



# City of Leavenworth

700 HIGHWAY 2 / POST OFFICE BOX 287  
LEAVENWORTH, WASHINGTON 98826  
(509) 548-5275 / FAX: (509) 548-6429

**City Council**  
Vacant - *Mayor*  
Peter D. DeVries  
Tibor Lak - *Mayor Pro-Tem*  
Michael Molohon  
Elmer Larsen  
Robert Francis  
Cheri Kelley Farivar  
Larry Meyer  
Joel Walinski - *City Administrator*

## LEAVENWORTH CITY COUNCIL AGENDA

Leavenworth City Hall - Council Chambers  
August 23, 2011 6:00 p.m.

### Call to Order

### Flag Salute

### Roll Call

#### Council Committees -4<sup>th</sup> Tuesday

Econ. Dev. 4:00 Finance 5:00

### Consent Agenda

1. Approval of Agenda
2. Approval of August 9, 2011 Study Session Minutes
3. Approval of August 9, 2011 Regular Meeting Minutes
4. Claims \$215,081.19

### Public Safety Reports

### Councilmember and Committee Reports

### Mayor/Administration Reports

### Public Hearing 6:15 PM: Appeal for Utility Reimbursement Agreement with DNR, LLC by Albert Howie

### Resolutions, Ordinances, Orders and Other Business

- Action 1. Motion to Develop a Resolution for Findings of Fact on the URA for DNR, LLC – Joel Walinski
- Action 2. Motion to Approve a Utility Reimbursement Agreement for DNR, LLC – Dave Schettler
- Action 3. Motion to Set Public Hearing at 6:20 PM on 9/13 for the Sign Code Amendments – Joel Walinski
- Disc 4. Discussion on Current Sign Code Amendments – Joel Walinski/Nathan Pate
- Action 5. Motion to Set Public Hearing at 6:40 PM on 9/13 for Electric Vehicle Charging Station Code Amendments – Nathan Pate/Joel Walinski
- Action 6. Motion to Approve Requesting the Purchase of 2 Trolley's from Link Transit – Joel Walinski
- Action 7. Icicle Station Phase II Engineering Contract Amendment – Dave Schettler

### Information Items for Future Consideration

1. Mayoral Appointment – September 13<sup>th</sup> Council Meeting

### Comments from the Public on Items Not on the Agenda

### Adjournment

**(Next Ordinance is 1396 - Next Resolution is 15-2011)**

## SUPPLEMENTAL COUNCIL AGENDA

### 1. Motion to Develop a Resolution for Findings of Fact on the URA for DNR, LLC

The City Council is being asked to provide direction to City Staff on developing a Resolution for the Findings of Fact based on the information presented during the Public Hearing pertaining to the Utility Reimbursement Agreement with DNR, LLC appeal by Albert Howie. Based on the direction provided by the City Council, City staff will develop a resolution for the Findings of Fact which will be considered by the City Council at the September 13, 2011 City Council Meeting.

- **MOTION:** *The Leavenworth City Council moves to direct staff to create a Resolution for Findings of Fact pertaining to the Utility Reimbursement Agreement for DNR, LLC.*

### 2. Motion to Approve a Utility Reimbursement Agreement for DNR, LLC for final acceptance and transfer of these waterline improvements to the City.

DNR, LLC has certified that all incurred debts attributable to these utility improvements have been paid and that there are no liens attributable to these improvements. DNR, LLC provided the City the appropriate documentation of the actual costs for these improvements. The City Public Works Department has inspected and accepted these improvements, placed these waterline improvements into operation and has received from DNR, LLC the record as-built waterline plans. The DNR, LLC utility reimbursement agreement to be recorded with the Chelan County Assessor's office requires that the Leavenworth City Council approve final acceptance and transfer of these waterline improvements. A copy of the draft agreement is included in section 2 of the packet.

- **MOTION:** *The Leavenworth City Council moves to approve a Utility Reimbursement Agreement for DNR, LLC for final acceptance and transfer of the DNR, LLC improvements to the City of Leavenworth.*

### 3. Motion to Set Public Hearing at 6:20 PM on 9/13 for the Sign Code Amendments

Early in March 2011, the City began the process of updating the Sign Code as an interim control ordinance in response to a challenge to the Code. The City Council adopted the Interim Control Ordinance No. 1387. The Leavenworth City Council adopted findings of fact justifying the adoption of Ordinance No. 1387 with Ordinance No. 1398. The Leavenworth City Council adopted interim control Ordinance No. 1390 on March 22, 2011 regulating signs applications and other activities. The official interim control established in this ordinance continued in effect for six (6) months. The City Council directed the Development Services Department to pursuing further "permanent" amendments to the Sign Code. Development Services staff prepared the first text amendments, and presented this new Sign Code to the Planning Commission on June 21, 2011. The Planning Commission has diligently reviewed and revised the new Sign Code during regular and special meetings. The City Council and Planning Commission conducted a special joint meeting on July 26, 2011 to further the sign code update process and take public testimony. Development Services conducted an informational presentation before the Bavarian Village Business Association. The Planning Commission concluded its review of the draft text for the creation of a final draft (hearing level draft) on August 18, 2011. The Planning commission will have a public hearing on the new sign code on September 7, 2011, and subsequently transmit its recommendation to the City Council.

- **MOTION:** *The Leavenworth City Council moves to set a public hearing to review and approve Leavenworth Municipal Code Amendments for Sign Codes on September 13, 2011 at 6:20 PM.*

### 4. Discussion on Current Sign Code Amendments

This is an informational item to provide the City Council with a current update on the permanent Sign Code changes being recommended by the Planning Commission. A copy of the most current draft of Chapter 14.10 is included in section 4 of the packet.

#### Hot topics

- **Portable / Temporary Signs** – The Planning Commission has discussed and considered the public comments on this type of sign, and deliberated on the standards for allowing this type of sign and how. The Planning Commission edits and changes reflect clear parameters and standards for temporary and portable signs.
- **Allowed signs without permit criteria** – One of the primary goals of the Planning Commission (and as outlined by the City Attorney) was to address any inequities. The new code has been updated with this in mind, and provides for a more even “playing field” for all signage that may be allowed without the benefit of a permit.
- **Vehicle Signs** – The Planning Commission had considerable dialogue on how to define, who are the users, and what are the impacts of signs affixed to vehicles. A balance has been struck with the timelines for how, who, and where vehicles that advertise a business are governed.

#### 5. Motion to Set Public Hearing at 6:40 PM on 9/13 for Electric Vehicle Charging Station Code Amendments

In 2009, the Washington State Legislature passed and the Governor signed into law House Bill 1481, an Act relating to electric vehicles. The Planning Commission started the update of the Code in July 2011 with its first review of the amendments for electric vehicle charging stations at the August 3, 2011 meeting. This new text was derived from guidance provided from the State, and was converted to fit the LMC. The Planning Commission reviewed the materials during the regular meetings, and provided changes with the final review on August 17, 2011. The Planning commission will have a public hearing on the electric vehicle charging station amendments on September 7, 2011, and subsequently transmit its recommendation to the City Council. A copy of chapter 10.08 Parking Regulations is included in section 5 of the packet.

- **MOTION:** *The Leavenworth City Council moves to set a public hearing to review and approve Leavenworth Municipal Code Amendments for Electric Vehicle Charging Stations on September 13, 2011 at 6:40 PM.*

#### 6. Motion to Approve Requesting the Purchase of 2 Trolley’s from Link Transit

The Council is being asked to consider the request to LINK Transit for the purchase of two trolley vehicles at a minimal cost. LINK Transit, in March of this year, informed the Council that inter-city transit operations provided by LINK Transit would be suspended as of October 1, 2011. At that time LINK representative, Mr. Richard DeRock, asked if the City had any interest in accepting one or more of the trolley vehicles. Given the age of these vehicles, these vehicles can only be given/sold to other government agencies because of the use of Federal Funds used to purchase the vehicles. The trolleys are approximately 8.5 years old with a required Federal service life of 11 years. Additionally, the trolleys can only be used for providing “public transportation.” At this time the City does not have a funding source to provide for the operation of these vehicles.

#### Quick facts on the LINK Trolley:

- LINK Transit operates the trolleys at approximately \$48.00/hour or \$.55/mile and annual maintenance, fuel, and labor costs total \$124,800 per unit.
- In February of 2011 the trolley had 983 riders averaging 30-50/week and 40-125 on Saturdays.
- In July of 2010 the trolley had 2400 riders averaging 40-125/week and 85-125 on Saturdays.

- Currently the trolley operates at no direct cost to riders; although the Best Western/Icicle Inn has provided \$275/month to LINK Transit to offset some of the costs for the last two years. The Lodging Association had a similar agreement prior to the Best Western Agreement.
- **MOTION:** *The Leavenworth City Council moves to approve requesting the purchase of two Trolley's from Link Transit for \$1 each.*

#### 7. Icicle Station Phase II Engineering Contract Amendment

Simpson Northwest has submitted a proposal amendment for hiring a mechanical engineer as a sub-consultant to design the HVAC (heating/cooling) system for the depot building structure. The proposed contract amendment would be for \$4,000 for Thomas J. Gerard & Associates fees for this work. The initial contract with Simpson Northwest for the depot building design assumed utilizing a radiant heat system similar to the ones now installed in the existing two platform shelters. These types of radiant heaters would not provide adequate heating for the new depot building. It is the recommendation of the Public Works Director along with the Public Works Committee that a HVAC system for the depot building be designed to adequately heat the depot building for the train users. A copy of the proposal is included in section 7 of the packet.

- **MOTION:** *The Leavenworth City Council moves to approve the amendment to the Icicle Station Phase II Engineering Contract with Simpson Northwest for a total increase in the contract amount of \$4,000.*