



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
September 25, 2018 – 6:30 PM

Call to Order

Flag Salute

Roll Call

Consent Agenda

1. Approval of Agenda
2. Approval of September 11, 2018 Study Session Minutes
3. Approval of September 11, 2018 Regular Meeting Minutes
4. 2018 Claims \$546,369.57

Councilmember and Committee Reports

Mayor / Administration Reports

Comments from the Public on Items Not on the Agenda

Resolutions, Ordinances, Orders, and Other Business

1. Action: Motion to Set Public Hearing – Resolution Support for PRSA Operations & Maintenance Levy on October 9, 2018 @ 6:45 PM
2. Action: Stop Sign Location Request
3. Action: 2nd Reading Ordinance 1573 – Business Licenses and Regulations
4. Action: Nelson Geotechnical Associates Agreement / Pine Street Construction
5. Action: Motion to Set Public Hearing – Surplus Property on October 23, 2018 @ 6:45 PM
6. First Reading: Waste Management Agreement

Information Items for Future Consideration

1. Public Hearing & Resolution of Support for PRSA Operation & Maintenance Levy
10/9/2018
2. Preliminary Budget Public Hearing November 13, 2018

Adjournment

(Next Ordinance is 1574 – Next Resolution is 16-2018)

Council Committees – 4th Tuesday

Housing 3:00 PM
Public Safety 4:00 PM
Finance 5:00 PM

SUPPLEMENTAL COUNCIL AGENDA

1. Motion to Set Public Hearing – Resolution Supporting continuation of the PRSA Operations & Maintenance Levy Proposition No. 1 on October 9, 2018 @ 6:45 PM

The City Council is being asked to set a public hearing to discuss and consider a resolution of support for the continuation of the Upper Valley Park and Recreation Service Area (PRSA) Proposition No. 1, which is a six-year Operations & Maintenance Levy (O&M Levy) on the November 2018 ballot. The O&M Levy is .11 cents per thousand on all privately owned properties within the PRSA. The funds raised through the O&M Levy will be used to support ongoing operations of the Leavenworth Area Outdoor Pool. The eleven cent levy is consistent with the current levy that is in place through December of 2018.

The Public Hearing will provide the opportunity for the general public to provide comments on the pros and cons of the proposed levy. After taking in the public comment, the City Council will consider a resolution pertaining to the PRSA Proposition No. 1 ballot measure.

Under RCW 42.17A.555, an elected legislative body may express a collective decision in support or opposition of a ballot proposal so long as the required notice of the meeting includes the title and ballot proposition and members of the public are afforded the opportunity to express their views.

The following item is included under **TAB 1**:

- RCW 42.17A.555
- **MOTION:** *The Leavenworth City Council moves to set a public hearing on October 9, 2018 supporting the Upper Valley Park & Recreation Service Area Six-Year Operations & Maintenance Levy.*

2. Stop Sign Location Request

The City Council is being asked to approve the recommendations of the Public Safety Committee in regard to a requested change of the traffic control signage at the intersection of Cedar Street and Burke Avenue. The request is to change the intersection control from a two-way controlled intersection to a four-way stop intersection. Ms. Tawnee Melton submitted the requested change to Public Works Director Herb Amick on July 17, 2018. The Speed/Counter Trailer was placed in various locations at the intersection from July 27 through August 23, 2018; data was collected in regard to traffic counts, speeds, etc. The request was then brought before the Public Safety Committee for review on August 28, 2018. As per Council adopted policy, the Warrants Checklist was applied to the request, which was then reviewed and considered by the Public Safety Committee. The intersection was reviewed in regard to accident history, visibility, multiple uses, traffic volume, a review by the Public Safety Liaison Officer Sergeant Scott Lawrence, and a review by the Public Works Director Herb Amick. The Council Policy for the installation of a stop sign is that the intersection must meet 3 of the 6 warrants previously noted. In a review of these warrants, two of the warrants were met for the intersection. Due to the proximity of schools, the intersection warrants a higher level of multiple uses of pedestrians, bus traffic, bicycles, and vehicle traffic. Additionally, the visibility of one leg of the intersection did not meet the 250 feet requirement due to the curve where Burke Avenue becomes Birch Street; no other warrants were met. At that meeting on August 28, 2018, the Public Safety Committee recommended against the proposed changes since the criteria required by the Warrants Checklist was not met; therefore the Committee is now requesting the City Council's consideration for approval of that action per the adopted policy.

In developing the policy, the Public Safety Committee reviewed a number of adopted policies regarding traffic control from the Department of Transportation and other communities. The warrants adopted in the City Policy were modified to address traffic conditions within the City.

The requesting party was notified of the Public Safety Recommendation and has been invited to attend the September 25, 2018 City Council meeting to provide additional information and comment to the Council.

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

- Warrants Checklist
- Request letter
- Map of existing stop signs

- **MOTION:** *The Leavenworth City Council moves to approve the recommendations of the Public Safety Committee, recommending against the change of the intersection of Cedar Street and Burke Avenue from a two-way stop intersection to a four-way stop intersection as per adopted Council policy and the Warrants Checklist.*

3. 2nd Reading Ordinance 1573 – Business Licenses and Regulations

The City Council was provided a draft version of Ordinance 1573 at the September 13, 2018 regular City Council meeting, which is related to new business license regulation changes that are state mandated for implementation by mid-October of this year. Provided for Council’s second reading and approval of the necessary changes is the final ordinance identifying the new minimum threshold and definition for “Engaging in Business.” The City Attorney has reviewed the changes and recommends adoption.

The following item is included under **TAB 3**:

- Ordinance 1573 Redline and Clean Versions

- **MOTION:** *The Leavenworth City Council moves to adopt Ordinance 1573 Business Licenses and Regulations.*

4. Nelson Geotechnical Associates Contract for Pine Street Construction

The City Council is being asked to review and consider for approval a Professional Services Agreement (PSA) with Nelson Geotechnical Associates for the geotechnical and pavement investigation, evaluation, and construction support for the reconstruction of Pine Street between Ski Hill Drive and Titus Road. The Professional Services Agreement is for a not to exceed amount of \$39,500 and fees charged will be based on a time and material basis using the Standard Fee Schedule (August 2017) provided in Exhibit A of the PSA.

The City publicly posted a Request for Qualifications (RFQ) and contacted seven (7) firms on the Municipal Research and Services Center (MRSC) Small Works Roster that had geotechnical qualifications. Nelson Geotechnical Associates was the only firm that responded to the RFQ. Nelson Geotechnical has a significant amount of experience working in the project area, as they were the contracted firm for the Pinegrass Subdivision and the Cascade School District. The City

has previously used the firm on several other road reconstruction projects. The scope of work was reviewed and approved by TD&H project engineers and the RFQ was reviewed and approved by the Washington State Department of Transportation Local Projects Office prior to posting. The PSA used is the City’s template. Funding for this work described within this contract was planned for and is available in the Pine Street Capital Project Fund

The following item is included under **TAB 4:**

- PSA Nelson Geotechnical Associates, Inc for Consultant Services
- **MOTION:** *The Leavenworth City Council moves to approve and authorizes the Mayor to sign the Professional Services Agreement with Nelson Geotechnical Associates, Inc. for geotechnical services and consultation related to the Pine Street Reconstruction, Phase I Project for a not to exceed cost of \$39,500.*

5. Motion to Set Set Public Hearing – Surplus Property on October 23, 2018 @ 6:45 PM

The City Council is being asked to consider setting a public hearing regarding the surplus of a portion of the parcel abutting Hwy. 2, west of the access point of the US Forest Service, and east of Blue Spirits Distilling. The Property ID Number is 27375. The full parcel is 1.65 acres; the portion being considered for surplus is 1.31 acres. The request is being made by the abutting property owner Mr. Thomas Lin. There is no current City use of the property.

Property ID:	27375	Legal Description:	T 24N R 17EWM S 01 PTN SWSE 1.6500 ACRES
Geographic ID:	241701430030		

Under Resolution No. 23 – 2012, the first step in the process for the City Council to consider declaring a City owned property surplus property is to set a public hearing. The public hearing advertisement must be posted ten (10) days prior to the hearing and not more than 25 days prior to the hearing in the official newspaper for the City. Following the public hearing, the City Council will consider whether the property should be declared surplus. If the property is determined to be surplus, the City Council will then determine the sale procedure for the property. If the property is determined to have some present or future municipal need, the Council can elect not to move forward with the declaration of surplus property.

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

- Resolution No. 23 – 2012 SOP for Regarding the Surplus and Sale of City Property
- Record of Survey of Property
- Design Concept of Property
- City Owned Property Inventory
- **MOTION:** *The Leavenworth City Council moves to set a public hearing on October 23, 2018 for taking public testimony and consideration of declaring a portion of Parcel 27375 owned by the City of Leavenworth as surplus property.*

6. 1st Reading Waste Management Solid Waste Service Agreement

The City Council is being asked to review as a first reading the Solid Waste Service Agreement with Waste Management, Inc. The contractual agreement would allow for Waste Management to collect residential solid waste within the City limits of Leavenworth. Previously, the City Council had authorized Waste Management to collect recycling materials at both residential and commercial accounts. The change in service under this agreement would be limited to the collection and billing for residential customers. The City would still provide the yard waste dropoff site and would still manage the Spring and Fall Yard Clean-up programs for residential properties. Once an agreement is approved, the education and transition process would begin with the actual service not transitioning until February 1, 2019.

The City Council has reviewed the contract language several times to date at both the Study Session and City Council meetings. The Public Works Committee started the review of this transition after a request was made by the Residential Advisory Committee (RAC) to explore providing more recycling and solid waste container services for residents.

Currently, the City provides sanitary waste pick up services to City residents and business accounts. Businesses and residents within the City may also contract with Waste Management for recycling services. This contract will require residents have garbage services through Waste Management; residents may elect to have recycling services through Waste Management. At this time, Waste Management is only offering the optional recycling services because of the current issues with the disposal of recyclable materials, as opposed to mandated recycling service. Waste Management has also notified the City that recycling charges and qualified materials will change, as the discussion regarding the disposal of the recycling material on a world wide basis continues.

The current City of Leavenworth Garbage Service for single family residential collection is as follows:

	Garbage Cart Size	Garbage Rate Per Month	Only Per Option	Recycling Rebate Per Month
Residential	64 gal	\$26.52		\$5.00

Services included within the contractual agreement with Waste Management:

- Allowance for the residential service for removal of “bulky items.”
- Modification regarding the use of City Carts and other language regarding waste carts.
- A qualified low income service provision similar to the current City provision for low income utility service provided by the City, a 50% price reduction.
- Language and provisions added for “special services” which includes Temporary Container Services, Refuse Services Transition Plan, Business Outreach on waste reduction, and Complimentary Recycling Service provided for the City’s Festhalle.
- Service level provisions by Waste Management Employees, equipment used, vehicle cleanliness, and records retention and availability.
- The annual price adjustment is 3.25% annually.

- The public outreach and change of service would begin after the City Council approves the agreement; full implementation would be February 1, 2019.

One item that was discussed at the September Study Session was a request by Fish and Wildlife representatives to require a “Kodiak” style bear resistant garbage receptacle. That request was taken back to Waste Management. Waste Management can make the “Kodiak” receptacle/cart available on a voluntary basis in two sizes for local residents at the added fee of \$11.35 per month. This is the same fee as previously offered for the “bear resistant” cart that they currently offer, although the Kodiak receptacle is a more expensive cart. The Snoqualmie pricing that was mentioned at the September Study Session cannot be matched by Waste Management in this area at this time because of the limited service area (density and types of service offered) and the availability of “Kodiak” carts in this region. They will make the Kodiak carts available specific to Leavenworth; an alternate bear “resistant cart” is available for County residents at the same pricing. In addition, residents have the option of placing the garbage container at the curbside at 7:00 AM rather than at curbside overnight and/or having the Kodiak cart for a period of time if they are having bear issues with their solid waste.

The process for the approval of this contract will be completed under **RCW 35.21.156 Solid waste—Contracts with vendors for solid waste handling systems, plants, sites, or facilities—Requirements—Vendor selection procedures.**

(6) Prior to entering into a contract with a vendor, the legislative authority of the city or town shall make written findings, after holding a public hearing on the proposal, that it is in the public interest to enter into the contract, that the contract is financially sound, and that it is advantageous for the city or town to use this method for awarding contracts compared to other methods.

This evening will be the first reading of the agreement. The City Council will be asked to set a public hearing prior to the second reading and consideration of approval.

In addition to the consideration of the contract approval, there are minor revisions necessary within Leavenworth Municipal Code 8.04.010. A draft of the suggested changes are included under Tab 6. The primary changes are necessary to provide the authority for a garbage collector other than the City of Leavenworth.

Ms. Tami Yager, Manager, Public Sector Services Waste Management, Inc. will be available on Tuesday evening to address any questions Council Members may have.

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

- Waste Management Solid Waste Services Agreement
- LMC 8.04.010 Collection and Disposal System - Use Required (Changes Highlighted)
- **MOTION:** *The Leavenworth City Council moves to set a public hearing on October 23, 2018 for taking public testimony and consideration of the Waste Management Solid Waste Service Agreement*