



# City of Leavenworth

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**City Council**  
Robert C. Eaton - *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  
March 22, 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 March 8, 2011 Study Session Minutes
3. Approval of March 8, 2011 Regular Meeting Minutes
4. Claims \$93,792.37

### Public Safety Reports

### Councilmember and Committee Reports

### Mayor/Administration Reports

### **PUBLIC HEARING: Interim Controls Ordinance 1387 Sign Code – 6:15 p.m.**

### Resolutions, Ordinances, Orders and Other Business

- Action 1. Ordinance 1389: Adopting Finding of Facts for Ordinance 1387 – Connie Krueger
- Action 2. Resolution 3-2011 Establishing Designated Sign Areas– Connie Krueger
- Action 3. City/Chamber Agreement for use of Lodging Taxes – Joel Walinski
- Action 4. Engineering Projects List for use of PWTF Engineering Loan Funds – Joel Walinski
- Action 5. Motion for Pre-Application Fees on Commercial Projects – Joel Walinski
- Action 6. City Organization / Departmental Restructure – Joel Walinski
- Info 7. City Attorney Discussion – Joel Walinski

### Information Items for Future Consideration

1. Utility Rate Study Contract

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

### **EXECUTIVE SESSION: RCW 42.30.110 (1)(b) Property Acquisition**

### Adjournment

**(Next Ordinance is 1390 - Next Resolution is 4-2011)**

## SUPPLEMENTAL COUNCIL AGENDA

### 1. Ordinance 1389: Adopting Finding of Facts for Ordinance 1387

The City Council will be holding a public hearing at this meeting regarding the adoption of Ordinance 1387, the interim controls for signs. Pursuant to State law, findings of fact are required to be adopted after passing an interim control. Ordinance 1389 describes the findings of fact for Ordinance 1387. Included with the packet is a copy of the latest version of the interim control with the new language and edits shown in blue. The changes are based on the comments from the public taken at the March 8, 2011 City Council Meeting. Staff has also asked for an attorney's opinion on several additional items which may be recommended at the Tuesday evening meeting, the attorney's opinion has not been received as of this time.

### 2. Resolution 3-2011 Establishing Designated sign Areas

Ordinance 1387 established interim controls for signs and also contained a new concept regarding the establishment of Designated Sign Areas (DSAs). DSAs are areas within the public right-of-way or on public property where certain types of signs can be displayed, subject to specific regulations. Resolution 3-2011 establishes the locations of the DSAs in accordance with section 14.10.075 of Attachment A to Ordinance 1387. The included diagrams identify approximate locations which could be used as designated sign areas.

### 3. City/Chamber Agreement for use of Lodging Taxes

The City Council is being asked to consider approval of the City of Leavenworth contract agreement with the Leavenworth Chamber of Commerce. The terms of the contract are consistent with the current contract language. The length of the contract will be for a three year period April 1, 2011 through March 31, 2014. The contract specifies the Chamber will receive 18.5 % of the revenue from the City's Lodging Tax Revenue from the previous calendar year which is consistent with the previous agreement. In 2011 this amount is budgeted at \$167,111 with the funds to be expended on advertisement and the activities in support of tourism promotion and festivals. The Chamber of Commerce has reviewed this agreement and requested the applicable RCW 67.28.1816 be attached to the documents as an exhibit. A copy of the new agreement and the exhibit is included for your review.

**MOTION:** *The Leavenworth City Council approves the contract with the Leavenworth Chamber of Commerce.*

### 4. Engineering Projects List for use of PWTF Engineering Loan Funds

The City Council is being asked to consider approving the Engineering Projects List for use of Public Works Trust Fund (PWTF) Engineering Loan Funds (attachment). The City Downtown Master Plan Steering Committee and city staff has identified seven road and infrastructure improvement projects for PWTF Engineering Loan Funds to be expended on. The list of projects is a suggested prioritized list. Currently the City has nearly \$630,000 in funds still available from the PWTF Loan. The total estimated cost of these projects for engineering fees is \$397,500. The approved project list will be used in requesting an 18 month extension from the PWTF Board for the expenditure of these funds, returning additional funding to the PWTF with the extension approval, and the development of a Request for Proposal for Engineering Services to assist with these projects. The original PWTF Loan was for the expenditure of up to \$1 M with a 15 percent match by the City. The PWTF terms for the

loan have been approved for a repayment schedule of 20 years at .5% interest. The PWTF Loan was awarded to the City in 2009 to provide funding for the engineering and studies necessary for projects identified in the City of Leavenworth Downtown Master Plan. Completion of the engineering requirements for these projects has been shown to increase the City's ability to compete favorably in acquiring grants to complete the construction phase of the projects.

#### 5. Motion for Pre-Application Fees on Commercial Projects

The City Council is being asked to consider approval of one of the following options to address Pre-application Development Fees for the City of Leavenworth.

The Pre-Application Meeting is a meeting for staff and other agencies to review the proposed development plans and identify the necessary requirements and issues regarding the development. The Pre-Application Development Fee is a tool used by the City to recover a portion of costs associated with staff time expended in researching, developing and compiling the information necessary for this meeting to be of benefit to the project developer. One example of notes from a pre-application meeting regarding a minor subdivision is provided as an example of the scope of issues covered at a pre-application meeting and the product generated for the applicant.

Currently, the level of fees charged is based on the complexity of the development (Attached, Current Fee Schedule from Resolution 12-2010 concerning Pre-application Fees). Pre-application fees in some cases act as a deterrent to the unnecessary expenditure of staff time and at times a deterrent to some projects being brought forward. The pre-application fees received by the City in 2009 were \$5,000 and the fees received in 2010 were \$3,350. The pre-application fee is based on the City recovering only a percentage of actual costs. Earlier this year, the City began providing consultation meetings with developers of commercial development projects prior to the Pre-application Meeting to address this issue. These are provided at no cost to the developer. These meetings generally cover the scope of the project, problem solving, identification of potential issues, and a review of information that will be necessary for the pre-application meeting.

Options discussed at previous City Council Study Sessions and Meetings regarding commercial pre-application fees include:

- Continuing with the current fee schedule of Pre-application Fees.
- Continuing with the current fee schedule and allowing the fee collected to be issued as a credit towards future permit fees if the project moves forward.
- Discontinuing the use of Pre-application fees either on a temporary or permanent basis.

The City Council is being asked to either confirm the continued use of pre-application fees for commercial developments or to provide an alternative direction.

#### 6. City Organization / Departmental Restructure

The City Council is being asked to consider approval of the City of Leavenworth proposed organizational plan (Attachment). The change in the organizational structure is recommended to best accomplish the direction presented by the Community Development Director in March of 2010 and approved at that time by the Council in developing a long term planning division and a current planning division within the Community Development Department. Furthermore the recommended organizational plan allocates and directs the staff resources to best accomplish the goals of the City to improve the downtown infrastructure, maintain and enhance the quality of life, enhance tourism and promote the City's Bavarian Theme, enhance user friendliness of the City and pursue additional economic development opportunities. In addition to the organizational flow chart the attachment also provides the roles and responsibilities of the Economic Development/Community Services Director,

the Development Review Services Manager, and the newly created Building and Code Inspector II position. The roles and responsibilities worksheets will be used to develop job descriptions for these positions in the next 60 days. The administrative and projects coordinator position description is also under review at this time to define the scope and responsibilities of that position.

## 7. City Attorney Discussion

City Attorney, Terry McCauley has announced his retirement effective June 1, 2011. This item is placed on the agenda for the Council to have a discussion on how they would like to proceed with selecting a new city attorney. This is a contracted consultant service and as such there is flexibility in the selection process without the rigors and requirements of a formal bid process. Several factors that should be considered in the selection of an attorney for City legal services would be an open transparent decision process, inclusion of a candidate pool which offers a range of services, and the timing and transition of implementation.

In selecting an individual firm several questions to consider:

- The firm's focus of legal service and past experience of working with local governments.
- The firm's "depth of bench" and ability to provide responsive service to new clients.
- The ability of a firm to provide a full range of services that are needed for local government operations: land use, personnel issues, negotiations, contract development, code and ordinance development, etc.
- The potential conflict of interest issues with a firm's current clientele and the City of Leavenworth.
- Fee structure and cost containment practices and procedure of the firm.

Council is being asked to provide direction in outlining and developing the selection process.