

LEAVENWORTH CITY COUNCIL
Study Session Agenda
City Hall - Council Chambers
March 10, 2020 8:30 AM

8:30 – 8:45 Chamber Report

This time is provided for a Chamber of Commerce representative to provide an update to the City Council on items of interest to the Chamber and City.

8:45 – 9:05 Enforcement Policy Discussion – Review of Resolution 07-2012

This time is provided to discuss and provide direction to staff about the current City Code Enforcement Policy, adopted by Resolution 07-2012, and staff workloads. The enforcement policy was adopted to formalize the long-standing actions and procedures used by staff to enforce City codes. Specifically, the policy divides enforcement into three categories, Level 1 – life, health and safety violation, which requires immediate corrective action; Level 2 – citizen complaint form, reviewed and determined, if valid, to be (1) life, health and safety violation, (2) Public welfare violation, or (3) Public impact violation; and, Level 3 – lesser level of enforcement. The policy states that City staff does not “police” activities looking for violations. When a violation is determined, the first step is education followed by voluntary compliance. If those efforts do not work, staff will start a formal enforcement practice outlined in Leavenworth Municipal Code (LMC) Chapter 21.13.

Many communities use a complaint driven model along with enforcement of all life safety issues, which typically addresses the majority of concerns. For Leavenworth, this appears to be working for most issues. Items which are slipping include the placement of illegal signs in the commercial zones and potentially some short-term rentals in the residential areas. While the City strongly encourages residents to use the vacation rental hotline for complaints, several residents have stated that they don’t want to “police” their neighbors or get involved in enforcement. Currently, the City averages a handful of short-term vacation rental complaints a year. Last year, one complaint was found valid and staff is still working with the property owner to bring it into compliance.

All enforcement actions have the potential to result in contention. For this reason, education of the regulations is the best way to prevent and initially respond to a violation. As noted in the policy, individuals, when made aware of the rules and regulations, will generally take the appropriate action to change. There are times when that change needs to be formally agreed upon and a compliance agreement outlining the violation, the agreed action(s) for compliance and the timeline for compliance is required. If none of these steps work or if there is an immediate need, a Level 1 enforcement action is required.

All enforcement actions require detailed record keeping, excellent communication, and on-going review/actions. Level 1 enforcement is the most comprehensive and detailed process. It requires multiple legal actions and requires extensive staff time and may result in legal action.

At this time, there are several Level 2 and 3 code violations lingering or dropped due to staff workloads. Additionally, no education on common code violations is being done. In order to

provide complete and consistent enforcement and education, Development Services Department will require another staff position. The anticipated education and enforcement position is estimated to require a part-time employee; however, there is a need for additional assistant planner support. For this reason, staff would recommend a full-time position to be used both for enforcement and assistant planning activities.

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

- Resolution 07-2012

9:05 – 9:20 City Council Walking / History Tour

Local lifelong resident, retired teacher, son of one of the original Bavarian-theme leaders, and local historian Bob Stroup has offered to take the Council on one of his walking tours of the downtown where he delves into the past. His thinking was that, in light of the new emphasis coming with L.I.F.E. 2.0, it would be good to “fill in the blanks” for the Council on the entire history of our City. This is a 1.5 to 2-hour tour. The Council needs to decide: 1) do you want to take Bob up on his offer, and 2) if so, do we want to take part of our May Study Session to do this, or schedule a Special City Council meeting?

There are no items included under **TAB B.**

9:20 – 9:25 Planning Commission Report per LMC 2.40.090

The Leavenworth Municipal Code requires an annual report from the Planning Commission to the City Council. This requirement was adopted prior to the existing docketing process, which requires a joint City Council and Planning Commission meeting in January. Additionally, the Planning Commission has been hosting a second joint meeting in June to update the Council on the docket and open discussion on other items. At this time, the Planning Commission has requested that this code requirement be removed or modified based on the current practices.

There are no items included under **TAB C.**

9:25 – 9:45 Resolution XX-2020 City Facilities Rules and Standards of Conduct

Resolution No. XX-2020 is a resolution concerning rules and standards of conduct for persons and parties who enter into agreements with the City, use City facilities, or engage in business within the City. The resolution provides information on the expectations for the Festhalle users and that any issues regarding conduct by the users of the facility would be considered when the City considers future rental agreements with those users.

The Rules and Standards of Conduct Resolution allows the City Administrator to create a process to administer, review, and log complaints that could affect the renewal of a lease agreement with a private organization at publicly owned facilities. At the February 11, 2020 Study Session, Council discussed the need to consider additional language that identifies the specific process conducted by the City to review and enforce claims of non-compliance as well as including levels or steps leading up to non-renewal of a facility use by individuals or organizations. Council

reviewed ways to provide open communication to the City, whether the information is negative or positive; it was further noted that when a facility is booked, the City would need to provide policies and standards to ensure the users understanding of what is expected. It was noted that the resolution is designed to create the direction for the City Administrator and that further regulations and language development will need to be created.

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

- Draft Resolution XX-2020 regarding Rules and Standards of Conduct

9:45 – 10:00 Easement Acknowledgement Adventure Park

This time is provided to review the request from the Langston Property owners and the Leavenworth Adventure Park's request for a Final Easement Alignment for the Langston property (Adventure Park site). In 2008, the City and neighboring property owners recorded a permanent easement for ingress, egress and underground utilities 40 feet in width, AFN 2289170. The easement denotes a portion of undeveloped easement from the existing gravel road to the Langston property was to extend from the existing road in a north-northwesterly direction but was not specifically defined. At this time, the final location is legally described by Munson Engineering's professional land surveyor.

The City has reviewed the legal description with Landline Surveying and finds it adequate. The clarification of the easement location will ensure that future development of a road and utilities will occur within the original 40' easement.

The following items are included under **TAB 12 (Evening Meeting):**

- Memorandum from Attorney Weed, Graafstra & Associates, Inc
- Acknowledgement of Final Easement Alignment

10:00 – 10:30 Discussion on Parking Meters

There have been several decisions being recommended by the Parking Advisory Committee that expand the scope and cost of the Paid and Timed Parking project. We are not absolutely certain whether this will exceed the total funding approved by the Council with CivicSmart at this time, but will know by Tuesday. We want to explain why it is necessary for the scope changes, and answer any questions that the Council may have. The amendments to the contract will be submitted for approval at the March 24, 2020 City Council meeting.

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

- Quote sheet for additional meters for hospital site
- Quote for additional sensors for lots P5 and P7
- Quote for decorative sleeves and bases

10:30 – 10:45 Council Open Discussion

The remainder of this time slot allows for Council discussion of items not on the agenda.

10:45 – 11:00 Public Comment Period

The remainder of this time slot allows for the public to discuss items with the Council.