



City of Leavenworth

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City Council

Carl J. Florea - *Mayor*

Carolyn Wilson

Mia Bretz

Sharon Waters

Clint Strand

Jason Lundgren

Anne Hessburg - *Mayor Pro Tem*

Zeke Reister

Vacant - *City Administrator*

DIAL-IN CONTACT PHONE NUMBER: (US) (605) 313-6186 / ACCESS CODE 345793#

The City requests that all non-essential visits to City Hall for the Council Meeting be observed. City Hall will be open for the public that wants to attend the meeting in person; however, social distancing will be required for those that choose to attend. Space may be limited. We encourage all Councilmembers and the public to utilize the dial-in feature. Staff will ensure hosting of the access number approximately 10 minutes prior to the Council meeting; no meeting business may be discussed prior to the official opening of the meeting beginning at 6:30 PM. The public is encouraged to submit written comments prior to the meeting by sending to the City Clerk at financedir@cityofleavenworth.com; comments via email will need to be submitted by no later than 6:00 PM on March 24, 2020 in order for them to be received and prepared for submission into the record; comments received will be read aloud as part of the Comments From the Public on Items Not on the Agenda or during the discussion of specific action items. If you would like to deliver comments you may contact City Hall at 509-548-5275 prior to 5:00 PM on March 24, 2020 to schedule an appointment for delivery. Comments received through US Mail will be included if they are received prior to the meeting.

LEAVENWORTH CITY COUNCIL AGENDA

Leavenworth City Hall – Council Chambers

March 24, 2020 – 6:30 PM

Call to Order

Flag Salute

Roll Call

Council Committees – 4th Tuesday

Housing - Cancelled

Public Safety - Cancelled

Finance - Cancelled

Consent Agenda

1. Approval of Agenda
2. Approval of March 10, 2020 Study Session Minutes
3. Approval of March 10, 2020 Regular Meeting Minutes
4. 2020 Claims \$176,985.32

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: Ratification of Resolution 06-2020 – Proclamation of Emergency
2. Action: Resolution 08-2020 – Employee Supplemental Leave
3. Action: Conflict of Interest Waiver – Cascade School District No. 228
4. Action: Mayoral Reappointment of Andy Lane to the Planning Commission
5. Action: CivicSmart Contract Amendment No. 1
6. Action: Resolution 07-2020 – City Facilities Rules and Standards of Conduct
7. Action: Memorandum of Understanding Fish Screen / Boulder Field Project – Trout Unlimited
8. Action: Authorization to Advertise Request for Qualifications for On Call Engineering Services

Information Items for Future Consideration

1. Housing Open House and Discussion – Postponed until further notice
2. LIFE 2.0 Community Discussion – Postponed until further notice
3. Public Disclosure Commission Filing Deadline April 15, 2020

Executive Session: RCW 42.30.110 (1)(i)(ii) Potential Litigation – Action To Be Taken

Adjournment

(Next Ordinance is 1609 – Next Resolution is 09-2020)

SUPPLEMENTAL COUNCIL AGENDA

1. Ratification of Resolution 06-2020 – Proclamation of Emergency

The City Council is being asked to approve and adopt Resolution 06-2020, ratifying a proclamation of emergency from Mayor Florea, which was signed as of Thursday, March 19, 2020 in response to the novel coronavirus (COVID-19) outbreak. Agencies across the State are moving swiftly to authorize similar resolutions that provides the Mayor with the ability to address immediate actions and provide funding as necessary to assist other agencies, employees, and citizens when and if necessary. At this time, the City has been reviewing various areas that will need assistance for employees, residents, and businesses; the Chamber of Commerce has also been providing a significant amount of resources on a daily basis to its membership. Employees are being included within the resolution to address concerns of sick leave, in the case of infections, while residents and businesses are included at this time to address utility billing related concerns. Utility related changes currently includes postponement of monthly late fees, freezing shut-offs for delinquent accounts, and extension of senior discount reauthorizations. These are in accordance with additional mandates from Governor Inslee that was released on March 18, 2020. Additionally, staff has been working with commercial accounts, with a focus on restaurants and hotel/motels, to adjust garbage services to reduce monthly billing impacts for services that are no longer needed. Mayor Florea will continue to post updates to the City’s website and Facebook pages as new developments occur.

The Council will need to consider financial implications that will continue to trickle in over the next quarter and possibly longer, especially if quarantines are initiated. Revenues will drop considerably for retail sales, lodging taxes, and potentially property taxes; utility revenues will also be reduced from those residents/businesses that are heavily affected by the closures. Fortunately, this time of year is a lower revenue generating time for the City and over the past several years the Administration has been diligent with building strong reserve funds within our General, Lodging Tax, and Utility Funds. These reserves will be critical in maintaining current services for our residents and visitors until this situation recedes. The City has also reached out to the Chamber of Commerce in regard to future additional allocations from the Lodging Tax Fund to assist in emergency advertising to remind those in the Pacific Northwest that we are back open and operational; these decisions will be made with Council authorization when it is appropriate.

COUNCIL GOALS

<i>Revenue & Fiscal Health</i>	Is the request/action (Ordinance/Resolution) consistent with the Financial Policy?	✓
<i>Infrastructure</i>	Does the request/action support a safe and efficient infrastructure?	
<i>Economic Development Growth and Vitality</i>	Is the request/action supportive of the Old-World Bavarian Theme or promote the diversification of the economic base?	
<i>Transparency and Accountability</i>	Does the request/action further public understanding and engagement?	✓
<i>Community Building</i>	Is the request/action supporting residential needs for housing, safety, transportation, affordable governmental services?	✓

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

- Resolution 06-2020 Ratifying Proclamation of Emergency
- Mayoral Emergency Proclamation
- RCW’s for Emergency Declarations, Powers, Procedures, Competitive Bidding Exemption – Not all RCW’s referenced are included

- Attorney General Guidance – Issues Relating to Use of Public Funds
 - **MOTION:** *The Leavenworth City Council moves to approve and adopt Resolution 06-2020 – Proclamation of Emergency.*

2. Resolution 08-2020 – Employee Supplemental Leave

The City Council is being asked to approve Resolution 08-2020 to ensure the safety and well being of our employees. The City was provided a sample resolution that other local agencies are adopting. Although the City has a bargaining unit contract with the Teamsters Union, the management team finds it necessary to clearly identify the granting and use of supplemental leave due to the COVID-19 outbreak. City employees were provided a draft version of this resolution on Friday, March 20, 2020 with the intent for it to be active under the Mayor’s authorization in accordance with the emergency powers as outlined within his Proclamation that he approved on March 19, 2020. Legal counsel has reviewed the resolution and it is being instituted as effective on Monday, March 23, 2020. If any changes are necessary, the Council will be briefed on those changes during the meeting on Tuesday, March 24, 2020.

COUNCIL GOALS

<i>Revenue & Fiscal Health</i>	Is the request/action (Ordinance/Resolution) consistent with the Financial Policy?	✓
<i>Infrastructure</i>	Does the request/action support a safe and efficient infrastructure?	
<i>Economic Development Growth and Vitality</i>	Is the request/action supportive of the Old-World Bavarian Theme or promote the diversification of the economic base?	
<i>Transparency and Accountability</i>	Does the request/action further public understanding and engagement?	✓
<i>Community Building</i>	Is the request/action supporting residential needs for housing, safety, transportation, affordable governmental services?	

The following item is included under **TAB 2:**

- Resolution 08-2020
 - **MOTION:** *The Leavenworth City Council moves to approve and adopt Resolution 08-2020, Employee Supplemental Leave.*

3. Conflict of Interest Waiver – Cascade School District No. 28

The City Council is being asked to consider a conflict of interest waiver from the City’s current bond counsel firm Foster Garvey. The City has received this request to allow for the firm to conduct business with the Cascade School District in regard to the surplus and sale of portions of its Osborn Elementary School property. As the Council is aware, the City does hold a Right of First Refusal for the purchase of the Osborn property; therefore, staff felt it was important to allow the Council to consider this waiver that would normally be approved administratively. City Attorney Graafstra and staff does not foresee any concern with allowing Foster Garvey to assist the School District, as outlined within their letter of communication, as they will be utilizing separate attorneys within their firm. In addition, the City does not utilize Foster Garvey for negotiated contracts or purchase of property; their services to the City typically involve documentation preparation for bond/debt issuances only.

COUNCIL GOALS

<i>Revenue & Fiscal Health</i>	Is the request/action (Ordinance/Resolution) consistent with the Financial Policy?	
<i>Infrastructure</i>	Does the request/action support a safe and efficient infrastructure?	
<i>Economic Development Growth and Vitality</i>	Is the request/action supportive of the Old-World Bavarian Theme or promote the diversification of the economic base?	
<i>Transparency and Accountability</i>	Does the request/action further public understanding and engagement?	✓
<i>Community Building</i>	Is the request/action supporting residential needs for housing, safety, transportation, affordable governmental services?	

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

- Foster Garvey Letter of Communication on Conflict of Interest Waiver dated March 6, 2020
 - **MOTION:** *The Leavenworth City Council moves to authorize the Mayor to sign and provide Foster Garvey with consent approval of the Conflict of Interest Waiver for the Cascade School District No. 228.*

4. Mayoral Reappointment of Andy Lane to the Planning Commission

The Leavenworth City Council is being asked to confirm the Mayoral reappointment of Andy Lane to the Planning Commission. All Planning Commission members shall be appointed by the Mayor with confirmation by the City Council. Members of the Leavenworth Planning Commission shall reside within the city limits of Leavenworth, except that up to two members may reside outside the city limits of Leavenworth, provided they reside or own property within the urban growth area as depicted by the Leavenworth Comprehensive Plan. Andy Lane was appointed to the Planning Commission in 2008. Andy is an Attorney; his practice focuses on land use issues for both private and municipal clients. Andy and his wife, Suzi, started visiting the Leavenworth area in 1990, bought a home in the city limits in 2003, and have been full-time residents since 2008. Andy’s land use background continues to offer an additional perspective to the Leavenworth Planning Commission. The Leavenworth Planning Commission meets the first Wednesday of the month at 7:00 PM.

The table below provides the current names of appointed Planning Commission members and their terms:

<u>NAME</u>	<u>4 year terms</u>
Steven Booher	1 / Expires Apr 2022
Chuck Reppas	2 / Expires Apr 2023
Andy Lane	3 / Expires Apr 2020
Pete Olson	4 / Expires Apr 2021
Angela Harrison	5 / Expires Apr 2021
Colin Forsyth	6 / Expires Apr 2022
Alison Miller	7 / Expires Apr 2022

COUNCIL GOALS

<i>Revenue & Fiscal Health</i>	Is the request/action (Ordinance/Resolution) consistent with the Financial Policy?	
<i>Infrastructure</i>	Does the request/action support a safe and efficient infrastructure?	

<i>Economic Development Growth and Vitality</i>	Is the request/action supportive of the Old-World Bavarian Theme or promote the diversification of the economic base?	
<i>Transparency and Accountability</i>	Does the request/action further public understanding and engagement?	✓
<i>Community Building</i>	Is the request/action supporting residential needs for housing, safety, transportation, affordable governmental services?	✓

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

- **MOTION:** *The Leavenworth City Council moves to confirm the Mayoral reappointment of Andy Lane to Planning Commissioner Position No. 3 for a four (4) year term.*

5. CivicSmart Contract Amendment No. 1

Since the approval of the contract with CivicSmart (Duncan Parking Technologies, Inc.) at the February 25, 2020 City Council meeting, the Parking Advisory Committee has met and recommended three areas in which they would like to add equipment to the initial contract. Those additions were discussed with the City Council at the March 10, 2020 Study Session. The three areas that the Committee Members wish to add additional equipment are as follows:

- 1) Inclusion of the hospital’s 43 private parking spaces, as these would be the only “free parking” left in the core of the City and would make it difficult for the hospital to enforce and retain those spaces for employee only use. By adding the 43 spaces into the paid parking plan, the City would expend the costs, include them in enforcement actions, and receive all revenue generated by the meters after hours and on weekends.
- 2) The addition of sensors only for the two (2) city parking lots with time limited no charge parking. That is the City Hall lot (P7) and the pool lot (P5). The sensors would give the City an easy way to enforce the time limits and allow for expansion into paid parking if the City ever chose to do so.
- 3) The inclusion of the decorative sleeves and bases for the parking meters. The original bid did not include those items, but the Parking Advisory Committee felt that those items were necessary in order to be in keeping with the enhanced design of other downtown fixtures, such as street lamps.

The City Council is being asked to amend the original CivicSmart Contract to include the purchase of additional sensors for Cascade Medical Center’s 43 private parking spaces, sensors for the City’s P5 and P7 parking lots, and decorative sleeves and bases for the individual parking meters. The original contract was approved with a not to exceed amount of \$600,000; at this time, this request is not anticipated to increase the “not to exceed” amount of the original contract.

COUNCIL GOALS

<i>Revenue & Fiscal Health</i>	Is the request/action (Ordinance/Resolution) consistent with the Financial Policy?	✓
<i>Infrastructure</i>	Does the request/action support a safe and efficient infrastructure?	✓
<i>Economic Development Growth and Vitality</i>	Is the request/action supportive of the Old-World Bavarian Theme or promote the diversification of the economic base?	✓
<i>Transparency and Accountability</i>	Does the request/action further public understanding and engagement?	✓

<i>Community Building</i>	Is the request/action supporting residential needs for housing, safety, transportation, affordable governmental services?	✓
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The following items are included under **TAB 5**:

- Exhibit B – original contract
- Exhibit B – breakdown for each of the three additional areas, which incorporates the additional equipment being sought by the Parking Advisory Committee
- **MOTION:** *The Leavenworth City Council moves to approve the amended contract with Duncan Parking Technologies and authorizes the Mayor to sign.*

6. Resolution 07-2020 – City Facilities Rules and Standards of Conduct

Resolution No. 07-2020 is a resolution concerning rules and standards of conduct for persons and parties who enter into agreements with the City, use City facilities, or engage in business within the City. The resolution provides information on the expectations for the Festhalle users and that any issues regarding conduct by the users of the facility would be considered when the City considers future rental agreements with those users.

The Rules and Standards of Conduct Resolution allows the City Administrator, or designee, to create a process to administer, review, and log complaints that could affect the renewal of a lease agreement with a private organization at publicly owned facilities. This topic has been discussed at the February 11, 2020 and March 10, 2020 Study Session meetings. During the March Study Session, Council discussed the purpose of this resolution that allows direction from the Council to the City Administrator to create procedures and to work closely with the City Attorney to ensure that the City does not enter into legal issues on what can and cannot be enforced. Two additional changes were recommended by the Council and incorporated into the final draft resolution; 1.) addition of “designee” to Section 3 – Direction to City Administrator, and 2.) a reference to the Golden Rule was removed, due to possible religious implications and/or limiting the possibility of a challenge. The draft resolution showing the recommended changes has been included within the packet material.

COUNCIL GOALS

<i>Revenue & Fiscal Health</i>	Is the request/action (Ordinance/Resolution) consistent with the Financial Policy?	
<i>Infrastructure</i>	Does the request/action support a safe and efficient infrastructure?	
<i>Economic Development Growth and Vitality</i>	Is the request/action supportive of the Old-World Bavarian Theme or promote the diversification of the economic base?	
<i>Transparency and Accountability</i>	Does the request/action further public understanding and engagement?	✓
<i>Community Building</i>	Is the request/action supporting residential needs for housing, safety, transportation, affordable governmental services?	✓

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

- Resolution 07-2020 – *redline version*
- Resolution 07-2020 – *clean version*

- **MOTION:** *The Leavenworth City Council moves to approve Resolution 07-2020, Rules and Standards of Conduct for persons and parties who enter into agreements with the City, use City facilities, or engage in business within the City.*

7. Memorandum of Understanding Fish Screen / Boulder Field Project – Trout Unlimited

The City Council is being asked to review and authorize the Mayor to accept and sign the Memorandum of Understanding (MOU) agreement between the City of Leavenworth and Trout Unlimited regarding the Icicle Creek Boulder Field Project. The Icicle Creek project includes providing fish passage through the Boulder Field area, replacement of approximately 1,500 lineal feet of the City water intake mainline, and the addition of a new compliant fish screen facility on the City intake line. Council has recently approved \$240,000 in funding to assist on this project. This MOU will protect the City from the requirement of any unforeseen additional funding, due to cost overruns, change orders, etc. not related to additional specific City requests, as well as other liability protections. Signing of this agreement will allow Trout Unlimited to move forward on the posting for bids on this project in order to meet pressing time restraints on construction.

COUNCIL GOALS

<i>Revenue & Fiscal Health</i>	Is the request/action (Ordinance/Resolution) consistent with the Financial Policy?	✓
<i>Infrastructure</i>	Does the request/action support a safe and efficient infrastructure?	✓
<i>Economic Development Growth and Vitality</i>	Is the request/action supportive of the Old-World Bavarian Theme or promote the diversification of the economic base?	
<i>Transparency and Accountability</i>	Does the request/action further public understanding and engagement?	
<i>Community Building</i>	Is the request/action supporting residential needs for housing, safety, transportation, affordable governmental services?	

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

- Memorandum of Understanding
 - **MOTION:** *The Leavenworth City Council moves to approve and authorizes the Mayor to sign the Memorandum of Understanding Agreement between the City of Leavenworth and Trout Unlimited regarding the Icicle Creek Boulder Field Project.*

8. Authorization to Advertise Request for Qualifications for On Call Engineering Services

The City Council is being asked to authorize the publication of a Request for Qualifications for professional engineering firms with experience providing on-call engineering and planning services to cities, including, preliminary and final review of civil plans, stormwater plan review, water/sewer plan review, utility design, surveying, geotechnical investigation/review, studies and services, permitting, project management, project inspections, grant writing and grant management, GMA Comprehensive Plan work, and review and drafting of development standards and codes.

The existing contract with Pacific Engineering ended in December 2019 and was administratively extended to May 2020.

COUNCIL GOALS

<i>Revenue & Fiscal Health</i>	Is the request/action (Ordinance/Resolution) consistent with the Financial Policy?	
<i>Infrastructure</i>	Does the request/action support a safe and efficient infrastructure?	
<i>Economic Development Growth and Vitality</i>	Is the request/action supportive of the Old-World Bavarian Theme or promote the diversification of the economic base?	
<i>Transparency and Accountability</i>	Does the request/action further public understanding and engagement?	✓
<i>Community Building</i>	Is the request/action supporting residential needs for housing, safety, transportation, affordable governmental services?	

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

- Draft Engineer Services RFQ
 - **MOTION:** *The Leavenworth City Council moves to authorize the publication of a Request for Qualifications for professional engineering on-call and planning services.*