



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
June 28, 2011 6:00 p.m.

Call to Order

Flag Salute

Roll Call

Council Committees -4th Tuesday

Econ. Dev. 4:00 Finance 5:00

Consent Agenda

1. Approval of Agenda
2. Approval of June 14, 2011 Study Session Minutes
3. Approval of June 14, 2011 Regular Meeting Minutes
4. Claims \$189,120.33

Public Safety Reports

Councilmember and Committee Reports

Mayor/Administration Reports

Resolutions, Ordinances, Orders and Other Business

- | | |
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| Info | 1. Water Use Efficiency Rule Report – Tracy Valentine |
| Action | 2. Memorandum of Understanding Chelan – SEPA/NEPA Lead Agency MEND Project – Joel Walinski |
| Action | 3. PRSA Councilmember Appointments – Joel Walinski |
| Disc | 4. Utility Payment Plan – All Staff |
| Disc | 5. Sign Code – Review Current Draft Issues – Joel Walinski |
| Disc | 6. Warehouse Property Acquisition Update – Joel Walinski |
| Disc | 7. Council Meeting Schedule – Joel Walinski |
| Action | 8. Filling Mayor Vacancy – Joel Walinski |
| Info | 9. Surplus Items Auction Results – Chantell Steiner |

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

Information Items for Future Consideration

Comments from the Public on Items Not on the Agenda

Adjournment

(Next Ordinance is 1394 - Next Resolution is 13-2011)

SUPPLEMENTAL COUNCIL AGENDA

1. Water Use Efficiency Rule Report

Assistant Water Plant Operator Tracy Valentine will present the required Water Use Efficiency Rule report. A copy of the report is included in Section 1 of the packet.

2. Memorandum of Understanding Chelan – SEPA/NEPA Lead Agency MEND Project

The City Council is being asked to review and consider for approval the attached (section 2 of the packet) Memorandum of Understanding (MOU) between Chelan County and the City of Leavenworth regarding the environmental review process required for the Upper Valley MEND Affordable Housing Project. The memorandum identifies Chelan County agreeing to act as lead agency for the review process. The memorandum is necessary because the Mend Project lies within a portion of the corporate City limits and the urban growth area boundary of the City of Leavenworth. As the lead agency, Chelan County will be the agency responsible for carrying out the duties and functions identified under Washington State Law. The City agrees to designate Chelan County as the lead agency. The City will however retain all the appropriate rights and will be a commenting agency. This agreement was developed at the request of Upper Valley MEND to complete the review process within their timeline for a grant application. The county and city are continuing to work on developing an inter-local agreement between the agencies. Additionally, a development agreement will be necessary between Upper Valley MEND, Chelan County and the City of Leavenworth as the project develops. Staff recommends the approval of the MOU at this time.

MOTION: *The City of Leavenworth City Council hereby designates Chelan County as Lead Agency for the Environmental Review Process for the Upper Valley MEND Affordable Housing Project as identified in the Memorandum of Understanding.*

3. PRSA Councilmember Appointments

Due to the resignation of the Mayor and the need to have two elected officials present for action at the quarterly Upper Valley Parks and Recreation Service Area District (PRSA) meetings, the Mayor Pro Tempore is being asked to consider new member appointments to this committee. Currently, Councilmember Robert Francis is appointed. The PRSA meets each year typically on the 3rd Wednesday in February, May, August, and November at 10:30 a.m. in the Leavenworth City Hall Conference Room for approximately an hour and a half.

4. Utility Payment Plan

This item is a discussion on establishing a utility payment program to aid new homeowners to connect to City water and sewer utilities. In developing a program, the City will need to be careful in crafting the procedures regarding public credit. The State of Washington has language within the State Constitution that strictly prohibits the gifting or lending of public funds:

No county, city, town or other municipal corporation shall hereafter give any money, or property, or loan its money, or credit to or in aid of any individual, association, company or corporation, except for the necessary support of the poor and infirm, or become directly or indirectly the owner of any stock in or bonds of any association, company or corporation.

A program may be available if the focus of the program goal is a means to encourage, aid and ensure homeowners connect to City water and sewer utilities where available to help protect the

groundwater recharge and help the City in achieving clean water standards. Since a large percentage of the City's water supply is through the groundwater supply, protecting this resource is a critical goal of the City. The program would assist the City in achieving this goal.

Program Outline:

- a) The program would be limited to customers requesting 5/8-inch single family residential water service or residential sewer utility hook-up. Customers requiring services in excess of a 5/8-inch single family residential service would not qualify for the program.
- b) The program would allow a credit to the homeowner for the utility connection charge and having them agree to the amortized amount being added to the utility billing as a utility surcharge.
- c) The application would be made upon forms furnished by the City and approved or denied by the City Administrator or his designee. Appeals of the determination of the City Administrator or his/her designee would be to the Leavenworth City Council. The City Council's decision would be limited to determining whether the applicant meets the qualifying criteria established by this ordinance. The decision of the City Council would be final.
- d) As a condition of approving such application, customers would be required to authorize or consent to a lien for the amount of the Utility Connection Charges with interest and such lien will be recorded with the County Assessor in accordance with RCW 25.67.200. Payment of the lien shall be required on the sale or refinance of the property.
- e) An additional part of the program could be to provide a deferral for seniors or disabled until the sale or refinance of their home.

The Council is being asked to provide comment and direction before the City expends additional attorney and staff time on developing a utility payment program.

5. Sign Code – Review Current Draft Issues

This item included in Section 5 of the packet is an update discussion on the draft of permanent revisions to the City's sign code. This draft incorporates the changes made through the interim controls approved by the City Council on March 22, 2011. The current timeline requires the approval of the permanent sign code by September 22, 2011. At this time the draft has been reviewed by the Planning Commission and is currently under review by the City Attorney. The sections and language pertaining to the use of various types of temporary signs continues to be the area of focus. Staff will be highlighting the current incorporated suggested changes, asking for comments from the City Council, and reviewing the schedule for review and adoption with the Council.

6. Warehouse Property Acquisition Update

The lease purchase agreement was received mid-day on Friday; Council will be provided with an update on the standing of agreement on Tuesday after a review by legal and City staff.

7. Council Meeting Schedule

The Council is being provided information on the timelines of several priority agenda items. This is provided as an informational piece and to identify any dates that may not work for a quorum of council members.

Critical Areas Ordinance Adoption: The Washington Cities Association has requested the City adopt the ordinance by the end of July, 2011. Scheduling:

July 14, 2011	Planning Commission	Critical Areas - Public Hearing at 7:00 PM (Susan Driver will present scenarios at 6:30PM).
July 18, 2011	60-Day review and SEPA comment period ends.	
July 19, 2011	Council Special Study Session	Critical Areas (Sandra Strieby attendance)
July 26, 2011	Council - Hearing / Meeting	Critical Areas Adoption Hearing

Sign Code: The City adopted the Interim Sign Code on March 22, 2011; a permanent Sign Code update should be adopted by September 22, 2011:

July 11, 2011	60-day Transmitted to WA. State Dept of Commerce	
July 12, 2011	Council - Study Session	Sign Code Update
August 3, 2011	Planning Commission	Sign Code Review
August 23, 2011	Council	Sign Code discussion
September 7, 2011	Planning Commission	Sign Code Hearing and recommendations – <i>transmittal to Council</i>
September 13, 2011	Council - Study Session	Sign Code Study Session for Adoption
September 13, 2011	Council - Hearing / Meeting	Sign Code Adoption Hearing

8. Filling Mayor Vacancy

Mayor Eaton has announced his official resignation from the office of Mayor effective June 30, 2011. At that time the Mayor Pro-Tempore would assume the duties of the Mayor on an interim basis until such time that the City Council appoints and approves an individual to fill the position of the Mayor. The Council may elect to fill the office with a sitting council member. The appointed council member would resign from their position and be sworn into the office of the Mayor. The Council could also opt to accept applications for the office, advertise for interested individuals, interview the individuals and approve a selected candidate to the office. In either case, it would be on an interim basis. The candidate winning this November's Mayoral election would be sworn into office after the results of the election have been certified. Attached, in Section 8, is a copy of RCW 42.12.070 which pertains to the rules governing filling a vacancy of elected office. At this time the Council is being asked to provide direction on how they would want to proceed. As stated in RCW 42.12.070 the Council has 90 days to fill the vacancy.

9. Surplus Items Auction Results

Provided in Section 9 of the packet is a detailed list of the items sold at this year's annual surplus auction and the amount that was received for those items. All revenues for these items will be deposited into the Equipment Rental and Revolving Loan Fund for sale of surplus property. After auctioneer commissions, the City will receive \$10,744.94.