

LEAVENWORTH CITY COUNCIL

**Study Session Agenda
City Hall - Council Chambers
May 10, 2011 9:00 a.m.**

9:00 – 10:00 Attorney Representatives for Weed, Graafstra and Benson, Inc., P.S. – Joel Walinski

This item will be a discussion and conversation with members of the law firm of Weed, Graafstra, and Benson, Inc., P.S. Representing the firm will be Mr. Thom Graafstra, who will be the lead attorney working with the City if appointed and confirmed as City Attorney and Mr. Grant Weed, President of the Law Firm. Current City Attorney, Mr. Terry McCauley has also been invited to attend and participate in the study session discussion item. The firm of Weed, Graafstra, and Benson, Inc., P.S. is located in Snohomish WA. The firm focuses its practice on providing legal counsel to small to medium size cities and government agencies. Included is some additional information pertaining to the firm which was provided previously: the Law Firm Qualifications and requested references.

Topics for discussion might include the firms experience and levels of responsibility on various types of property acquisitions, ordinance development and legal defense, personnel issues and union negotiations, land use issues and policy development assistance, and experience in water rights issues.

10:00 – 10:30 Critical Areas Ordinance Update—Connie Krueger

Director Krueger will provide a brief overview of the Critical Areas Ordinance to introduce the City Council to the document. She will then discuss the next steps in the process of adopting the revisions.

10:30 – 10:50 Six Year Transportation Improvement Plan – Dave Schettler

The 6-year TIP needs modification and has been updated to reflect recent grant awards to the City. Attached is last year's adopted TIP which has been modified to include the Ski Hill Drive and Commercial Street pavement preservation projects. The State supplied software required to amend TIPs is being modified and has not yet been released. The City anticipates the release of this software and a complete update to the 6-year TIP by the end of May 2011. This information is being provided at this time to begin dialog with the Council.

10:50 – 11:00 Freedom Fest SUP Noise Ordinance

The City Council is being asked to give consideration of approving a Special Use Permit (SUP) applied for by the Church of the Nazarene in conjunction with their Freedom Fest event scheduled for Saturday July 2nd 10:00 AM – 9:00 PM and Sunday July 3rd 10:00 AM – 6:00 PM at Lion's Club Park in Leavenworth. The SUP would allow for amplified outdoor music and the use of a public address system on site and exempting the event from the 70dBa sound level

limitation. The sound level exemption requested would be to allow for the noise and sound levels not to exceed 90dBa during the event. A letter requesting the SUP is included and the draft SUP is included for review in section 4 of the packet.

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 whether the request meets the following criteria, information relating to each:

1. The special use permit is necessary;
 - a. *The event will be held outdoors at Lion's Club Park. The park use request was granted in November of 2010 prior to the noise ordinance being approved by the City Council in March 2011. The location of the event at Lions Park puts the event attendees at a hardship of hearing the music and speeches because of the proximity to Hwy. 2 and the traffic noise.*
2. There exists a special circumstance relative to size, topography, location or surroundings of the subject property:
 - a. *The location of the event at Lion's Club Park puts the event attendees at a hardship of hearing the music and speeches because of the proximity to Hwy. 2 and the traffic noise.*
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;
 - a. *The sponsors of the event will be placing additional speakers within the crowd to mitigate the necessity to amplify the music or PA system to the 90 dBA level. Additionally the speakers will not be directed at the residential neighborhood along the northwest border of the park.*
4. That the granting of the special use permit will not be materially detrimental to the comfort, health, or safety of the public:
 - a. *The SUP is for a limited time frame on a holiday weekend which should limit any concerns of neighboring property owners. The event organizers have reported that they have not received any complaints in the previous years they have held this event.*
5. That the special use permit is limited to not more than 14 days in any 90 day period:
 - a. *The SUP is for two (2) days.*

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 within 90 days, which would be June 20, 2011.

11:00 – 11:45 Discussion Chelan County Commissioner Keith Goehner and Community Development Director Jeff Wilson – Joel Walinski

Chelan County Commissioner Keith Goehner and Chelan County Community Development Director Jeff Wilson requested a meeting with the City Council to have a philosophical discussion on the following two items:

1. Water Connection Charges in the UGA. How do we address the concern of citizens in the UGA regarding representation and questions about fee differences?
2. Implementation of city development standards in UGA. How can we work to coordinate interpretation and application of internal inconsistencies in the code? What should be the policy for developing standards in UGA?

If time allows the Council may also consider having an initial conversation on the annexation with the Commissioner and Director. Development of an annexation policy was identified at the Council retreat as an item for discussion.

In preparation for the discussion, Connie Krueger has provided a briefing on the Memorandum of Understanding (MOU) between the County and City. The briefing provides a very short history on the development of the MOU, its purpose as defined by State law and the Growth Management Act (GMA), and a brief synopsis of the work completed by the City to satisfy the MOU requirements. Also included in the Study Session information package is the Inter-Local Agreement between the City and Chelan County regarding the Urban Growth Area (UGA) and a copy of the current fee structure for your review.

11:45 – 12:00 Website Design Review – Joel Walinski

This item is a brief update on the work that has been completed in the redesign of the City's Website at this time. The primary focus has been on the home page, although additional templates have been developed for secondary pages and document presentation. This is a check-in of the work to date. The next steps will involve populating a number of secondary pages with content; we also will be reviewing and developing the website site map, which is the organizational structure of the website. The City will also need to develop several policies regarding the use of web links and posting of information. A screen shot of the current draft website development is provided, we will look at the actual website on Tuesday.

12:00 – 12:05 Ordinance 1393 Salary Schedule Updates – Joel Walinski

The Council is being asked to review amendments to Ordinance 1382 which is an update to the annual salary schedule. The changes include the new position title and rate of pay for the Building/Code Inspector 2 position that replaces the Code Administrator position. Also included are the modified job titles for the previous positions of Community Development Director and Senior Planner. The changes reflect the new organizational structure which incorporates the positions of Economic Development and Community Services Director and Development Review Services Manager. Located in section two of the packet is the ordinance that updates the salary schedule that is adopted each year with the annual budget. Also included is a copy of the original Ordinance 1382 adopting the 2011 budget and salary schedule.

12:05 – 12:15 Leavenworth Courier Quarterly City Newsletter Recommendations – Joel Walinski

The second quarterly newsletter for 2011 will be published and sent to local residents and businesses at the end of May. The Council is being asked at this time for any recommendations

for content. The current schedule for publications is March 1, May 15, August 15, and October 31.

12:15 – 12:30 Council Open Discussion

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