

LEAVENWORTH CITY COUNCIL
Study Session Agenda
City Hall – Council Chambers & Zoom Optional
November 28, 2023 @ 5:30 PM – 6:50 PM

5:30 – 5:55 Parking Study Update

This time is for the Council to receive an update on the Parking Study with Rick Williams Consulting. He will present the information with time for questions after.

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

5:55 – 6:15 Winter Parking Regulations

This time is for the Council to consider amending the City's winter parking regulations. When adopted in 2012, the City implemented parking regulations to prohibit on-street parking from November 15 to March 14 from 3:00 AM to 7:00 AM. Staff proposes to amend these hours, prohibiting on-street parking from midnight to 7:00 AM in the residential areas north of US 2. Public Works staff begin snow removal from City streets at midnight, and having the roadways clear of vehicles increases the efficiency of snow removal operations. Further, Chelan County Sheriff's Office indicated that they would assist the City in patrolling the residential areas for parking should the restriction be extended to midnight due to the nature of their overnight shifts. Prohibited on-street parking in the commercial areas remains at 3:00 AM – 7:00 AM.

The following item is included under **TAB C**.

- Redlined version of LMC 10.08.060.

6:15 – 6:40 **Front Street Park Sledding Hill Discussion**

This time is provided for the City Council to hear from staff and legal counsel on the history and use of the Front Street Sledding Hill, *to receive and review a confidential risk management memo concerning the Front Street Sledding Hill* and to *hear options for the Front Street Sledding Hill*.

In the past, the City has (1) on occasion attempted to prohibit sledding at this location, (2) allowed sledding with little to no maintenance with the exception of placing straw/hay bales abutting the bottom of the hill and the street to ensure that visitors were not able to slide down the hill and into vehicular traffic, and (3) allowed sledding with snow making added.

Since the closure of Front Street in 2020, the concern of vehicles has been removed; however, hay bales are still placed as a precautionary measure to assist in stopping sledders from continuing into pedestrians in the walkable areas below and beyond the hill.

In one year, 2022, the City made an effort to flatten out the sledding bumps that are naturally created by sledders every year; and this effort was successful in flattening out the "runways". In all years in the spring, when the snow/ice starts to melt and turns into a

mudslide, staff does place caution tape around the entire area identifying its closure for turf maintenance to begin.

The City has had one claim over this history. *Rodriguez v. City*, 19-2-01008-04 Chelan County Superior Court. This case was dismissed on the technical elements of the Recreational User Immunity Statute which is below. Key terms in this statute are highlighted. The language of the statute will be reviewed generally by Legal counsel and in light of the outcome in the Rodriguez matter (see italicized words).

Use of this area of Front Street for sledding is a business and risk management decision, involving costs if the area is more actively managed for sledding, perhaps admission fees, insurance costs and underwriting and potential claims, if and inevitably when sledders are injured when using this area. There is a spectrum of options available to the city from which it can make business and risk management choices.

The Recreational User Immunity Statute:

RCW 4.24.210

Liability of owners or others in possession of land and water areas for injuries to recreation users—Known dangerous artificial latent conditions—Other limitations.

(1) Except as otherwise provided in subsection (3) or (4) of this section, any public or private landowners, hydroelectric project owners, or others in lawful possession and control of any lands whether designated resource, rural, or urban, or water areas or channels and lands adjacent to such areas or channels, **who allow members of the public to use them for the purposes of outdoor recreation**, which term includes, but is not limited to, the cutting, gathering, and removing of firewood by private persons for their personal use without purchasing the firewood from the landowner, hunting, fishing, camping, picnicking, swimming, hiking, bicycling, skateboarding or other nonmotorized wheel-based activities, aviation activities including, but not limited to, the operation of airplanes, ultra-light airplanes, hang gliders, parachutes, and paragliders, rock climbing, the riding of horses or other animals, clam digging, pleasure driving of off-road vehicles, snowmobiles, and other vehicles, boating, kayaking, canoeing, rafting, nature study, winter or water sports, viewing or enjoying historical, archaeological, scenic, or scientific sites, **without charging a fee of any kind therefore**, shall not be liable for unintentional injuries to such users.

(2) Except as otherwise provided in subsection (3) or (4) of this section, any public or private landowner or others in lawful possession and control of any lands whether rural or urban, or water areas or channels and lands adjacent to such areas or channels, who offer or allow such land to be used for purposes of a fish or wildlife cooperative project, or allow access to such land for cleanup of litter or other solid waste, shall not be liable for unintentional injuries to any volunteer group or to any other users.

(3) Any public or private landowner, or others in lawful possession and control of the land, may charge an administrative fee of up to twenty-five dollars for the cutting, gathering, and removing of firewood from the land.

(4)(a) **Nothing in this section shall prevent the liability of a landowner** or others in lawful possession and control for injuries sustained to users **by reason of a known dangerous artificial latent condition for which warning signs have not been conspicuously posted.**

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

6:40 – 6:50 Council Updates/Suggestions for Future Agenda Items

This time is for the Council to ask questions, get updates or suggest items for future Study Session meetings.

Prospective Study Session items for future meetings:

- Chamber Report (Troy)
- Auditor Exit Interview – State Auditor’s Office (Chantell)

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

**ORDINANCE NO. 1685
CITY OF LEAVENWORTH, WASHINGTON**

**AN ORDINANCE OF THE CITY OF LEAVENWORTH, WASHINGTON
ADOPTING AMENDMENTS TO THE LEAVENWORTH MUNICIPAL CODE
CHAPTER 10.08.060 PARKING ON ANY STREET PROHIBITED CERTAIN
HOURS DURING CERTAIN MONTHS.**

WHEREAS, the Leavenworth City Council desires to amend the Leavenworth Municipal Code to update LMC Chapter 10.08.060 Parking on any street prohibited certain hours during certain months; and

WHEREAS, the Leavenworth Mayor and City Administrator with recommendation by the Chelan County Sheriff Liaison Officer, recommends amendment to the LMC 10.08.060 as follows:

1. Prohibit street parking in residential areas from 12:00 AM – 7:00 AM
2. Prohibit street parking in commercial areas from 3:00 AM – 7:00 AM
3. Parking restrictions take place from November 15 – March 15; and

WHEREAS, the Leavenworth City Administrator and City Attorney have reviewed and recommend amendment to section 10.08.060 Parking on any street prohibited certain hours during certain months.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LEAVENWORTH, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Leavenworth Municipal Code Chapter 10.08.060 Parking on any street prohibited certain hours during certain months is hereby amended to read as set out in Attachment A.

Section 2. This ordinance shall be in effect five (5) days after its passage and publication in accordance with law.

Passed by the City Council of the City of Leavenworth, Washington and approved by the Mayor at an open public meeting on the 28th day of November, 2023.

CITY OF LEAVENWORTH

By: _____
Carl Florea, Mayor

Attest:

Andrea Fischer
City Clerk

Approved as to form:

Thom H. Graafstra, City Attorney

Chapter 10.08 PARKING REGULATIONS

Sections:

10.08.060 Parking on any street prohibited certain hours during certain months.

10.08.060 Parking on any street prohibited certain hours during certain months.

During the period between November 15th and March ~~14th~~15th, it shall be a violation and a civil infraction to park or leave standing any vehicle on any residential street or within ~~two~~-three feet of the paved surface within the residential areas of the city between the hours of ~~3~~12:00 a.m. and 7:00 a.m. The same time period shall apply to commercial streets between the hours of 3:00 a.m. and 7:00 a.m. [Ord. 1457 § 1 (Att. A), 2013; Ord. 1408 § 1 (Exh. A), 2012.]