

LEAVENWORTH CITY COUNCIL MINUTES

February 25, 2020

Mayor Carl J. Florea called the February 25, 2020 Leavenworth City Council meeting to order at 6:30 PM and Councilmember Zeke Reister led the City Council in the Flag Salute.

ROLL CALL

Council Present: Mayor Carl J. Florea, Carolyn Wilson, Mia Bretz, Sharon Waters, Clint Strand, Anne Hessburg, and Zeke Reister.

Staff Present: City Administrator Joel Walinski, City Attorney Tom Graafstra, Chantell Steiner, Herb Amick, and Sue Cragun.

APPROVAL OF THE CONSENT AGENDA

Consent Agenda

1. Approval of Agenda
2. Approval of February 11, 2020 Study Session Minutes
3. Approval of February 11, 2020 Regular Meeting Minutes
4. 2020 Claims \$124,555.26

Councilmember Bretz motioned to approve the consent agenda. The motion was seconded by Councilmember Waters and passed unanimously.

COUNCILMEMBER AND COMMITTEE REPORTS

Councilmember Wilson reported that she attended the Public Safety Committee meeting.

Councilmember Waters reported that she attended the Design Review Board, Upper Valley Museum Board, Chamber Banquet, Link Transit Board, the Peshastin Town Council who has residents challenging the overnight rental issues with Chelan County, Cascade School District Board, and Downtown Steering Committee meetings. She added that Chamber Director Nancy Smith has resigned after fifteen years and that the Autumn Leaf Royal Lady Gala will be held on March 3, 2020 at the Icicle Village Resort. She reported on the Cascade School District Board meeting and stated that there was discussion on surplussing the Osborn Elementary School property; the majority in attendance would like to see the property kept as a green space and not sold to a private entity for housing.

Councilmember Strand reported that he attended the Cascade School District Board meeting and added that it was nearly unanimous with people wanting the Osborn Elementary School property sold to the City, used as preserved green space, or possibly a conservation easement on the property. He reported on the Housing Committee and stated that the group reviewed a draft letter to the Chelan County Commissioners that speaks to a partnership with the County to address concerns regarding the expansion of the Urban Growth Area and lack of workforce housing in Leavenworth. He reported on the Public Safety Committee and stated that the Fire District has received FEMA funds for fuels reduction on 28 Leavenworth properties. He said that the Committee will be inviting the Chamber of Commerce Board to the next Public Safety meeting to discuss public safety mitigation during the Christmas Lighting Festival. Further discussion included the Highway 2 center-lane parking and delivery trucks blocking lanes downtown. He reported on the Finance Committee meeting and stated that the group spent the time educating new members.

Councilmember Hessburg reported that she attended the Public Safety and Finance Committee meetings. She noted that the Parking Advisory Committee will be meeting again on March 5, 2020 at 2:00 PM; the regular meeting will take place on March 5, 2020 at 3:00 PM.

Councilmember Reister reported that he attended the Housing Committee meeting and was elected Chairman. He said that the group also discussed the Garten Haus remodel project and the Housing Assessment Request for Proposal. He said that they hope to connect with the County Commissioners, as the housing needs are a regional wide issue.

MAYOR/ADMINISTRATION REPORTS

Mayor Florea reported that he has attended many meetings and Committees. He said that he attended the Chamber of Commerce Banquet, met with Chamber President Grant Stoebner and discussed common needs that the City and Chamber can address together. He addressed L.I.F.E. 2.0, Leavenworth Improvement for Everyone, which means partnerships between the business community and the residents; we are in this together. He would like to explore Leavenworth's sustainable future, what that looks like, and create a successful plan and move forward. He also met with the Cascade Medical Center (CMC) Board to discuss partnerships and their participation in the paid parking program; the City and CMC would like to share in the use of their available parking. On a final note, he expressed his appreciation for City Administrator Joel Walinski, as this is his last meeting. He said that he appreciates the last two months, for the training Administrator Walinski provided the Mayor and all he has done in his ten years with the City of Leavenworth.

City Administrator Joel Walinski reported on the Downtown Steering Committee meeting and stated that the group discussed the Front Street Restroom project; staff will meet with the Design Review Board for a consultation on the project and bring the findings back to the Committee. He said that the Council will confirm the project before moving forward with the design phase.

City Attorney Tom Graafstra reported the status of four different items:

1.) Regarding the Adventure Park project. The final order on the Adventure Park was entered by the Court on February 4, 2020 and the period for a Motion for Reconsideration was 10 days following – no motion was filed; the period of time for an appeal is 30 days from February 4, 2020 – there is still time for an appeal, although he speculates that there will be none. The Adventure Park applied for an Administrative Interpretation in regard to the word “height” and how that is calculated; the Adventure Park has their interpretation that they want the City to subscribe to; the Development Services Manager who issues those interpretations, issued an interpretation that was different than the one requested by the Adventure Park opponents. Attorney Graafstra explained the discrepancy with regard to the interpretation by both parties and confirmed that the City's interpretation has not been appealed. On another point, he said that there is an easement that crosses city and private properties; those easements were established in a 2008 agreement, which were not located by legal descriptions, rather by width, with reference to “the existing road”. The Adventure Park has tendered a legal description and has asked for the City's concurrence on that issue. The City is looking into that; the Council will be briefed at a Study Session at a later date. The City Attorney recommends that when there is an agreed centerline, take the ambiguity out of this matter for the future, draft a document that can be recorded, that identifies the centerline for that easement going forward. A final action, where there's a document that establishes that centerline, which will be a document affecting city real property that will need to be signed by the Mayor; that action will go before the City Council for approval and authority for the Mayor to sign.

2.) Regarding the South Interceptor project. There are six (6) properties that are crossed by that project; in some instances, the City has existing easements and some places it is a prior vacated

street right of way, where the City reserved rights to build sewers, etc. The City has been working with the six (6) affected property owners. The City has agreements finished with several of those property owners and has exchanged drafts of agreements with others of the property owners, where we deal with issues regarding side sewer connections, where we have understandings about where the temporary construction areas are going to be, where we have agreement going forward in the future, what the width of the permanent rights are that the City will have for the new sewer line. Dealing with those kinds of issues, there is no consensus with one property owner at this time, the Radify property (old hospital site). At that location, the new South Interceptor will be going in the vacated old Main Street right of way. Our hope is that by the Council meeting on March 10, 2020, there will be a number of agreements on the agenda where the Council will have to approve and authorize the Mayor to sign the agreements. Should that happen on March 10, 2020, Attorney Graafstra and the Mayor will be in the position to do the certifications necessary for the Rural Development Loan and proceed with the project. The Council authorized the bidding for the project at the December 2019 City Council meeting pending approval by the City Attorney.

3.) Regarding the Water Plant project. There is a project to deal with the Boulder Field in the Icicle, and that would be a project that would have some city monies in it, but the lead on that will be Trout Unlimited. The City is in the process of negotiating a Memorandum of Understanding (MOU) with Trout Unlimited for that project. That MOU may be available in March for City Council approval and authority for the Mayor to sign. Another element, if the project does occur, there will be a period of time when the City will be withdrawing less water from the Icicle because the fish screens and the diversion channel will be worked on, and more water will need to be withdrawn from the City's well field. We are in the process of making seasonal water change applications to the City's water rights; the City will be taking less water out of the Icicle and more water out of the well field during construction.

4.) Regarding pending lawsuits. There are pending lawsuits that relate to trip and falls; he reported on those previously, which are being retained by Counsel retained by WA Cities Insurance Authority (WCIA). They are in the routine process of getting ready for trial. The City has no exposure on those law suits because they were handled defense and indemnity by WCIA.

Finance Director Chantell Steiner reported that she was contacted by the Mosquito Control Board and stated that the Board will need the City's approval to annex the new properties located at Willkommen Village into the Mosquito Control District; she will provide documentation at the next City Council meeting.

Public Works Director Herb Amick expressed his appreciation to outgoing City Administrator Joel Walinski and thanked him for the work he has accomplished for the last ten years with the City.

COMMENTS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA

Mayor Florea recognized Clare Nelle, Connor Nelle, and Corina Hernandez who were in attendance for their "Citizens of Washington in a Contemporary World" class criteria at Cascade High School. Mayor Florea and the City Council thanked the students for attending the meeting and the Mayor presented each with a City of Leavenworth lapel pin.

Mr. Matt Cade, President of the Leavenworth Upper Valley Historical Society, thanked the City Council for the approval of \$7,500 from lodging tax dollars for the improvements to the relocation of the Greater Leavenworth Museum.

Mr. Rob Fallon thanked City Administrator Joel Walinski for his support of the Leavenworth Swim Team and the Leavenworth Winter Sports Club over the last few years.

RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS

1. Leavenworth Ski Hill Heritage Foundation Partnership Contract for Lodging Tax Funds

City Administrator Joel Walinski stated that the City Council is being asked to approve a Partnership Funding Agreement with the Leavenworth Ski Hill Heritage Foundation (LSHHF). He said that the contract is for the City to provide Twenty Thousand Dollars (\$20,000) in lodging tax funding for the promotion of the Leavenworth Winter Sports Club (LWSC) events and operations for a one-year period, calendar year 2020. He explained that the City has provided this funding to LWSC, a 501c(4) organization, for the past five years. He said that the WA State Auditors noted that lodging tax funds should only be provided to organizations that are 501c(3) or (6); the auditors suggested having written agreements in place for funding that is provided by the City and the services that are provided by the organization. LSHHF is a 501c(3) organization and the relationship between the two organizations is defined by a Memorandum of Understanding; the agreement was reviewed by the Economic Development Committee and has recommended approval.

LWSC General Manager Mr. James Munly addressed the tubing locations, as requested by the Council. He stated that there is tubing at the Ski Hill and at the Golf Course, as a request by the City and Chamber of Commerce, in order to provide a nice hill for sledding. He noted that it is staffed 7 days a week.

LWSC Board Member Mr. Kevin Rieke thanked the Council, on behalf of the Board, for the support their group has received. He briefly touched on the amenities that the Club provides for the community regarding skiing and youth programs. He said that the help with the partnership ensures that LWSC can continue to offer the asset to the community.

Councilmember Bretz motioned to approve and authorizes the Mayor to sign the Partnership Funding agreement with the Leavenworth Ski Hill Heritage Foundation for \$20,000 of funding for the promotion of the Leavenworth Winter Sports Club operations for 2020. The motion was seconded by Councilmember Reister and passed unanimously.

2. CivicSmart Contract for Parking

City Administrator Joel Walinski stated that the City Council is being asked to approve a contract with Duncan Parking Technologies, Inc., a wholly-owned subsidiary of CivicSmart, Inc. to provide parking equipment and project management for the implementation of the Parking Advisory Committee's recommended paid on-street parking plan. He said that the contract was developed by the City Attorney, which is partially a Public Works Contract, providing the parking meter equipment and some installation, and partially a Professional Services Agreement, which covers the coordination of software providers and consultation to the City. He confirmed that the total upfront costs are \$376,624, which does not include ongoing monthly costs; estimated 5-year costs, which includes monthly gateway fees, warranty costs, etc. that is estimated at \$518,406. He noted that the estimated 5-year costs do not include the City's personnel or equipment costs for maintenance, enforcement, and administration. He briefly addressed the scope of work to include the numbers of meters, placement of meters and sensors, smart cards, enforcement, and data collection. He said that this is the first step toward implementing the paid on-street parking with a consultant on hand. He added that the Parking Advisory Committee will meet the following day, have a conference call with the CivicSmart Representative, and begin the implementation schedule. He spoke to decisions still to be addressed by

the Committee regarding enforcement time, fees, setting up various systems, public input, etc. He suggested allowing the Committee to make the decisions and then send those recommendations to the Council for approval. He added that the process will take approximately 12 to 16 weeks to implement. He went on to say that there will be an additional Public Works contract in order to put the posts in the ground; there will also need to be a conversation regarding the parking management, either in-house or contracting with an outside service. There was a brief discussion regarding the installation of posts, allowing for a short grace period for the parking meters in lieu of the current 30-minute parking locations, and monthly fees.

Administrator Walinski addressed Resolution No. 03-2020 and stated that the Council is being asked to approve a sole source procurement and waiver of formal bidding requirements for an electronic metering system. He noted that the City did post a public notice and advertisement for Request for Proposal, of which only one response was received from Duncan Technologies.

Mr. Rob Fallon recommended that the City take bike traffic into consideration and implement more bike parking. Councilmember Hessburg noted that the Parking Advisory Committee designated new bike parking locations and that additional bike racks were purchased and will be placed again in the spring.

Councilmember Wilson motioned to approve Resolution No. 03-2020 for the approval of a sole source procurement and waiver of the formal bidding requirements for the Parking Metering System. The motion was seconded by Councilmember Hessburg and passed unanimously.

Councilmember Wilson motioned to approve and authorizes the Mayor to sign the contract with Duncan Parking Technologies for the purchase of parking equipment and parking management services. The motion was seconded by Councilmember Hessburg and passed unanimously.

3. Varela & Associates Contract Amendment No. 3 Construction Engineering for Wastewater Treatment Plant

City Administrator Joel Walinski stated that the City Council is being asked to approve contract Amendment No. 3 with Varela & Associates, which scope covers the construction phase services associated with the Wastewater Treatment Plant improvements. He said that the primary tasks included in the scope of the contract amendment are construction engineering, oversight, onsite inspections, construction management, material testing, and developing the operation/maintenance manuals. He confirmed that the amount of the contract amendment is Nine Hundred Sixty-Six Thousand, Three Hundred Ninety-Nine Dollars (\$966,399); the contract looks different because it is the USDA Rural Development preference. He noted that the construction engineering is not yet included for the South Interceptor project; another contract will come back to the Council for approval, and another amendment, depending on how the City wishes to proceed with additional sewer collection projects.

Councilmember Strand motioned to approve and authorizes the Mayor to sign Amendment No. 3 Owner-Engineer Agreement for construction services associated with the Wastewater Treatment Plant Upgrade Project. The motion was seconded by Councilmember Hessburg and passed unanimously.

4. Resolution No. 02-2020 – Temporary Purchasing Authority Wastewater Treatment Plant

City Administrator Joel Walinski stated that the City Council is being asked to approve Resolution No. 02-2020, which provides temporary purchasing authority to the Public Works Director and Mayor for contract amendments and contract change orders associated with the Wastewater Treatment Plant Project. He said that the need for an amendment to the Purchasing Policy is necessary for the project

to move forward and maintain the aggressive completion schedule; any significant change order or contract amendment over \$25,000 will need to be reviewed and addressed by the City Council. He confirmed that the Public Works Director may approve a change order up to \$15,000, as long as there is budget capacity; and the Mayor may approve a change order up to \$25,000, as long as there is budget capacity. A significant change order may call for a Special City Council meeting for approval if timing is of the essence.

Councilmember Reister motioned to approve Resolution No. 02-2020 Amending the Purchasing Policy specifically for the Wastewater Treatment Plant Improvement Project. The motion was seconded by Councilmember Waters and passed unanimously.

5. Ordinance No. 1607 – 2020 Salary Schedule Update

Councilmember Sharon Waters recused herself, as she is a pool employee.

Finance Director Chantell Steiner stated that the City Council is being asked to approve Ordinance No. 1607, which is the updated 2020 salary schedule; this schedule includes salaries for pool employees and a correction to the monthly wage for the Development Services Manager.

Councilmember Wilson motioned to adopt Ordinance No. 1607 amending the 2020 Salary Schedule. The motion was seconded by Councilmember Strand and passed 5/0/1 with Councilmember Waters being recused.

6. Authorize to Advertise Request for Proposal – Website Redesign

City Administrator Joel Walinski stated that the City Council is being asked to authorize the posting and publication of a Request for Proposal (RFP) for consultant services associated with the redesign and update of the City's website.

Councilmember Waters motioned to authorize the publishing and advertising of the Request for Proposal for the Design and Development of the City's Website. The motion was seconded by Councilmember Bretz and passed unanimously.

7. Mayor Pro Tempore Standing Committee Assignments

Councilmember Hessburg stated that Anne Hessburg will replace Jason Lundgren on the Economic Development Committee, Zeke Reister will replace Anne Hessburg on the Public Works Committee, and Zeke Reister will replace Sharon Waters on the Housing Committee.

Councilmember Strand motioned to confirm the City Council appointments by Mayor Pro Tempore Hessburg to the City Council Standing Committees for 2020. The motion was seconded by Councilmember Bretz and passed unanimously.

8. Mayor Ad Hoc Committee Assignments

Mayor Florea stated that Councilmember Zeke Reister has agreed to serve on the Downtown Steering, Festhalle Oversight, and Leavenworth Area Promotions Committees; Erik Soehren will replace Grant Stoebner on the Downtown Steering Committee as a Chamber of Commerce Representative. He noted that there is a vacancy for a community representative on the Parking Advisory Committee.

Councilmember Wilson motioned to confirm Mayor Florea's appointments to Ad Hoc Committees and the City Representatives on other agency boards for 2020. The motion was seconded by Councilmember Hessburg and passed unanimously.

INFORMATION ITEMS FOR FUTURE CONSIDERATION

Mayor Florea stated that the Housing Open House and Discussion will take place on March 26, 2020 at the Cascade High School cafeteria at 6:30 PM; LIFE 2.0 Community Discussions will take place on April 6, 13, and 20, 2020 at the Icicle River Middle School commons at 6:30 PM.

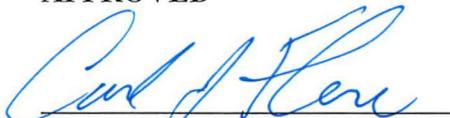
Councilmembers individually thanked Administrator Walinski for his service with the City for the last 10 years and expressed their appreciation for his work, knowledge, and the help he has provided to all. Cascade School District Superintendent Tracey Beckendorf-Edou thanked Administrator Walinski for helping her with her transition into the Leavenworth area. Administrator Walinski stated that he has enjoyed working with the City Council and the community.

ADJOURNMENT

Seeing no other business, Councilmember Hessburg motioned to adjourn the February 25, 2020 meeting of the Leavenworth City Council. The motion was seconded by Councilmember Bretz and passed unanimously.

The meeting adjourned at 8:03 PM.

APPROVED



Carl J. Florea
Mayor

ATTEST



Chantell Steiner
Finance Director / City Clerk