrounding property owners, provided that the doors remain closed during the performance times.
5. **That the special use permit is limited to not more than 14 days in any 90 day period:** The permit is for a period of 2 days.

Staff is recommending approval of the Special Use Permit, allowing the noise exemption because the event is contained within the Festhalle area and events that have been held within the facility have

not had the noise issues associated with events held in outdoor or in tented venues. Additionally, the organizers have volunteered to self-monitor and have confirmed that during the January 2014, 2015, 2016, 2017, and 2018 events, similar noise monitoring revealed no violations of the noise limit at any time during similar operating hours.

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

- Noise Compliance Analysis
- Special Use Permit Agreement Timber Partners
- Letter to the City Council from Phil O’Sullivan, Managing Member, Timber Partners
- **MOTION:** *The Leavenworth City Council moves to approve the Special Use Permit to Timber Partners, LLC and Artist Home, which allows for an exemption from the noise limitations stipulated in LMC 9.33.040 on Friday, January 25, 2019 and Saturday, January 26, 2019.*

5. Chelan County Prosecution Services Agreement for 2019

The City Council is being asked to approve the 2019 Chelan County Prosecution Service Agreement for prosecution services through the Chelan County Prosecuting Attorney. Through this agreement, the County Prosecuting Attorney will provide prosecution services for misdemeanors and gross misdemeanors filed in District Court for cases arising within the corporate City limits. The fee for the prosecution services would be calculated based on the rate of \$250.00 per case, which is a \$25.00 increase from last year. The total contract amount for 2019 would be \$19,750 based on 79 cases at \$250 per case, which is an increase of \$6,025 from last year. See the table below for the history of annual contract costs:

Year	Per Case Fee	Number of Cases	Contract Cost
2018	\$225	61	\$13,725
2017	\$225	54	\$12,150
2016	\$210	64	\$13,440
2015	\$210	50	\$10,500
2014	\$210	84	\$17,640
2013	\$210	69	\$14,490
2012	\$200	55	\$11,000
2011	\$200	58	\$11,600
2010	\$200	69	\$13,800

The history of fee changes per case for the Prosecution Service Contract is as follows:

1997 - \$100 per case	2003 - \$125 per case	2006 - \$175 per case
2010 - \$200 per case	2013 - \$210 per case	2017 - \$225 per case
2019- \$250 per case		

A copy of the agreement is provided as well as a list of misdemeanor crimes occurring within the corporate city limits as provided by the Chelan County Sheriff’s Office via RiverCom. The report provides the incident number, location of incident, location of arrest, the charges, and the date of the arrest.

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

- Chelan County Prosecuting Attorney Cover Letter, October 9, 2019

- Prosecution Service Agreement
- Bookings by LV Incident Location 9/1/2017 – 8/31/2018
 - **MOTION:** *The Leavenworth City Council moves to approve and authorizes the Mayor to sign the 2019 Chelan County Prosecution Service Agreement.*