



City of Leavenworth

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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
May 28, 2019 – 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 May 14, 2019 Study Session Minutes
3. Approval of May 14, 2019 Regular Meeting Minutes
4. Approval of May 20, 2019 Special Meeting Minutes
5. 2019 Claims \$119,129.48
6. Set Public Hearing on Code Amendments Recommended by the Planning Commission on June 11, 2019 @ 6:45 PM
7. Set Public Hearing on Six-Year Transportation Improvement Plan on June, 11 2019 @ 6:45 PM

Councilmember and Committee Reports **Mayor / Administration Reports**

Presentation: Merging of Port of Chelan and Douglas County

Presentation: North Central Regional Libraries

Group Funding Report: Bavarian Battle of the Bikes – Meg Zapalowski

Comments from the Public on Items Not on the Agenda

Resolutions, Ordinances, Orders, and Other Business

1. Action: Set Public Hearing for Resolution 07-2019 – Link Transit Ballot Measure Support
2. Action: Special Use Permit – Oktoberfest Noise Permit
3. Action: Pine Street Field Inspections: Pacific Engineering

Information Items for Future Consideration

1. Joint Mid-Year Meeting with the Planning Commission on June 5, 2019 at 7:00 PM

Adjournment

(Next Ordinance is 1588 – Next Resolution is 08-2019)

SUPPLEMENTAL COUNCIL AGENDA

1. Set Public Hearing for Resolution 07-2019 – Link Transit Ballot Measure Support

The City Council is being asked to set a public hearing to discuss and consider a resolution of support for the Link Transit Ballot Measure in August of 2019. This measure asks for a 2/10 of 1% (2 cents on a \$10 taxable purchase) increase to the local sales tax rate within Link's taxing district, which includes all of Chelan County, and the Eastmont, Waterville and Orondo school districts. This increase would be phased in over a two-year period, with 1/10 becoming effective immediately and the second 1/10 becoming effective in January 2022. This increase, if approved by a simple majority of the voters, would increase Links tax rate from 4/10's of 1% to 6/10 of 1%. The Public Hearing will provide the opportunity for the general public to provide comments on the pros and cons of the proposed levy. After taking in the public comment, the City Council will consider a resolution pertaining to the PRSA Proposition No. 1 ballot measure.

At the May 14, 2019 City Council Study Session, Richard DeRock, Executive Director of Link Transit visited with the City Council. Mr. DeRock presented information on how Link currently operates, their process of developing a strategic plan for providing and funding enhanced services, and what services the Leavenworth Area would be provided if the measure were approved.

Under RCW 42.17A.555, an elected legislative body may express a collective decision in support or opposition of a ballot proposal so long as the required notice of the meeting includes the title and ballot proposition and members of the public are afforded the opportunity to express their views.

The following item is included under **TAB 1**:

- RCW 42.17A.555
 - **MOTION:** *The Leavenworth City Council moves to set a public hearing on June 25, 2019 at 6:45 PM for the consideration of a resolution of support for the Link Transit Ballot Measure.*

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 October 4th and Saturday October 5th, Friday October 11th and Saturday October 12th, and Friday October 18th and Saturday October 19th. The SUP would allow the noise and sound levels to exceed 70 dBA during the event (including and up to 1:00 AM) with a not to exceed level of 95 dBA. 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 Stube (Lower Parking Lot – P2)
4. 1:00 AM Festhalle Building

In 2014, the Festival & Events Committee determined the use of the staggered closing times in order to limit the sound emitted from the outdoor live music. This was first implemented at the Oktoberfest 2014. The requested staggered closing times are the same times that were used successfully the last four years. This staggered closing approach does limit the noise level as the event continues into the evening. One change this year will be the Spaaz Platz not having live music on Friday evenings.

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 has also done spot monitoring in the past during the evening hours of the event to ensure compliance to the SUP limitations. This will continue based on any complaints received. The request for the SUP for noise levels is consistent with the recommendations of the Festival & Event Committee recommendations and previous years.

The following items 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. Pine Street Field Inspections: Pacific Engineering

The City Council is being asked to review and approve an amendment to the Professional Services Agreement (PSA) with Pacific Engineering and Design, to include construction inspection services on behalf of the City for the Pine Street Reconstruction Phase I Project. The estimated cost for the identified scope of services included within the agreement amendment is Twenty-four Thousand One Hundred and Twenty-eight Dollars (\$24,128.00) The original PSA for continued on-call engineering consultant services was approved by Council on December 11, 2018 for the 2019 calendar year.

Pacific Engineering and Design is a local engineering firm located in Wenatchee, WA and is represented by Mr. Thom Kutrich, P.E. This agreement would allow the City to utilize the firm for project on-site inspection and consulting services for this major project. The City has worked in conjunction with the firm on several City related projects in this capacity, such as the Hampton Inn Water Main Improvements, the Pinegrass Development, and the Zelt Strasse roadway (KOA).

Utilizing Pacific Engineering and Design for these services allows the City local oversight and inspections of the Pine Street Project at a considerable savings in travel and other expenses had this service been provided by the project engineers (TD&H).

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

- Pacific Engineering and Design Professional Services Agreement (2019)
- Pacific Engineering and Design Professional Services Agreement - Amendment 1
- Exhibit B: Inspection Proposal - Scope of Work and Schedule of 2019 Fees

- **MOTION:** *The Leavenworth City Council moves to approve and authorizes the Mayor to sign the Professional Services Agreement Amendment 1 with Pacific Engineering and Design for inspection and consulting engineer services for the Pine Street Reconstruction Project for a not to exceed amount of \$24,128.*