



## City of Leavenworth

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**City Council**  
Cheryl K. Farivar - *Mayor*  
Elmer Larsen  
Carolyn Wilson - *Mayor Pro Tem*  
Mia Bretz  
Margaret Neighbors  
Sharon Waters  
Clint Strand  
Jason Lundgren  
Joel Walinski - *City Administrator*

### LEAVENWORTH CITY COUNCIL AGENDA

Leavenworth City Hall – Council Chambers  
January 22, 2019 – 6:30 PM

#### Call to Order

#### Flag Salute

#### Roll Call

#### Council Committees – 4<sup>th</sup> Tuesday

Housing 3:00 PM

Public Safety 4:00 PM

Finance 5:00 PM

#### Consent Agenda

1. Approval of Agenda
2. Approval of January 8, 2019 Study Session Minutes
3. Approval of January 8, 2019 Regular Meeting Minutes
4. 2018 Claims \$210,828.40
5. 2019 Claims \$197,773.67
6. Set Public Hearing on Zero Lot Line Code Amendment and Comprehensive Plan Map Amendments for March 12, 2019 @ 6:30 PM

#### Councilmember and Committee Reports

#### Mayor / Administration Reports

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

#### Joint Workshop with Planning Commission

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

1. Action: Acceptance of 2019 Planning Commission Docket
2. Action: Motion to approve Leavenworth Area Promotions 2019 Budget Request
3. Action: Mayor Pro Tempore Standing Committee Assignments
4. Action: Mayor Ad Hoc Committee Assignments
5. Action: Ordinance 1581 – Amending Chapter 2.04.020 City Council Study Sessions
6. Action: Resolution 1-2019 – Amending Council Policy, Procedures, and Rules of Conduct
7. Action: Ordinance 1582 – Amending 2019 Salary Schedule
8. Action: Leavenworth Wastewater Treatment Upgrade Agreement Amendment #1
9. Action: Vehicle / Equipment Purchases
10. Action: Vehicle / Equipment Surpluses
11. Action: Utility Reimbursement
12. Action: 2017 Pavement Preservation Project Acceptance

#### Information Items for Future Consideration

#### Adjournment

**(Next Ordinance is 1583 – Next Resolution is 2-2019)**

## SUPPLEMENTAL COUNCIL AGENDA

### Joint Workshop with the Planning Commission

Each January the City Council and the Planning Commission come together for a workshop to review that year's Docket of proposed Comprehensive Plan amendments, per LMC 21.31.030. The Docket outlines which projects will be reviewed by the Planning Commission for the year, and has been expanded to include proposed code amendments. The 2019 Draft Docket was reviewed and modified at the November and December City Council Study Sessions.

This year's draft docket contains several mandated projects under State law, addressing an interim cryptocurrency ordinance, and continuation of the Housing Affordability Task Force recommendations. The addition of more projects needs to be carefully weighed against the time available to complete a thorough review and recommendation. For this reason, staff has recommended that the Council and Planning Commission rate/prioritize non-mandated items with their preferred top 5 projects (5 highest and 1 lowest). Ratings were provided to staff prior to the workshop and used to initiate discussion items. The goal is to identify the top 2 to 3 projects that the Planning Commission may review in addition to the mandated projects, cryptocurrency, and Housing recommendation projects.

The following items are included under **TAB 1**

- Draft 2019 Docket
- Joint Workshop Procedure

### **1. Acceptance of 2019 Planning Commission Docket**

The City Council is being asked to approve the 2019 Docket, based on the Joint Workshop prioritization. This document provides direction to the Planning Commission and staff for the work plan for the year. The 2019 Docket contains a placeholder for Urban Growth Area amendments, which may be forwarded from the County in mid-March. Any request for a map amendment will be provided to the City Council for consideration pursuant to the Leavenworth Municipal Code.

The following items are included under **TAB 1**:

- Draft 2019 Docket
- Joint Workshop Procedure
- **MOTION:** *The Leavenworth City Council moves to approve the 2019 Planning Commission Docket subject to potential modification for Urban Growth Area Map amendments forwarded to the City in March.*

### **2. Motion to Approve Leavenworth Area Promotions 2019 Budget Request**

The City Council is being asked to review and consider approval of the 2019 budget request from the Leavenworth Area Promotions (LAP) Committee. This request is being proposed to the Council due to the need for the LAP Committee to have a firm budget as early as possible in any

given year, which allows them to lock into negotiated agreements with media agencies and to schedule upcoming events, travel writers, and other commitments. The current approved 2019 Budget amount is \$586,000. The Council, over the past several City Council study sessions, has discussed the merits of various LAP Committee requests for funding. There are several options for the Council to consider in addressing the LAP requests; the figures below are provided to assist in making a motion.

LAP Budget Request:

- \$586,000 – This is the current 2019 Budget, which is the original 2017 and 2018 budgets, no increase is included.
- \$644,000 – This is the 2018 amended LAP budget allocation with an increase of \$58,000 per LAP’s 2018 request, which was approved by the City Council for expenditures in 2018.
- \$708,400 – This is the 2018 amended budget of \$644,000 plus a new request of \$64,400 per LAP’s 2019 request.
- Councilmembers are being requested to consider continuing the past allocation of \$20,000 for the Stevens Pass Ski & Stay Program that has not been included in the 2019 Budget. This funding has been provided since 2012, at approximately \$20,000 each year, with the exception of 2013 where the City provided \$40,000. In 2018, Stevens Pass Ski operations was sold to the Vail Group which operates multiple ski resorts across North America. As of this writing, the Vail Group has not committed to shared funding for the Ski and Stay Program.

Additional allocations on Lodging Tax funding requests from other entities, committees, and staff is tentatively scheduled for February 26, 2019 and may resume further if needed at the Council Annual Retreat in April.

The following items are included under **TAB 2**:

- LAP 2019 Budget Request
- Leavenworth Chamber 2019 Marketing Report
- 2016, 2017, 2018 Leavenworth Area Promotions (LAP) Committee Expenditures

**MOTION OPTIONS:** At this time, \$586,000 is the current allocation of funding for the LAP Committee in the 2019 budget. If the Council does not approve any of the options below, \$586,000 will be the LAP funding in 2019 at this time. The following are a list of motions that the Council may consider. MOTION A is the funding requested by the LAP committee, MOTION B returns LAP Funding to the 2018 level, MOTION C requires the City Council to select a number for the total allocation of funding, and MOTION D provides funding for the Ski and Stay Promotions Program.

- **MOTION A:** *The Leavenworth City Council moves to approve the total allocation of \$708,400 for the 2019 Budget for Leavenworth Area Promotions Committee expenditures.*

- **MOTION B:** *The Leavenworth City Council moves to approve the total allocation of \$644,000 for the 2019 Budget for Leavenworth Area Promotions Committee expenditures.*
- **MOTION C:** *The Leavenworth City Council moves to approve the allocation of \_\_\_\_\_ for the 2019 Budget for Leavenworth Area Promotions Committee expenditures.*
- **MOTION D:** *The Leavenworth City Council moves to approve the allocation of \$20,000 for the 2019 Budget for Leavenworth Area Promotions Committee Ski and Stay Program.*

### **3. Mayor Pro Tempore Standing Committee Assignments**

The City Council is being asked to confirm Mayor Pro-Tempore Wilson’s appointments of City Council Members to the Council Standing Committees of Economic Development, Parks, Public Works, Housing, Public Safety, and Finance. Under the authority provided in RCW 35A.12.120, the City Council may enact rules and regulations to govern the conduct and operations of the City Council. This authority includes the ability to determine if and when standing committees will be utilized, what the committees will be, how they will conduct their business, and how their members will be appointed. Under Resolution 10-2018 Section 4 of the City Council Procedures and Rules; the Mayor Pro-Tempore makes appointments to the standing committees with confirmation by the City Council.

The following items are included under **TAB 3:**

- RCW 35A.12.120: Council – Quorum – Rules – Voting
- Resolution 10-2018: Council Policy, Procedures and Rules of Conduct
- 2019 Appointments to the City Council Standing Committees
- **MOTION:** *The Leavenworth City Council moves to confirm the City Council appointments by Mayor Pro Tempore Wilson to the City Council Standing Committees for 2019.*

### **4. Mayor Ad Hoc Committee Assignments**

The Council is being asked to reconfirm Mayor Farivar’s appointments to the Ad Hoc Committees and City representatives to other agencies where City representation is necessary. The City has various representatives on local and regional boards; the City’s past practice is for the Council to review and confirm the Mayoral appointments.

The following motion is a confirmation of the Mayor’s appointment to Ad Hoc Committees and City Representative Assignments. The appointment to these committees is at the discretion of the Mayor; the confirmation by the City Council is to confirm that Council has reviewed the Mayor’s appointments.

A list of the Mayor’s appointments will be provided at the evening meeting on January 22, 2019.

There are no items included under **TAB 4:**

- **MOTION:** *The Leavenworth City Council moves to confirm the Mayor's appointments to Ad Hoc Committees and the City Representatives on other agency boards for 2019.*

#### **5. Ordinance 1581 – Amending Chapter 2.04.020 City Council Study Sessions**

The City Council is being asked to approve Ordinance 1581 amending Chapter 2.04.020 “Study Sessions – When” for the new Study Session start time of 8:30 AM rather than 8:00 AM.

The following item is included under **TAB 5:**

- Ordinance 1581
  - **MOTION:** *The Leavenworth City Council moves to adopt Ordinance 1581 amending Chapter 2.04.020 for a new Study Session start time of 8:30 AM.*

#### **6. Resolution 1-2019 – Amending Council Policy, Procedures, and Rules of Conduct**

The City Council is being asked to amend the Council Policy, Procedures, and Rules of Conduct. At the January 8, 2019 Study Session, Finance Director Chantell Steiner reviewed the need to consider inclusion of voting by conference call and to confirm any other additional changes. Council requested adding the new language for voting via conference call with a maximum allowance of three times per year and requested that Study Session meeting times be changed from 8:00 AM to 8:30 AM. The attached Resolution includes those two items.

The following items are included under **TAB 6:**

- Resolution 1-2019 Redline Version
- Resolution 1-2019 Clean Version
  - **MOTION:** *The Leavenworth City Council moves to approve Resolution 1-2019 amending the Council Policy, Procedures, and Rules of Conduct.*

#### **7. Ordinance 1582 – Amending 2019 Salary Schedule**

The City Council is being asked to approve an amendment to the 2019 Salary Schedule for three changes that were not included in the 2019 Salary Schedule approved in December 2018.

The first item is the monthly salary for the City Administrator, which Council approved via Contract on December 11, 2018.

The second item includes a step increase in addition to an annual COLA (cost of living adjustment) for Executive Assistant Sue Cragun; this is a consideration provided for executive

staff based on years of service, as they are not covered by the Union Contract. As of January 1, Ms. Cragun began her eighth year with the City and had previously been based on seven years.

The third item is the addition of a Building Official position. This is a new position with a new job description with increased job duties, responsibilities, and established pay scale. Currently, the City Administrator serves as the Building Official for the City. As the City begins succession planning, having a certified Building Official on staff would provide the City more flexibility in determining future job responsibilities. At this time, Mr. Mark Barnes is the current Building Inspector for the City and would be internally promoted to the position of Building Official. This promotion would be contingent on Mr. Barnes making progress in acquiring Building Official Certifications. There will be a six (6) month probationary period with a follow-up review.

The following item is included under **TAB 7**:

- Ordinance 1582
  - **MOTION:** *The Leavenworth City Council moves to adopt Ordinance 1582 Amending the 2019 Salary Schedule.*

**8. Leavenworth Wastewater Treatment Upgrade Agreement Amendment #1**

The City Council is being asked to review and consider for approval an Amendment to the Agreement with Varela & Associates, Inc. for the engineering services necessary for the upgrades at the City’s Wastewater Treatment Facility. The contract amendment amount is for Three Hundred and Thirty-Nine Thousand, Nine Hundred and Fifty-Seven dollars (\$339,957). The amendment covers costs associated with additional design work requested by the City, Electrical Engineering sub-contract work, and other additions to the scope of work not included in the original agreement. The following table provides an outline of the requested changes to the original agreement:

<b>Task #</b>	<b>Description of Work</b>	<b>Cost</b>
<b>Original Contract</b>		
14 – 11-04	Tertiary Treatment Predesign: review different onsite locations, addition of Bio-P Phosphorus reduction and selection of disc filter for tertiary treatment.	\$86,640
14-11-06	Treatment Plan Design and Specifications: addition of centrifuge sludge dewatering, change of UV Equipment from facility plan, head works change, upgrade to existing clarifiers and initial investigation work on cross connection controls.	\$74,127
14-11-06	Addition of Electrical Engineering sub-contractor not included in original agreement.	\$133,287
14-11-28	Cultural Resource Survey required by Rural Development not included in original agreement.	\$16,402

14-11-30	Project Management Client Meetings in 2019.	\$15,261
14-11-35	Facility Plan Update required by Department of Ecology.	\$14,240
<b>TOTAL</b>		<b>\$339,957</b>

The two top items within the table above, Tertiary Treatment Predesign and the Treatment Plan Design, also require significant staff involvement by Mr. Herb Amick, Public Works Director, and Mr. Antonio Muro, Wastewater Treatment Plant Supervisor. Those two steps involved the review of the plant operation in the future and looking at mechanical equipment requirements. The goal is to blend new technology and processing procedures to reduce future increased operational costs: staffing, chemicals, etc. At this point in time, those issues have been addressed and the next step is continuing on into the design process. The other items within this contract amendment are items that were anticipated as a “to be determined” item in the initial agreement.

This amendment will also be reviewed and approved by the US Department of Agriculture Rural Development. Rural Development is the federal agency that is providing the low interest loan and grant funding for the project.

In the review of the attached documents under **TAB 8**, Mr. Dana Cowger, PE, Varela & Associates letter provides a narrative on the requested changes and the project moving forward. The Project Scope of Services, Attachment 1, provides the details on the work that was completed under the revised project scope. On the last page of this document is the updated design schedule.

The following items are included under **TAB 8**:

- Leavenworth Wastewater Treatment Upgrade Project Agreement Amendment No.1 Letter dated January 14, 2019 from Dana Cowger, Varela & Associates
- Amendment to Owner – Engineer Agreement Amendment No. 1
- Attachment 1 to Exhibit K Amendment No. 1: Project Scope of Services/Schedule/Etc.
- Attachment 2 to Exhibit K Amendment No. 1: Engineering Scope and Cost Worksheets
- Attachment 3 to Exhibit K Amendment No. 1: Electrical Engineering Proposal
- Attachment 4 to Exhibit K Amendment No. 1: Electrical QA QC Services and I&C
- **MOTION:** *The Leavenworth City Council moves to approve and authroizes the Mayor to sign Amendment No. 1 to the Varela & Associates Agreement for engineering services in the amount of \$339,957.00.*

## **9. Vehicle / Equipment Purchases**

The City Council is being asked to authorize the expenditure of funds for the purchase of three (3) vehicles and one (1) trailer mounted Hydro (Vactor) Excavator. The City Equipment Rental & Revolving (ER&R) schedule identified the replacement of the four items in the 2019 budget. They are as follows:

- 1.) The purchase of a used 2018 Ford Escape at a cost of \$21,000 including tax and licensing from Bill Pierre Ford of Seattle to replace the 1999 Subaru Legacy (VIN #4S3BD4352W7211146) which is utilized primarily by the Building and Code Inspector and City Hall staff. The ER&R identified a replacement cost of \$16,500 and the vehicle was selected by staff after request and review of several quotes on similar vehicles from area dealers. This vehicle purchase was reviewed by the Public Works Committee and Mayor at the January 8, 2019 meeting and staff was directed to make the purchase in order to not lose the deal for this low price. Council is being asked to affirm the approval of this purchase. Approval of purchase of the new used vehicle will allow for the sale of the 1999 Subaru as a surplus vehicle at an estimated value of approximately \$2,000.
- 2.) The purchase of a 2019 Ford F150 4WD truck at a cost of \$27,834.95 including sales tax, excluding licensing, to replace the Parks Department 1994 Chevy 2500 ¾ ton pickup truck (VIN#1GCGC24K8RE271482). The ER&R identified a replacement cost of \$26,500 and the vehicle was selected from the Washington State Department of Enterprise (CARS) list, which eliminates the 3-bid requirement for purchase. Approval of the purchase will allow for the sale of the 1994 Chevy 2500 as a surplus vehicle at an approximate estimated value of \$1,500.
- 3.) The purchase of a 2019 Ford F350 4WD truck at a cost of \$31,411.07 including sales tax, excluding licensing, to replace the Utility Department 2004 Ford F350 4WD truck (VIN#1FTSF31L64ED37136). The ER&R identified a replacement cost of \$34,000 and the vehicle was selected from the Washington State Department of Enterprise (CARS) list, which eliminates the 3-bid requirement for purchase. Approval for purchase will allow for the sale of the 2004 F350 4WD as a surplus vehicle at the approximate estimated value of \$6,000.
- 4.) The purchase of a MS800 Diesel Vacuum Trailer at a cost of \$131,392.18 including sales tax, excluding licensing, to replace the Utility Department 2004 Tiger Vactor TGU-1000 (VIN# 1S9KJ18293C381768). The ER&R identified a replacement cost of \$161,000 and the vactor was selected by staff after soliciting and comparing three (3) quotes, which are available in the packet materials. Approval for purchase will allow for the sale of the 2004 Tiger Vactor TGU-1000 at an approximate estimated value of \$5,000. The lowest quote was not chosen due to staff evaluation and determination that the engine size of the less expensive unit was inadequate for the City's needs/purposes.

The following items are included under **TAB 9**:

- 2018 Ford Escape purchase quote
- 2019 Ford F150 4WD purchase quote
- 2019 Ford 350 4WD purchase quote
- Diesel Vacuum Trailer Quotes (3 included)
  - **MOTION:** *The Leavenworth City Council moves to affirm the purchase of a 2018 Ford Escape in the amount of \$21,000 including sales tax and licensing.*
  - **MOTION:** *The Leavenworth City Council moves approve the purchase of a 2019 Ford F150 4WD Pickup in the amount of \$27,834.95 including sales tax, excluding licensing.*

- **MOTION:** *The Leavenworth City Council moves to approve the purchase of a 2019 Ford F350 in the amount of \$31,411.07 including sales tax, excluding licensing.*
- **MOTION:** *The Leavenworth City Council moves to approve the purchase of a MS800 Diesel Vacuum Trailer in the amount of \$131,392.18 including sales tax, excluding licensing.*

## **10. Vehicle / Equipment Surpluses**

The City Council is being asked to declare three (3) vehicles and one (1) trailer mounted Hydro (Vactor) Excavator as surplus vehicles and equipment to be advertised for sale or auction upon the arrival of the replacement items. They are as follows:

- 1.) 1999 Subaru Legacy VIN# 4S3BD4352W7211146 to be a surplus vehicle at an estimated value of approximately \$2,000.
- 2.) 1994 Chevy 2500 VIN#1GCGC24K8RE271482 to be a surplus vehicle at an estimated value of approximately \$1,500.
- 3.) 2004 F350 4WD VIN# 1FTSF31L64ED37136 to be a surplus vehicle at an estimated value of approximately \$6,000.
- 4.) 2004 Tiger Vactor TGU1000 VIN#1S9KJ18293C381768 to be surplus equipment at an estimated value of approximately \$5,000.

There are no items included under **TAB 10**.

- **MOTION:** *The Leavenworth City Council moves to approve the surplus of the 1999 Subaru Legacy VIN# 4S3BD4352W7211146 to be sold or auctioned at market value.*
- **MOTION:** *The Leavenworth City Council moves to approve the surplus of the 1994 Chevy 2500 Pickup VIN# 1GCGC24K8RE271482 to be sold or auctioned at market value.*
- **MOTION:** *The Leavenworth City Council moves to approve the surplus of the 2004 Ford F350 4WD VIN# 1FTSF31L64ED37136 to be sold or auctioned at market value.*
- **MOTION:** *The Leavenworth City Council moves to approve the surplus of the 2004 Tiger Vactor TGU-1000 Trailer VIN#1S9KJ18293C381768 to be sold or auctioned at market value.*

## **11. Utility Reimbursement**

The City Council is being asked to approve a one-time reimbursement payment to Ward's Funeral Chapel located at 303 Pine Street in Leavenworth in the amount of sixteen thousand five hundred and fifty-five dollars and sixty cents (\$16,555.60). This amount was calculated based on a utility billing overcharge to Ward's Funeral Chapel since November 2009. In 2009, a new water meter was installed at the Ward's Funeral Chapel commercial property. The meter calibration was mistakenly coded to provide a 1000-multiplier reading instead of a 100-multiplier reading; this caused an over billing on water usage and subsequently affects sewer charges. Ward's Funeral Chapel diligently paid the monthly invoiced amount without question.

On December 28, 2018, in a meeting with City Administrator Joel Walinski, Mr. Jim Ward reviewed and discussed the history on this account and the need to review the accuracy of the meter since the installation in 2009, as it appeared that increases suddenly occurred at that time frame. Staff reviewed the history and checked the calibration on the meter and discovered the error. Typically, out of the norm account numbers or unusual increases in costs can be flagged for leaks or possible meter issues; however, because this is a commercial account, the water use and billing were not out of the normal use parameters in 2009 and did not significantly increase until 2015 when water use went up causing significant increases to sewer.

After discussions with the City Attorney, the recommendation is to refund the entire amount since the records are available to verify the water use and sewer billing calculations for over payment of water and wastewater fees. The one-time payment of \$16,555.60 will satisfy the reimbursement for overpayment of utility fees. (RCW 4.16.080)

The following items are included under **Tab 11**:

- Calculations of the Overpayment of Utility Fees
- Offer Letter for Settlement with Ward's Funeral Chapel
- **MOTION:** *The Leavenworth City Council moves to approve a one-time reimbursement payment to Ward's Funeral Chapel, 303 Pine Street, in the amount of \$16,555.60 for over payment of monthly water and sewer utility fees since 2009.*

## **12. 2017 Pavement Preservation Project Acceptance**

The City Council is being asked to approve Final Acceptance of the Whitman, Commercial & Enchantment Way Street Improvement project which was completed under a Public Works Contract with Central Washington Asphalt, Inc. at a final cost of \$426,268.15; a savings of \$4,750, which was under the bid award amount of \$431,018.15. The project was completed with formal acceptance on July 19, 2018. Funding for this project was provided through the Transportation Improvement Board (TIB) and the Leavenworth Transportation Benefit District (TBD). The project consisted of grinding/pulverizing of the existing asphalt, regrading, resetting of catch basins, manholes, etc., and an overlay of new asphalt.

Although the City's final acceptance and completion was July 19, 2018, it has taken until now for the submittal of all the paperwork required of the contractor for closeout of the contract and funding.

The following item is included under **TAB 12**:

- Contractor Payment Schedule
  - **MOTION:** *The Leavenworth City Council moves to accept the Whitman, Commercial & Enchantment Way Street Improvement Project and sets the acceptance date as July 19, 2018.*