



**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  
May 10, 2011 6:00 p.m.

#### **Call to Order**

#### **Flag Salute**

#### **Roll Call**

<b><u>Council Committees - 2<sup>nd</sup> Tuesday</u></b>
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Parks 4:00	Public Works 5:00
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#### **Consent Agenda**

1. Approval of the Agenda
2. Approval of April 26, 2011 Regular Meeting Minutes
3. Approval of April 27, 2011 Council Retreat Minutes
4. Claims \$224,768.54
5. April 2011 Payroll \$180,270.15
6. PRSA Voucher Request \$15,000.00

#### **Public Safety Reports**

#### **Councilmember and Committee Reports**

#### **Mayor (Study Session Report) / Administration Reports**

#### **PUBLIC HEARING: Transportation Improvement Plan (TIP) – 6:15 P.M.**

#### **Resolutions, Ordinances, Orders and Other Business**

- Action 1. Resolution 6-2011 City Sponsored Special Events – Joel Walinski
- Action 2. Ordinance 1393 Salary Schedule Update – Joel Walinski
- Action 3. Motion to Approve Council Retreat Goal Session Outline – Joel Walinski
- Action 4. Motion to Approve Freedom Fest SUP – Joel Walinski
- Action 5. Motion to Authorize the Mayor to Dispose of Surplus Property – Chantell Steiner

#### **Information Items for Future Consideration**

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

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

#### **Adjournment**

**Note: Transportation Benefit District Meeting to Follow.**

**(Next Ordinance is 1394 - Next Resolution is 7-2011)**

The City of Leavenworth is committed to providing reasonable accommodations in accordance with the Americans with Disabilities Act. Please contact City Hall at (509) 548-5275 at least 72 hours prior to a scheduled meeting to request an accommodation.

## SUPPLEMENTAL COUNCIL AGENDA

PUBLIC HEARING: Transportation Improvement Plan (TIP) – 6:15 P.M.

The City Council will be holding a Public Hearing on the Six-Year Transportation Improvement Plan.

### 1. Resolution 6-2011 City Sponsored Special Events

The City Council is being asked to officially identify several of the upcoming community events as officially sanctioned parades and other public events under LMC 9.33 Public Disturbance Noise Ordinance for 2011. These events would then be exempt from the noise limitations under LMC 9.33. This is a necessary procedural step to help begin to define officially sanctioned events and special events.

The criteria used for officially sanctioned public events would be the following (all three (3) requirements must be met):

1. The main event is open to the public at no cost, and
2. The primary focus of the event takes place on City owned property; Right of Way or park property, and
3. The City has made a significant commitment of resources to the success of the event.

Following the Council discussion of April 26, 2011, the criteria for the event to be long standing was removed as a requirement.

Using the initial review, three current festivals or celebrations meet all requirements: MaiFest, Autumn Leaf Festival and Christmas Lighting Ceremonies. The Council will be asked to establish the officially sanctioned events on an annual basis by resolution. A draft resolution is provided in section 1 of the packet.

### 2. Ordinance 1393 Salary Schedule Update

The Council is being asked to approve amendments to Ordinance 1382 that updates the annual salary schedule for the City of Leavenworth. 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.

### 3. Motion to Approve Council Retreat Session Outline

The Council is being asked to approve the Council Retreat Session Outline. The outline provides a number of policy and initiatives that were discussed at the 2011 Council Retreat. If approved by the Council the outline will be included and used in developing the 2012 budget. A copy of the document is included.

#### 4. Motion to Approve Freedom Fest SUP

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 2<sup>nd</sup> 10:00 AM – 9:00 PM and Sunday July 3<sup>rd</sup> 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.*

Council Options for this evening are:

- a) *Motion to approve the Special Use Permit as written.*
- b) *Motion to approve the Special Use Permit with the following changes to the provided SUP:*

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- c) *Motion to deny the Special Use Permit requested.*

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, which would be June 20, 2011.

5. Motion to Authorize the Mayor to Dispose of Surplus Property

Each year the City has an opportunity to participate in the annual surplus auction. At this time the City anticipates some possible inclusion of the oldest garbage/recycle truck and other small equipment from public works. A motion to authorize the Mayor would allow for staff to finalize the items for surplus. This year's auction will be on Saturday, June 11<sup>th</sup> at the Chelan County Fairgrounds and is being administered by Booker Auctions who recently bought NW Auction Services. A final report of any items surplused at the auction will be provided for review by the Council in June/July.