



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
Sharon Waters
Joel Walinski - *City Administrator*

LEAVENWORTH CITY COUNCIL AGENDA

Leavenworth City Hall – Council Chambers
October 24, 2017 - 6:30 PM

Call to Order

Flag Salute

Roll Call

Consent Agenda

1. Approval of Agenda
2. Approval of October 10, 2017 Regular Meeting Minutes
3. Approval of October 10, 2017 Study Session Minutes
4. 2017 Claims \$164,266.15

Councilmember and Committee Reports

Mayor/Administration Reports

Comments from the Public on Items Not on the Agenda

Public Hearing on Ad Valorem (Property) Tax and Mid-Biennium Budget Review / Modification @ 6:45 PM

Resolutions, Ordinances, Orders and Other Business

1. Action: Set Public Hearing on LID 24 Assessment Roll on November 28, 2017 at 6:45 PM
2. Action: Ordinance 1553 Highway 2 Annexation
3. Action: Special Use Permit Noise – Timbrrr! Winter Music Festival

Information Items for Future Consideration

1. Transportation Benefit District Meeting to Follow Regular Council Meeting
2. Pine Street Open House – October 25, 2017 at 7:00 PM at the Festhalle

Adjournment

Council Committees -4th Tuesday –

Econ. Dev. 4:00 Finance 5:00

(Next Ordinance is 1554 - Next Resolution is 20-2017)

SUPPLEMENTAL COUNCIL AGENDA

1. Set Public Hearing on LID 24 Assessment Roll on November 28, 2017 @ 6:45 PM

This motion sets the public hearing date for the final assessment roll for LID #24 for the Meadowlark water line, sewer line, and sewer lift station improvements. These improvements were originally part of the Meadowlark Development Project that was entered into by agreement with the property owners; the improvements were a critical first step in bringing utility infrastructure to the property line that directly abuts the development area. Property owners included in the assessment are Titus Road, LLC, Upper Valley MEND, and Agnew/Hebert. The final total cost of the assessment roll is set at \$832,178.45.

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

- Publication/Notice that will be published on October 25, 2017 and November 1, 2017 and mailed to property owners being assessed
- PACE Engineer Larry M. Cordes Certified Estimate of Assignments
- **MOTION:** *The Leavenworth City Council moves to set a public hearing for LID #24 Assessment Roll on November 28, 2017 at 6:45 PM and directs staff to publish said notice in the local newspaper on October 25, 2017 and November 1, 2017 and to mail notices to each property owner being assessed at least 15 days prior to the public hearing.*

2. Ordinance 1553 Highway 2 Annexation

The City Council is being asked to adopt Ordinance No. 1553. This ordinance is subject to the final legal description and attorney review. Included within the packet materials is a draft with highlighting that has a draft legal description. This Ordinance is pursuant RCW 35A.14.300 - Annexation for municipal purposes. Whereby, legislative bodies of code cities may, by a majority vote, annex territory outside the limits of such city, whether contiguous or noncontiguous for any municipal purpose when such territory is owned by the city. The territory being annexed is controlled by the Washington State Department of Transportation (WSDOT). This area is solely within Hwy 2 Rights-of-Way, and is for the purposes of municipal control. This annexation would expand the City Limits and Leavenworth jurisdiction for a portion of Hwy 2 where City infrastructure exists and will be placed. Under current agreements, the City operates and maintains the areas from the curb to the outer edge of Hwy 2 rights-of-way. This includes curb, gutter, sidewalks, sanitary sewer mainlines, domestic water mainlines, hydrants, and other appurtenances to these City services. WSDOT operates and maintains the travel lanes and associated stormwater. Joint operation and maintenance remains for crosswalks and other improvements that traverse these areas of control and responsibility. The City Attorney deems this to apply to the ownership interest the City will have in this right-of-way; and the Washington State Department of Transportation has provided a letter of consent for this annexation.

Review by the Boundary Review Board or by the County Annexation Review Board for code cities is not necessary if the property being annexed for municipal purpose is contiguous to the City.

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

- Draft Ordinance No. 1553
 - Annexation Territory
 - Washington State Department of Transportation Letter of Consent
- **MOTION:** *The Leavenworth City Council moves to adopt Ordinance No. 1553 subject to final inclusion of the legal description, mapping, and City Attorney review.*

3. Special Use Permit Noise – Timbrrr! 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 Timbrrr! Winter Music Festival. This will be the fifth year that the Timbrrr! 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 26 and Saturday, January 27, 2018. 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 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. In addition, the organizers have volunteered to do self-monitoring and confirmed that during the January 2014, 2015, 2016, and 2017 events, similar noise monitoring revealed no violations of the noise limit at any time during similar operating hours.

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

- 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 Homes, which allows for an exemption from the noise limitations stipulated in LMC 9.33.040 on Friday January 26, 2018 and Saturday January 27, 2018.*