

LEAVENWORTH CITY COUNCIL

Study Session Agenda
City Hall - Council Chambers
April 12, 2011 9:00 a.m.

9:00 – 9:20 Trout Unlimited/Chelan County Restoration Project – Joel Walinski

This item is located in section 5 of the packet and is the review of an interlocal agreement between Chelan County and the City of Leavenworth concerning the Leavenworth Boat Launch Off Channel Pond Reconnection Project. The agreement and preliminary plans are included in the packet for your review. Mr. Mike Kaputa from the Chelan County Natural Resource Department is scheduled to be in attendance to answer any questions in regards to the project. Mr. Kaputa has presented the agreement and plans to the Chelan County Commissioners and they are supportive of the project; they will consider final approval at their next commission meeting.

Staff identified three specific areas of concern regarding the project which have been addressed within the agreement:

- The project will not limit the future use of the City's land holdings. Previously there had been some community discussion about a possible pedestrian bridge that would include this area.
- Concern by neighboring residents about hydraulic impacts or changing river flows on surrounding properties. Before final approval, this concern will be addressed or shown not to be an issue per the agreement.
- The inclusion of the south side trail improvements as identified in the Upper Valley Trail Plan. These are included as part of the preliminary plans and included within the interlocal agreement.

9:20 – 9:40 Der Hinterhof Request for SUP – Joel Walinski

Mr. Stephen Demarest and Ms. Deborah Demarest have requested a Special Use Permit (SUP) as allowed for under the newly approved LMC 9.33 Public Disturbance Noise Regulations. The request would allow for live amplified outdoor music on site and exempting this use from the 70dBA sound level limitation stipulated in LMC 9.33 at Der Hinterhof. The sound level exemption requested would be limited to 90dBA and end by 10 PM (11:00 PM on holiday and Festival Saturdays). The dates requested are primarily Saturdays throughout the summer months.

The new noise ordinance LMC 9.33 was approved March 8, 2011 and is effective pending the review by the Department of Ecology (DOE). The DOE review is a requirement of WAC 173-60-110(2) because the noise ordinance does differ from those adopted by the DOE. The DOE must review the ordinance with 90 days.

The LMC 9.33.040 Exemptions allows for the City Council to approve with conditions or deny special use permits at its sole discretion. To approve the SUP the Council must consider the conditions and provisions for granting a special use permit stipulated in LMC 9.33.040 (I) (Items

1 – 5 below). The Council's decision of approval or denial of the SUP must be based on if the request meets the following criteria:

1. The special use permit is necessary; and
2. There exists a special circumstance relative to size, topography, location or surroundings of the subject property; and
3. Requesting property owner or agency has provided a plan for mitigation of noise to be implemented on the approval of the special use permit; and
4. That the granting of the special use permit will not be materially detrimental to the comfort, health, or safety of the public; and
5. That the special use permit is limited to not more than 14 days in any 90 day period.

An application for the SUP and the draft SUP for the council's review. Also include is a copy of LMC 9.33 Public Disturbance Noise Regulations and an email from Stephen Demarest addressing the criteria listed above.

9:40 – 9:50 Ordinance 1392 Quarterly Budget Amendment – Chantell Steiner

This budget amendment, located in section 2 of the packet, includes several types of amendments. The first section pertains to 2010 professional service contracts that were either partially or not funded in 2011 due to the uncertainty of the contractors' ability to complete the project by December 2010. These include the contracts with Sea Reach for the Way-finding Signage Strategy, Simpson Northwest for the Icicle Station Phase II Design & Engineering, Hammond Collier Wade & Livingston for the Chumstick Trail Engineering and Varela & Associates for the Water System Plan Update. Some of these are being offset by revenues that were anticipated for 2010 but posted in 2011. The second section pertains to the Upper Valley Swim Team shed project that will utilize the grant funds that the City received in late 2010. Also included in this section is the expense line for the Transportation Benefit District Board's annual insurance costs. Each of these expenses is being offset by a reduction in fund balance and recognizing revenues that were anticipated for 2010 but posted in 2011. The third section incorporates the Council action for the DOT signs, Cupola Construction and Gazebo Design & Engineering from the Lodging Tax Funds. Also included is a minor amendment to the Chamber's advertising line item to align with the contracted amount.

9:50 – 10:00 Quarterly Project Update / Development Update – Joel Walinski

This item is a review of the Objective and Project Tracker and work in the development area currently underway. This will be provided to the Council on a quarterly basis to help with tracking the various projects and initiatives that are underway. Mr. Nathan Pate will be in attendance to provide more information on the current status of private development projects. The information is included with the study session material.

10:00 – 10:20 Late Comer Utility Reimbursement Agreements – Dave Schettler

The City had accepted application from DNR LLC (John Delvo) for a utility reimbursement agreement (URA) in April 2006 for the water main which their development later constructed. The City has assisted DNR in modeling the improved fire flow rates and the methodology for

calculating the allocation ratio among the affected property parcels that have been identified by DNR LLC. Mr. Schettler will be informing the Council as to how that assessment has been formulated. If Council agrees, the City will continue with finalizing this URA for DNR LLC and will complete the mandatory notification to all affected property owners.

Similarly, the City had an agreement with Cascade Medical Center (CMC) for a utility reimbursement agreement for the water main improvements that were completed for CMC's redevelopment of the hospital. City Council, in April 2007, allowed CMC to develop a URA as part of the Inter-Local Agreement with the City to use the same contractor for the Downtown Streets Project for the construction of the water main improvements which CMC had funded. The City has assisted CMC in modeling the improved fire flow rates and the methodology for calculating the allocation ratio among the affected property parcels that have been identified by CMC. Mr. Schettler will be informing the Council as to how that assessment has been formulated. If Council agrees, the City will continue with finalizing this URA for CMC and will complete the mandatory notification to all affected property owners. Documents identifying locations and charges for benefited properties are included behind the study session agenda.

10:20 – 10:40 Utility Rate Study Contract – Dave Schettler

The City had requested proposals from qualified firms for performing utility rate studies for the City's water system, sanitary sewer system, storm water system, and solid waste utility. Two firms, FCS Group and HDR, were interviewed by City staff. Both firms were asked to revise their initial proposals in order to meet the City's budget, \$50,000, for this work. As part of the utility rate studies for the water and sanitary sewer systems the City had requested that the firm completing the analysis also complete a peer review of the water and sewer system master plan for the required pipe sizes identified for construction and also thoroughly review the system development charges associated with these identified infrastructure improvements for these systems. For full disclosure Mr. Schettler had worked for HDR in his prior work history.

As part of the revised proposal from HDR for \$49,965 a good portion of all of the tasks requested by the City in the RFP are being addressed in a way that gives the City good value for the work needed to be performed. FCS Group also revised their proposal but proposes phasing the work to be performed over a three year period for the full amount or as another option reduces the proposal to \$49,260 but reduces some of the work on the system development charges peer review, eliminates all cost of service work for all utilities and also eliminates all work on the storm water system utility. Based on these proposals it is City staff's recommendation that HDR be approved to complete the Utility Rate Study. Proposal information is located in section 3 of the packet.

10:40 – 11:00 Link Transit: Trolley Request Acceptance – Joel Walinski

Councilmember Larry Meyer requested this discussion item as a follow-up to the LINK Meeting he attended in March. LINK Transit will be curtailing the trolley service in the Leavenworth area in October of 2011 as a way to reduce costs. They have asked if the City has any interest in accepting the one or more of the trolley vehicles. Mr. Richard DeRock will be attending

tonight's City Council meeting to provide more information on LINK Transportation system. Quick facts on the LINK Trolley:

- The City has been offered two link trolleys. At this time these units can only be given 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 an estimated Federal service life of 10 years.
- The LINK 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; the Best Western/Icicle Inn though has provided \$275/month to the LINK to offset some costs for the last two years. The Lodging Association had a similar agreement prior to the Best Western Agreement.

11:00 – 11:20 Council Open Discussion

This time slot allows for Council discussion of items not on the agenda.

Reminder: Special Finance Committee Meeting to begin after the Study Session for Council Retreat Planning.