



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

February 12, 2019 – 6:30 PM

Call to Order

Flag Salute

Roll Call

Consent Agenda

1. Approval of Agenda
2. Approval of January 22, 2019 Regular Meeting Minutes
3. January 2019 Payroll \$235,571.58
4. 2019 Claims \$177,204.07
5. Set Public Hearing on Cryptocurrency (Bitcoin) for April 9, 2019 @ 6:30 PM

Council Committees – 2nd Tuesday

Economic Development 3:00 PM
Parks 4:00 PM
Public Works 5:00 PM

Introduction: Chelan County Commissioner Bob Bugert

Public Safety Report: Sergeant Scott Lawrence, Liaison Officer

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: KOA Utility Easement and Final Dedication Acceptance
2. Action: Highway 2 Crosswalk Agreement with Department of Transportation
3. Action: Hopkins Memorial Pool Bid Award
4. Action: Enchantment Park Turf Improvements
5. Action: Special Use Noise Permit for WSDOT
6. Action: Special Use Noise Permit for Ale Fest 2019
7. Action: Resolution 2-2019 – Agent of Claims
8. Action: Reconfirm Mayoral Appointments to the Parking Stakeholder Group

Information Items for Future Consideration

1. Group Funding Applications Due by March 1, 2019

Adjournment

(Next Ordinance is 1583 – Next Resolution is 3-2019)

SUPPLEMENTAL COUNCIL AGENDA

1. KOA Utility Easement and Final Dedication Acceptance

The Leavenworth Pine Village KOA site was annexed into the City by Ordinance 1572 with the obligation to complete, within 18-months from the date of annexation:

- a. Certification and dedication to the City of fire hydrants, to serve the property to ensure water is accessible for fire-fighting purposes to all developed portions of the property.
- b. Dedication and acceptance to the City of the water main system, to provide fire and domestic water service for the property.
- c. Dedication and acceptance to the City of the sewer main system improvements, which includes an appropriately sized municipal sewage pump station and force main per Washington State DOE's handbook, "Criteria for Sewage Works Design."
- d. Dedication and acceptance of permanent roadway as authorized by City of Leavenworth Permit # 16 – 124G / 2304.
- e. Dedication and acceptance of stormwater facilities for the new access road in conformance with the Stormwater Management Manual for Eastern Washington and Permit # 16 – 124G / 2304.
- f. Uses within the annexed property shall utilize City garbage service in conformance with LMC Chapter 8.04.
- g. System Development and Buy-In fees to be paid based on the number of equivalent residential units (ERUs) used.
- h. Provide the City with a bond or other surety as approved by the City in the amount to be determined by engineered cost estimates compliant with LMC 14.14.170. The value of the bond or approved surety shall be equal to at least 150 percent of the estimated cost of the improvement(s) to be performed for improvements completed within a one-year time frame.

KOA has provided the final approved as-builts for Zelt Strasse, utilities including sanitary sewer pump station, and water lines. Payment of all improvements to the contractor and subcontractors and taxes has been verified by J&K Earthworks.

All of the required improvements have been completed, excluding a small repair that has been bonded for replacement of a section of sidewalk.

With the completion of the as-builts and the acceptance of the improvements, the City takes jurisdiction of the road, which may be opened to public use, and authorizes release of the surety bond held by the City.

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

- Easement for Utilities
- Bill of Sale – Water Lines
- Bill of Sale – Lift Station and appurtenances

- Bill of Sale – Zelt Strasse with Utilities, Stormwater, and appurtenances
- Letter – J&K Earthworks 12/13/2018
- **MOTION:** *The Leavenworth City Council moves to accept the Utility Easement and improvements for the waterlines, lift station, and Zelt Strasse and authorizes the Mayor to sign the Easement and Bills of Sale for the Water Lines, Lift Station, and Zelt Strasse.*

2. Highway 2 Crosswalk Agreement with Department of Transportation

The City Council is being asked to approve a standard agreement with the Washington State Department of Transportation (WSDOT) for future maintenance of the High intensity Activated cross Walk (HAWK) signals and the Rapid Rectangular Flashing Beacon (RRFB) traffic control devices. This will include a new RRFB installation at the Link Transit Park & Ride and installation of the two new HAWK devices across from Gustav's and City Hall along Highway 2. The existing RRFB at the City Hall crossing will be relocated to Pine Street for the Alpine Lakes Elementary School crossing.

With this agreement, the City will provide for electrical power as well as ownership and maintenance of the conduit and wiring outside of the WSDOT right-of-way. WSDOT will own and maintain the portion of the devices within the right-of-way that is identified within Exhibit A in the packet materials. WSDOT will be responsible for the operation, maintenance, traffic signal phasing and timing, removal and replacement of failed components within the control panel, signal components, lamps and circuit features, maintenance inspections, and emergency maintenance as needed. The City Attorney has reviewed the agreement and recommends approval; a redline version of the agreement is provided based on the last adjustments anticipated to the agreement.

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

- Agreement GMB 1151 US 2 Crosswalks
- GMB 1151 Exhibit A
- **MOTION:** *The Leavenworth City Council moves to approve and authorizes the Mayor to sign Agreement GMB 1151 US 2 Crosswalks with the Department of Transportation subject to final attorney review.*

3. Hopkins Memorial Pool Bid Award

The City Council is being asked to approve and award the Howard Hopkins Memorial Pool Surge Tank Resurfacing / Pool Resurfacing – Fiberglassing Bid to W. M. Smith & Associates, Inc. in the amount of \$183,139.01, which includes Washington State Sales Tax. As per requirements, the bid package was advertised on the Small Works Roster and three (3) bids were received and opened at a scheduled deadline of January 28, 2019 at 3:00 PM. The bids were reviewed and the apparent low bidder, Combined Construction, Inc., upon contact, elected to withdraw their submitted bid. Therefore, the Council is now being asked to approve and award the contract to the second lowest bidder, W. M. Smith & Associates, Inc.

W. M. Smith & Associates, Inc., an Ellensburg, Washington company has been in the aquatics field for over 45 years and has completed this type of work for other cities and parks, including resurfacing/restoration of the Cashmere pool. The company has also been utilized by the City of Leavenworth in the past for emergency repairs required at our pool. The City Attorney has reviewed this contract and approves as to form.

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

- Bid Tabulation Sheets
- Bid Withdrawal Letter
- Public Works Contract

- **MOTION:** *The Leavenworth City Council moves to approve and authorizes the Mayor to sign the Howard Hopkins Memorial Pool Surge Tank Resurfacing / Pool Resurfacing – Fiberglassing Bid to W. M. Smith & Associates, Inc. in the amount of \$183,139.01, which includes Washington State Sales Tax.*

4. Enchantment Park Turf Improvements

The City Council is being asked to approve and award the Enchantment Park Turf Improvement Bid to Greenshield Systems, LLC in the amount of \$151,746.66, which includes Washington State Sales Tax. Greenshield Systems, LLC is listed on the Washington State approved KCDA (King County Directors Association) list, of which the City of Leavenworth is a member, thus allowing the City to waive the three (3) bid requirement.

Greenshield Systems, LLC is a company that specializes in sports field drainage, has done numerous projects on school and park fields locally and on the west side, and comes highly recommended. Enchantment Park field drainage and grading work is scheduled to begin in the spring of 2019 as conditions allow. Award of this bid at this time allows placement of the project on Greenshield Systems, LLC's schedule to insure completion this spring. The City has also met with baseball, softball, and soccer organization representatives earlier last year in preparation for possible full season closure of the fields in 2019. The contractor has been provided the standard Small Works Project Contract that has not yet been returned to the City; this standard contract will include all necessary coverage for work completion, insurance and warranty. Staff recommends a motion to approve this item subject to final attorney review.

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

- Greenshield Systems, LLC Bid

- **MOTION:** *The Leavenworth City Council moves to approve and authorizes the Mayor to sign the Enchantment Park Turf Improvement Bid to Greenshield Systems, LLC in the amount of \$151,746.66, which includes Washington State Sales Tax subject to final attorney review.*

5. Special Use Noise Permit for WSDOT

The City Council is being asked to consider the approval of a Special Use Permit (SUP) for the Washington State Department of Transportation (WSDOT), in conjunction with the contractor Moreno & Nelson Construction, for night time construction of electrical items on the WSDOT construction project, NCR ADA Compliance 2018. The electrical work on this project is scheduled to take place during the months of April and May from 6:00 PM – 6:00 AM, when needed. Modifications to the existing traffic signal systems at the intersections of US 2 / Chumstick Hwy / Front Street and US 2 / River Bend Drive will require that the signals be temporarily shut off. This electrical work is necessary in order to rebuild the existing pedestrian sidewalk ramps to meet the American Disabilities Act (ADA) requirements for pedestrian sidewalk ramps. The letter of request further details the construction project and the steps that will be made to minimize impacts to both vehicle and pedestrian traffic at the above intersections. The baseline work schedule identifies the dates and number of days where electrical work will be taking place.

LMC Chapter 9.33.040 (D) relates to the exemptions within the noise regulation; item D states that this activity is exempt from the noise ordinance, “Sounds created by the installation or repair by a public entity of essential utility”; however, the City is including a Special Use Permit for the work to be completed. WSDOT representative Miguel Castillo, Design Construction Team Lead confirmed that there will be a total of 35 working days and that they are mindful of the impacts to the existing traffic.

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

- Special Use Permit for Noise Variance
 - WSDOT Letter of request
 - Approximate Equipment Decibel Output
 - Traffic Control Plan
 - Baseline Construction Schedule
- **MOTION:** *The Leavenworth City Council moves to approve the Special Use Noise Permit for WSDOT.*

6. Special Use Noise Permit for Ale Fest 2019

The City Council is being asked to consider and approve a Special Use Permit (SUP) to allow increased noise levels for Ale Fest being held on April 13, 2019. A staff report is prepared, with the recommendation for approval with conditions, which addresses and removes or reduces noise impacts to surrounding businesses and neighbors. Ale-Fest has transitioned ownership from last year and will be administered by Mr. Jamie Howell with Icicle Creek Center for the Arts. Staff will be working with him to go over the requirements for noise monitoring and will report back to the City Council any concerns that may arise from this years event; past years have always been successful with no registered complaints to the City.

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

- Compliance Analysis – Special Use Permit with Exhibits A - C
- Special Use Permit Agreement – Exhibit C

- **MOTION:** *The Leavenworth City Council moves to approve the Special Use Noise Permit for Ale Fest.*

7. Resolution 2-2019 – Agent of Claims

The City Council is being asked to approve Resolution 2-2019 identifying the City Clerk Treasurer as the designee for receiving claims for damages against the City under RCW 4.96.020. In a recent litigation case against the City, Attorney Thom Graafstra identified that the City of Leavenworth appears to have not passed a former resolution that is required to be recorded with the local County Auditor. This may have created some confusion in the litigation case on who should have received the claim for damages as multiple agencies were identified in the claim. The current practice for receiving and processing claims is designated as a duty of the City Clerk Treasurer (official title per LMC 2.20.010) or Finance Director/City Clerk. To formalize this process and comply with RCW 4.96.020, the City will record this document with the Chelan County Auditor upon approval of the Council.

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

- Resolution 2-2019
- RCW 4.96.020
- **MOTION:** *The Leavenworth City Council moves to approve Resolution 2-2019 Agent of Claims.*

8. Mayor to Reconfirm Mayoral Appointments to the Parking Stakeholder Group

At the January 22, 2019 City Council meeting, the Council approved the Mayoral appointments to Ad Hoc Committees and City Representatives on Agency Boards. With the addition of Leavenworth resident Ms. Anne Hessburg to the Parking Stakeholder Group, the Council is being asked to reconfirm the Mayoral appointments to the Parking Stakeholder Group Ad Hoc Committee.

The following item is included under **TAB 8:**

- City Council Ad Hoc Committee list for 2019
- **MOTION:** *The Leavenworth City Council moves to reconfirm the Mayoral appointments to the Parking Stakeholder Group Ad Hoc Committee.*