



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
April 9, 2019 – 6:30 PM

Call to Order
Flag Salute
Roll Call

Council Committees – 2nd Tuesday

Economic Development 3:00 PM
Parks 4:00 PM
Public Works 5:00 PM

Consent Agenda

1. Approval of Agenda
2. Approval of March 26, 2019 Regular Meeting Minutes
3. March 2019 Payroll \$236,695.89
4. 2019 Claims \$105,994.39
5. PRSA Voucher Request

Public Safety Report: Sergeant Scott Lawrence, Liaison Officer

Presentation: United States Forest Service on Fire Risk – Rick Stratton

Councilmember and Committee Reports

Mayor / Administration Reports

Comments from the Public on Items Not on the Agenda

Public Hearing on Cryptocurrency (Bitcoin) Regulations at 6:45 PM

Resolutions, Ordinances, Orders, and Other Business

1. Action: Leavenworth Community Farmers Market Special Use Permit: Noise Variance
2. Action: Ordinance 1585 – Cryptocurrency (Bitcoin) Regulations
3. Action: Zoning Map Amendment Recommendation
 - a. Ordinance 1586 – City Owned Property Rezoning
 - b. Motion to Set Public Hearing – Golf Course Property Surplus on 4/23/19 @ 6:45 PM
4. Action: Ordinance 1587 – Quarterly Budget Amendment
5. Action: Resolution 4-2019 – 3-Year Interfund Loan to Pool
6. Action: Upper Valley Connection – Youth Funding
7. Action: Mayoral Appointment of Mr. Steven Booher to Planning Commission Position No. 1
8. Action: Supplemental Agreement #4: TD&H Construction Engineering and Inspection Services

Information Items for Future Consideration

1. Final Reminder – Public Disclosure Commission Filing Deadline April 15, 2019
2. Council Annual Retreat – April 12, 2019 from 7:00 AM – 3:00 PM at the Bavarian Lodge, Montafon Room

Adjournment

(Next Ordinance is 1588 – Next Resolution is 5-2019)

SUPPLEMENTAL COUNCIL AGENDA

1. Leavenworth Community Farmers Market Special Use Permit Noise Variance

The City Council is being asked to consider and approve a Special Use Permit (SUP) to allow increased noise levels for the 2019 Leavenworth Community Farmers Market, which is held on Thursdays, June through October, from 4:00 PM – 8:00 PM at Lions Club Park. A staff report is prepared, with the recommendation for approval with conditions, which addresses and removes or reduces noise impacts to the neighbors residing north of the park.

Live music showcasing talented local musicians has become a recent addition during the Markets; most groups are merely background music, while others produce more volume. During the 2018 Market Season, City Staff notified the Farmers Market Manager of noise complaints during one market event. The Market Manager was unaware of the Noise Ordinance and the allowed decibel levels for live amplified music being produced at the park. Upon approval of the Special Use Permit, Market Staff will ensure that all groups will be checked by the Farmers Market Sound Tech and adjust volume levels accordingly.

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

- Compliance Analysis
- Special Use Permit Agreement – Exhibit A
- Letter of Request – Exhibit B
- LMC Chapter 9.33 – Public Disturbance Noise Regulations
- **MOTION:** *The Leavenworth City Council moves to approve the Special Use Noise Permit for the 2019 Leavenworth Community Farmers Market.*

2. Ordinance 1585 – Cryptocurrency (Bitcoin) Regulations

The City enacted interim regulations for cryptocurrency under Ordinance 1561, signed March 27, 2018, which defines cryptocurrency and requires a Conditional Use Permit (CUP) for the placement of cryptocurrency in the Light Industrial zoning district. The interim controls are set to expire March 27, 2019. Therefore, the Planning Commission held a hearing on February 6, 2019 to consider new zoning regulations which would permit (without a conditional use permit) cryptocurrency uses within the Light Industrial zoning district when specific standards are met. Planning Commission is recommending approval of the regulations.

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

- Transmittal Memo
- Ordinance 1585
- **MOTION:** *The Leavenworth City Council moves to approve Ordinance 1585 amending the Leavenworth Municipal Code to define cryptocurrency in LMC Chapter 21.90 definitions; and, permit cryptocurrency within the Light Industrial District (LI), LMC Section 18.45.020.*

3. Zoning Map Amendment Recommendation

a. Ordinance 1586 – City Owned Property Rezone

The City of Leavenworth Hearing Examiner held a Public Hearing on March 18, 2019 to consider and make recommendation on the proposed Zoning Map Amendments for 1400 Commercial Street, changing from Multifamily to Light Industrial, and for 9139, 9125, 9111 Icicle Road, changing from Recreation to Residential Low Density 6 (RL6). These amendments are identical to the 2018 Comprehensive Plan Map amendments passed by the Council by Ordinance 1584. There were no public comments at the Hearing and the Hearing Examiner rendered a decision on March 22, 2019 recommending that the City Council approve the Zoning Map Amendments. This item comes before the City Council as a Closed Record Action, meaning no public comment shall be taken, rather the Council is requested to make a motion on the Hearing Examiner's recommendation.

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

- Transmittal Memo
- Ordinance 1586
- **MOTION:** *The Leavenworth City Council moves to adopt Ordinance 1586 accepting the Hearing Examiner's recommendation approving the Zoning Map Amendments consistent with Ordinance 1584.*

b. Motion to Set Public Hearing – Golf Course Property Surplus on 4/23/2019 at 6:45 PM

The City Council is being asked to set a Public Hearing on the surplus of the Golf Course Property on April 25, 2019 beginning after 6:45 PM. Under Resolution No. 23-2012, the City Council established a procedure for the surplus and sale of real property owned by the City of Leavenworth. The purpose for surplus of any City owned property is if the City Council finds that it is in the public interest to return the property to the tax rolls, if it is not needed for some present or future municipal use, and it can be sold for a reasonable return. The question being, is the property necessary for a current or future need of the City or would disposing of the property be a higher or better use for the Community at large.

The first step in the procedure for surplus of property is for the City Council to hold a Public Hearing regarding the property. After closing the Public Hearing, the City Council will then decide on declaring the property surplus. If the City Council does decide to declare the property surplus, they will also provide direction on how to sell the property going forward. These will be discussed in more detail on April 23, 2019; however, the procedures are identified in Resolution #23-2012, which is included in the packet materials.

Property Identification:

- (a) Property Name: Golf Course Property

- (b) Street address (if available): 9139, 9125, 9111 Icicle Road, Leavenworth WA
- (c) Assessor's Office Property Tax Parcel Numbers: 241711440851, 241711440852, and 241711440853
- (d) Use of property: There is no use of the property at this time. The vacant three lots front Icicle Road and the rear property line is adjacent to the City of Leavenworth Golf Course
- (e) Listing of restrictions, covenants, or other limiting attributes: NA
- (f) Status of property (active or inactive): No City use at this time

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

- Resolution No. 23 - 2012
- List of Current City Owned Property
- **MOTION:** *The Leavenworth City Council moves to notice and hold a Public Hearing regarding the surplusing of three residential lots located adjacent to the Leavenworth Golf Course property on April 23, 2019 at 6:45 PM.*

4. Ordinance 1587 – Quarterly Budget Amendment

The City Council is being asked to adopt Ordinance 1587 Quarterly Budget Amendment, which amends the budget at the fund level. A majority of this amendment includes the necessary adjustments to the beginning and ending fund balances; the Council will find other amendments based on Council actions or necessary corrections to the 2019 budget that have either been carried over from the 2018 budget or require amendment due to changes not foreseen in the development of the original budget in 2018. Included with this amendment is an estimated adjustment to the Garbage Fund to recognize the removal of residential garbage; at this time, two months of revenues have been analyzed while only one full month for expenditures has been analyzed, which may require a future amendment. Finance Director Chantell Steiner will review the amendments and answer questions at the evening meeting.

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

- Ordinance 1587
- Revenue and Expense Line Item Details
- **MOTION:** *The Leavenworth City Council moves to adopt Ordinance 1587 Quarterly Budget Amendment.*

5. Resolution 4-2019 – 3-Year Interfund Loan to Pool

The City Council is being asked to approve Resolution 4-2019 as previously discussed to assist the Pool Fund with the major capital improvement to repair the surge tank and resurface the pool basin. The City Council authorized 1/3 of the funding to be loaned to the Pool from the General Fund in the amount of \$61,045; total project cost of \$183,135. The resolution incorporates this amount to be borrowed in 2019 with annual payments to be made between 2020 and 2022. Interest

will be calculated at the City's current lowest rate of return, which is 1.286%, and will be paid annually with the principle payments.

The following item is included under **TAB 5:**

- Resolution 4-2019
 - **MOTION:** *The Leavenworth City Council moves to approve Resolution 4-2019 authorizing a 3-Year Interfund Loan to the Pool Fund from the General Fund.*

6. Upper Valley Connection – Youth Funding

The City Council is being asked to provide support to Upper Valley Connection (UVC); a non-profit group that supports local Leavenworth area youth and young adults with different abilities, disabilities, or special needs through meaningful interactions. The Council has provided various amounts in previous years ranging from \$750 up to \$2,000. This year, the Youth Funding currently has just over \$1,000 remaining. The Council is being asked to consider funding the program again this year. Funding for this is available in the City's General Fund for youth services.

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

- Letter of Request for Donation Support
 - **MOTION:** *The Leavenworth City Council moves to approve supporting the Upper Valley Connection Program for Leavenworth Area Residents in the amount of \$_____.*

7. Mayoral Appointment of Mr. Steven Booher to Planning Commission Position No. 1

The City Council is being asked to confirm the Mayor's appointment of Mr. Steven Booher to the City of Leavenworth Planning Commission. The Leavenworth Municipal Code (LMC) requires that all Planning Commission members are appointed by the Mayor with confirmation by the City Council. Members of the Leavenworth Planning Commission must reside within the city limits of Leavenworth, except that up to two members may reside outside the city limits of Leavenworth, provided they reside or own property within the urban growth area as depicted by the Leavenworth Comprehensive Plan. Mr. Booher lives on W Benton Street in the Leavenworth city limits. Mayor Farivar has received many letters of interest from members of the public. She has evaluated each of the letters of interest, conducted interviews, deliberated on the selection of members, and has appointed Steven Booher to the vacant Planning Commission position No. 1. Mayor Farivar has provided the following brief comments in support of her decision:

“Mr. Booher moved to Leavenworth four years ago, he is a local architect, working for Syndicate Smith here in town. He is passionate about the need for affordable housing in our area; he spent several years designing market-rate and low-income housing while living in Alaska.”

The table below provides the current names of appointed Planning Commission members and their terms:

POSITION	NAME	CITY/UGA	EXPIRATION	APPOINTED
1	<i>Vacant</i>	City	Apr 2022	
2	Chuck Reppas	UGA	Apr 2023	2012
3	Andy Lane	City	Apr 2020	2008
4	Pete Olson	UGA	Apr 2021	2008
5	Scott Bradshaw	City	Apr 2021	2016
6	Larry Hayes	City	Apr 2022	1989
7	Anne Hessburg	City	Apr 2022	2010

The following item is included under **TAB 7:**

- Letter of Interest from Steven Booher
 - **MOTION:** *The Leavenworth City Council moves to approve the Mayoral appointment of Mr. Steven Booher to the Leavenworth Planning Commission Position No. 1.*

8. Supplemental Agreement #4: TD&H Construction Engineering and Inspection Services

The City Council is being asked to review and consider for approval Supplemental Agreement Number 4 with TD&H Engineering Firm for construction administration and inspections services relating to the Pine Street – Phase I Reconstruction Project. Previous contracted agreements included engineering and right-of-way acquisition. The change in this contract amount is for One Hundred and Forty-Two Thousand, One Hundred and Thirty-Three Dollars (\$142,133.00.) The scope of work covers construction engineering and inspections. This contract is a necessary step to receive Washington State Department of Transportation (WSDOT) final approval and authorization to bid. Staff is researching other cost-effective options for inspections services for this project. It is anticipated that another contract amendment will be developed and presented for Council review and consideration prior to the start of construction.

The following item is included under **TAB 8:**

- Supplemental Agreement Number 4
 - **MOTION:** *The Leavenworth City Council moves to approve and authorizes the Mayor to sign Supplemental Agreement #4 relating to the Pine Street Phase I Reconstruction Project with TD&H for construction administration and inspection services.*