



City of Leavenworth

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City Council
Cheryl K. Farivar - *Mayor*
Elmer Larsen
Robert Francis
Carolyn Wilson - *Mayor Pro Tem*
Gretchen Wearne
Mia Bretz
Margaret Neighbors
Position No. 6 - Vacant
Joel Walinski - *City Administrator*

LEAVENWORTH CITY COUNCIL AGENDA

Leavenworth City Hall - Council Chambers
April 12, 2016 - 6:30 p.m.

Call to Order

Flag Salute

Roll Call

Consent Agenda

1. Approval of Agenda
2. Approval of March 22, 2016 Regular Meeting Minutes
3. 2016 Claims \$105,694.90
4. March 2016 Payroll \$196,823.07
5. PRSA Voucher Request \$15,000.00

Council Committees - 2nd Tuesday
Public Safety 3:00 Parks 4:00 Public
Works 5:00

Public Safety Report: Sargent Bruce Long, Liaison Officer

Councilmember and Committee Reports

Mayor/Administration Reports

Comments from the Public on Items Not on the Agenda

Presentation: Icicle Work Group

Group Funding Report: LWSC Moose Dewlap Citizens Trek – Mark Milliette

Group Funding Report: Ski Hill Heritage Leavenworth Film Festival – Shane Wilder

Resolutions, Ordinances, Orders and Other Business

1. Action: Chumstick Multi-use Pathway and Water & Sewer Project Bid Award
2. Action: Chumstick Lift Station/Generator Bid Award
3. Action: Supplemental Agreement #5 for Pace Engineering
4. Action: Annexation Request Property Owner Discussion
 - a) Annexation Request – Chuck Reppas
 - b) Motion to Set Public Hearing on Annexation Request for Chuck Reppas
5. Action: Special Use Permit: Maifest Bier Tent Request – Chamber of Commerce
6. Action: Ordinance 1524 Quarterly Budget Amendment
7. Action: Resolution 07-2016 Liquor Excise/Board Profit Revenues Supporting Substance Abuse Programs
8. Action: Brennan & Associates Park Plaza Design Contract

Information Items for Future Consideration

1. Final Reminder – Public Disclosure Commission Filing Deadline April 15th

Adjournment

(Next Ordinance is 1525 - Next Resolution is 08-2016)

SUPPLEMENTAL COUNCIL AGENDA

1. Chumstick Multi-use Pathway and Water & Sewer Project Bid Award

The City Council is being asked to award the Chumstick Multi-purpose Trail and Water & Sewer Extension Project to the lowest qualified bidder which is Advantage Dirt Contractors, Inc. with a bid amount of \$780,899.17. Additional costs of \$121,263 for construction engineering, testing, construction observation and the relocation of a PUD power pole are necessary for the Chumstick Multi-purpose Trail portion of the project. The PUD Power pole costs are \$78,917 and are included in the estimate of additional costs. The Water & Sewer Extension project estimate for additional costs are \$56,978. These costs include a new PUD Electric Service for the lift station, electrical subconsultant, construction engineering, construction observation, and testing.

The City received bids from four general contractors: Advantage Dirt Contractors, Inc., Pipkin Construction, Hurst Construction, and J & K Earthworks. The bid period was from March 3, 2016 to March 25, 2016 and was advertised in the Construction Bulletin of The Daily Journal of Commerce on March 3, 2016 and March 17, 2016. All bidders provided correct bid documents. Because of the funding package put together for this project, the bid received from Advantage Dirt Contractors, Inc. was reviewed and approved by the Washington State Department of Transportation (DOT) prior to being considered for approval by the City Council.

Conception of the trail project dates back to 2008 with the initiation of the project purpose, description and preliminary design. That was followed by the pursuit of funding in the form of grants in the latter part of 2009 for the Chumstick Trail portion of the project. In 2011 Upper Valley MEND, Mr. John Agnew, and Mr. Rudy Prey petitioned the City to establish a Local Improvement District (LID #24) to provide bonding for the project and establish LID assessments to those properties which would receive benefit from the extension of the water and sewer lines and construction of the sewer lift station. The City completed the Special Benefit Appraisal in 2012 and a preliminary LID #24 Assessment for \$960,000 was approved by the Council without objection by the petitioning land owners. A final hearing and establishment of the LID #24 Assessment will be conducted with the completion of the project and issuance of the bonding. At this time the estimated cost for the Chumstick Water/Sewer and Lift Station Project with associated project costs to be included in the LID #24 assessments is \$905,927; this is within the LID assessment preliminary estimate. This number does include a 20% construction contingency.

The project is for the construction of a multi-purpose trail which will begin at the Cascade High School parking lot along Chumstick Highway and continue along the northwest side of the highway, ending opposite North Road. The trail will be ten feet wide and consist of a Bituminous Surface Treatment – two shot, and will include railing where required. A new 6” force sewer main will be installed in conjunction with the trail from the existing sewer at the high school and terminating at a new sewer lift station structure across from North Road. In addition, a new 12” water main will be continued from the existing line at County Shop Road and be extended along the trail to the new lift station structure. To accommodate the trail, the purchase of private right-of-way (ROW) property was necessary as well as the relocation of a Chelan County PUD power structure.

The major funding source for the trail portion of the project is through grant funding from the Washington State Department of Transportation (DOT) in the approximate amount of \$348,000 and the additional matching funds. The additional funds required, approximately \$150,000 for engineering, and the relocation of the PUD pole will come from the General Fund. The water, sewer, and lift station structure portion of funding will come from the City Water and Sewer funds and a formed LID.

Upon approval of the bid award by the Council, the contractor will need to provide signed contracts, bonding, and insurance documentation before a notice to proceed will be given. All contract documents will be reviewed by City Staff, City Attorney, and the Project Engineer from Pace Engineering, Mr. Larry Cordes, P.E. prior to requesting a signature from the Mayor.

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

- Award Recommendation: Pace Engineering, Mr. Larry Cordes P.E.
 - Bid Tabulation Chumstick Highway Multi-purpose Trail and Water & Sewer Extension
 - Project Cost Estimates
 - Greg Boatright WA DOT Approval Email
- **MOTION:** *The Leavenworth City Council moves to award the Chumstick Highway Multi-purpose Trail and Water & Sewer Extension Project bid to Advantage Dirt Contractors, Inc. for a cost of completion of \$780,899.17 and authorizes the Mayor to sign the contract documents.*

2. Chumstick Lift Station/Generator Bid Award

The City Council is being asked to award the Chumstick Highway Lift Station Pumps and Auxiliary Generator Project to the lowest qualified bidder which is Advantage Dirt Contractors, Inc. with a bid amount of \$198,652.75. Additional costs for this project including construction engineering, construction inspection, testing, and new power service are included with the additional costs for the Chumstick Multi-purpose Trail and Water & Sewer Extension.

The City received bids from three general contractors: Advantage Dirt Contractors, Inc., Award Construction, Inc. and Equity Builders, LLC. City Staff and Project Engineer from Pace Engineering, Mr. Larry Cordes, P.E. has reviewed all bids and all bidders provided correct bid documents.

This project was originally a part of the Chumstick Multi-purpose Trail and Water & Sewer Extension Project; however, due to Washington State Department of Transportation requirements for federally funded projects to comply with the “Buy America” regulations, this portion of the project was removed and bid as a separate item.

The project consists of the purchase and installation of the pumps, valves and appurtenances, electrical and controls, and the auxiliary generator for the Lift Station structure. The funding source for the Lift Station construction is the Local Improvement District (LID) #24 as described in the preceding agenda item.

Upon approval of the bid award by the Council, the contractor will need to provide signed contracts, bonding and insurance documentation before a notice to proceed will be given. This project will not proceed in the construction phase until the Chumstick Multi-purpose Trail and Water & Sewer Extension Project is completed. All contract documents will be reviewed by City Staff, City Attorney, and the Project Engineer from Pace Engineering, Mr. Larry Cordes, P.E. prior to requesting a signature from the Mayor.

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

- Award Recommendation: Pace Engineering, Mr. Larry Cordes P.E.
- Bid Tabulation Chumstick Highway Lift Station Pumps and Auxiliary Generator
- Project Cost Estimates

- **MOTION:** *The Leavenworth City Council moves to award the Chumstick Highway Lift Station Pumps and Auxiliary Generator Project bid to Advantage Dirt Contractors, Inc. for a cost of completion of \$198,652.75 and authorizes the Mayor to sign the contract documents.*

3. Supplemental Agreement #5 for Pace Engineering

The City Council is being asked to review and consider for approval Supplement Agreement No. 5 to the Pace Engineering consultant agreement for the Chumstick Highway Multipurpose Trail & Water/Sewer Line Extension. This supplemental agreement would cover the additional work that was necessary and required as part of the removal of the Lift Station and Back Up Generator from the overall project. The item was bid as a separate project because the materials for the lift station did not comply with the Buy America program required by the Federal Highway Administration. The Chumstick project is partially funded with federal funds so all parts of the project must comply with the federal guidelines. The amount of this Supplemental Agreement is \$10,013 and brings the total cost for planning, engineering, and ROW Acquisition consultant fees to \$196,622.00. The expenditures for this project are split between the Multipurpose Trail Project and the W/S/Line Extension. Costs for the Multipurpose Trail are shared between the City and the grant funding agency (DOT/STP Funding) and the W/S Line Extension design costs are charged to the LID Project Costs which will be reimbursed to the City.

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

- Larry Cordes, P.E. Pace Engineering, April 6th 2015 Letter Outlining Supplemental #5 Work Inclusion
- DOT Supplemental Agreement #5, (Federal Aid Number) HLP-PB09(005)
- **MOTION:** *The Leavenworth City Council moves to approve Supplemental Agreement No. 5 with Pace Engineering in the amount of \$10,013 for a total contract price of \$196,622 and authorizes the Mayor to sign the supplemental agreement.*

4. Annexation Request Property Owner Discussion

a) Annexation Request – Chuck Reppas

The City Council is being asked to commence annexation proceedings and have the meeting with the property owner(s). The property owners, Charles and Lynn Reppas are requesting annexation for property located at 12620 Ranger Road, identified as parcel no. 241702670128, and further described as Lot 4 of the Rubin Short Subdivision No. 2096. Charles and Lynn Reppas submitted an intent letter on March 28, 2016, and is signed by the owner of not less than 10% in assessed value of the approximately 1.06 acre property sought for annexation. Upon receipt of the requested annexation, the City Council must set a date within 60 days after having received such notice for a meeting with the initiating parties to determine:

- a. If the City will accept the annexation;
- b. Whether the City will accept, reject, or geographically modify the proposed annexation;
- c. Whether it will require the simultaneous adoption of a proposed zoning regulation, if such a proposal has been prepared and filed (as provided for in RCW 35A.14.330, and RCW 35A.14.340);
- d. Whether it will require infrastructure improvements;

- a. Require extension of domestic water, stormwater, and wastewater (sewer) to the property with necessary upgrades to the street to adopted standards; or
- b. Require a not protest and connection agreement to be recorded as a Notice to Title.
- e. Whether it will require transfer of water rights; and
- f. Whether it will require the assumption of all or any portion of existing city indebtedness by the area to be annexed.

The Council will record its action into the record.

The following items are included under **TAB 4:**

- Intent to annex letter with deed
- Vicinity Map
- Zoning Map
- Property Description
- **MOTION:** *The Leavenworth City Council moves to: 1) accept for annexation the Charles and Lynn Reppas property located at 12620 Ranger Road, identified as parcel no. 241702670128, and further described as Lot 4 of the Rubin Short Subdivision No. 2096; 2) retain the existing zoning; 3) require transfer of water rights; 4) require infrastructure improvements to include, but are not limited to, _____; and 5) require the assumption of all or any portion of existing city indebtedness by the area to be annexed.*

b) Motion to Set Public Hearing on Annexation Request for Chuck Reppas

Upon motion to accept annexation, the City Council is being asked to set a public hearing for May 10, 2016 at 6:30 PM and provide notice specifying the time and place of the hearing and inviting interested persons to appear and voice approval or disapproval of the annexation. The notice is to be:

1. Published in one or more issues of a newspaper of general circulation in the city; and
2. Posted in three public places within the territory proposed for annexation.

During the City Council Hearing, the City Council:

- a. Gives proponents and opponents an opportunity to speak.
- b. The City Council decides whether to approve the annexation. If the Council decides to approve, the Council must enact an ordinance (motion) to annex the territory (Pursuant to RCW 35A.14.140). Subject to RCW 35.02.170, the ordinance may annex all or any portion of the proposed area but may not include in the annexation any property not described in the petition. Upon passage of the annexation ordinance a certified copy shall be filed with the board of county commissioners of the county in which the annexed property is located.

- **MOTION:** *The Leavenworth City Council moves to set a Public Hearing on the annexation request for May 10, 2016 at 6:30 PM.*

5. Special Use Permit: Maifest Bier Tent Request – Chamber of Commerce

The City Council is being asked to approve a Special Use Permit (SUP) with the Leavenworth Chamber of Commerce (“Chamber”) for the Maifest Bier Garten. The SUP allows for the “Chamber” to have two (2) 10’ x 10’ “Bier” tents and a 20’ x 30’ (approximately) cordoned off seating area in Front Street Park.

Chamber Director Ms. Nancy Smith attended the March 22, 2016 City Council meeting and requested that the City Council consider allowing the sale of alcohol at Front Street Park for a short period during the Maifest Festival. She specifically noted that this year is different than others as the City will be raising the new Maibaum, and as a traditionally “Bavarian” event that is, tradition would typically call for a “Bier Garten” during a Maifest Festival. This Special Use permit is a one-time request and has been specifically requested to allow for the sale of beer from 12:00 Noon to 4:00 PM on Saturday, May 14, 2016.

The Maifest Festival is one of the three City recognized “Officially Sanctioned City Parades and Public Events”, adopted by Resolution No. 16-2012. The City Council is being asked to consider waiving the SUP fees associated with the event. As with the Christmas Lighting Festival, the City would provide payment from the Lodging Tax Fund for the fees associated with the Special Use Permit and the right-of-way use of Front Street Park; the fees for this event total \$109.60.

The following items are included under **TAB 5**:

- Park Regulations
- Special Use Permit – Maifest 2016
- Resolution No. 16-2012

- **MOTION:** *The Leavenworth City Council moves to approve the Special Use Permit with the Leavenworth Area Chamber of Commerce for the Maifest Festival 2016, furthermore the City Council will cover the fees for the Special Use Permit from the Lodging Tax Fund.*

6. Ordinance 1524 Quarterly Budget Amendment

The City Council is being asked to adopt Ordinance 1524 Quarterly Budget Amendment which amends the budget at the fund level. A majority of this amendment includes the necessary adjustments to the beginning and ending fund balances; the Council will find other amendments based on Council actions or necessary corrections to the 2016 budget that have either been carried over from the 2015 budget or require amendment due to changes not foreseen in the development of the original budget in 2014. For instance, the General, Street and Lodging Tax Funds include many amendments that may have carried over from 2015 or was previously approved by the City Council. In addition, staff has included changes related to taxes (to recognize increases in particular) and utility revenues (positive and/or negative) based on the Council’s decision for setting the utility rates in December of 2015 for the 2016 budget year. Finance Director Chantell Steiner will review the amendments and answer questions at the evening meeting.

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

- Ordinance 1524
- Revenue and Expense Line Item Details

- **MOTION:** *The Leavenworth City Council moves to adopt Ordinance 1524 Quarterly Budget Amendment.*

7. Resolution 07-2016 Liquor Excise/Board Profit Revenues Supporting Substance Abuse Programs

The City Council is being asked to approve a resolution for distribution of liquor excise and board profit revenues per RCW 70.96A. The City was contacted in March by Chelan County regarding state laws which specifies that any city or county that receives liquor excise taxes and liquor board profits is required to devote no less than 2% of its share of these revenues to the support of a program for alcoholism or other drug addiction. Chelan County, who has administered a combined County Board (Board includes Chelan, Douglas and Grant Counties) for administration of these revenues, recently underwent a review process and Douglas County will now be in charge of the administration of the program as of April 1, 2016. Douglas County being the lead agency will be processing all of the city and county funds through North Central Washington Behavioral Health who in turn provides funding to The Center for Alcohol & Drug Treatment based out of Wenatchee. It has been identified by Douglas County that “The Center” is the only agency in Chelan and Douglas Counties that qualifies for the liquor revenues.

The City of Leavenworth currently receives about \$25,000 annually in liquor excise and board profits; the minimum 2% dedication requires that the City send approximately \$500 per year to support substance abuse programs. Staff is recommending approval of Resolution 07-2016 to allow for the support of substance abuse programs to be administered through Douglas County. Included for informational purposes are pertinent RCW’s regarding the devotion of 2% liquor revenues, facility specifications, board creation and program administration.

The following items are included under **TAB 7**:

- RCW 70.96A.087 – Requirement to devote at least 2% to substance abuse addictions
 - RCW 70.96A.085 – Facility specifications (city or county)
 - RCW 70.96A.300 / 320 – County drug addiction board / programs
 - Resolution 07-2016
- **MOTION:** *The Leavenworth City Council moves to approve Resolution 07-2016 Liquor Excise/Board Profit Revenues Supporting Substance Abuse Programs through Douglas County with 2% of the City’s share of liquor revenues in accordance with RCW 70.96A.087.*

8. Brennan & Associates Park Plaza Design Contract

The City Council is being asked to review and approve a Professional Service Agreement with J. A. Brennan Associates, PLLC for the planning and design work associated with the Park Plaza area on Front Street. The contract amount is a not to exceed amount of Fifty Three Thousand, Six Hundred and Eighty dollars (\$53,680). The full scope of the services includes an initial site inventory, a reduced site schematic design, design development and completion of the construction documents. The scope of work was reduced significantly because of the initial work completed by the Downtown Steering Committee on the schematic design and with City staff managing the State Environmental Protection Act (SEPA) permitting and other regulatory permitting. Full construction funding of the project has not been identified at this time; however, funding is available for the design work with funding from the Price and Roger’s estates and previous funding by the City Council. Prior to construction, full funding of the project will need to be identified which is estimated at this time to be \$350,000.

This project was initiated by the Downtown Steering Committee in 2015. After discussions with the committee, adjoining property owners and the Chamber of Commerce representatives, the preliminary design was recommend for approval which includes an open park space for people to

gather, a hard surface area, compliance with accessibility regulations, existing sidewalk replacement, addressing drainage and storm water issues, and limits vehicle parking loss to 7 stalls. The Council received an update on the project in June of 2015. Later in 2015, the estates of Bob Rogers and Ted Price donated \$50,000 toward the project and in December of 2016 the Council identified \$25,000 of Lodging Tax Funds towards this project. In December a Request for Qualifications (RFQ) for Landscape Architect services was advertised. Seven firms responded with proposals; the proposals were discussed and reviewed at the January Downtown Steering Committee meeting. The three top firms were identified and interviewed by staff as a follow-up to that discussion. At the February meeting of the Downtown Steering Committee, staff recommended J.A.Brennan and Associates primarily because of the work they have in creating streetscape spaces, their work with other eastern Washington small cities and their experience in developing funding strategies for various projects. With the approval of the Steering Committee, staff requested a scope of work be developed by the firm. The scope was reviewed by the committee at the March meeting and areas for reduction in costs were identified. The scope of work and costs represented in the contract tonight are reduced by \$25,000 from the initial estimate. The Steering Committee did recommend approval of the selection of the firm and the reduced scope of work and costs.

The Park Plaza Area was initially identified as a project in the Downtown Master Plan which was adopted by the City Council in 2009. The plaza was originally identified as the Royal Lady Plaza. As the Steering Committee worked through the initial schematic design, the committee worked through the issues regarding the loss of parking and accessibility to existing businesses. The Council and Committee also recognized this was a good location for the placement of a memorial to Bob Rogers and Ted Price, two of the founders of the Old World Bavarian theme. As a reminder, the City received \$10,000 for the memorial from the Estates of Bob Rodgers and Ted Price that will be allocated for the construction portion of the project at a later date.

The Council this evening is being asked to approve the Professional Service Contract with J.A. Brennan Associates to complete the design of the plaza. The Downtown Steering Committee will be the primary point of review for the design development. A public presentation and a presentation to the City Council will be given at the 75% completion point of design.

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

- Statement of Qualifications: J. A. Brennan Associates
- Professional Service Agreement J. A. Brennan Associates
- Exhibit A: Scope of Work

- **MOTION:** *The Leavenworth City Council moves to approve and authorizes the Mayor to sign the Professional Service Contract with J.A. Brennan Associates, Landscape Architects for the final design and development of construction documents for the Front Street Plaza Project at a not to exceed cost of \$53,680.*