



City of Leavenworth

700 Highway 2 / Post Office Box 287
Leavenworth, Washington 98826
(509) 548-5275 / Fax: (509) 548-6429
Web: www.cityofleavenworth.com

City Council
Carl J. Florea - *Mayor*
Carolyn Wilson
Mia Bretz
Sharon Waters
Clint Strand
Jason Lundgren
Anne Hessburg - *Mayor Pro Tem*
Zeke Reister
Ana Cortez-Steiner - *City Administrator*

MEETINGS VIA ZOOM CONFERENCING June 9, 2020 Pacific Time (US and Canada)

Morning Study Session 8:30 AM to 10:30 AM

Join Zoom Meeting

<https://us02web.zoom.us/j/86889869252?pwd=eGJ0MnRwRmI5SF14Vzh6TkRiZW9nZz09>

Meeting ID: 868 8986 9252

Password: 011344

Afternoon Committee Meetings 4:30 – 6:00 PM – All 3 Meetings will run for ½ hour each via the same zoom meeting beginning at 4:30 PM; Councilmembers will attend based on their specific assignments.

Join Zoom Meeting

<https://us02web.zoom.us/j/86370513645>

Meeting ID: 863 7051 3645

Password: None Required

Regular Evening Meeting Begins at 6:30 PM

Join Zoom Meeting

<https://us02web.zoom.us/j/89094152390?pwd=T1VXQW9oL0NlMnIb2NFcVFhWVNKZz09>

Meeting ID: 890 9415 2390

Password: 595370

All Meetings allow for the same dial by your location option using the numbers listed below:

+1 253 215 8782 US

+1 301 715 8592 US

Or Find your local number: <https://zoom.us/u/aeGK1g6nYa>

The City requests that all non-essential visits to City Hall for the Council Meetings be observed. The City Hall Council Chambers will be open for the public that wants to attend the meetings 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 zoom meeting feature. Staff will ensure hosting of the access approximately 10 minutes prior to each of the scheduled meetings; no meeting business may be discussed prior to the official opening of the meetings. The public is encouraged to submit written comments prior to the meetings by sending to the City Clerk at financedir@cityofleavenworth.com; comments via email will need to be submitted by no later than 5:00 PM on Monday, June 8, 2020 in order for them to be received and prepared for submission into the record; comments received for the evening meeting will be read aloud as part of the Comments From the Public on Items Not on the Agenda or during the discussion of specific items. If you would like to deliver comments, you may contact City Hall at (509) 548-5275 prior to 1:00 PM on Monday, June 8, 2020 to schedule an appointment for delivery. Comments received through US Mail will be included if they are received prior to the meetings.

LEAVENWORTH CITY COUNCIL AGENDA

Leavenworth City Hall – Council Chambers

June 9, 2020 – 6:30 PM

Call to Order

Roll Call

Consent Agenda

1. Approval of Agenda
2. Approval of May 26, 2020 Regular Meeting Minutes
3. May 2020 Payroll \$224,860.05
4. 2020 Claims \$121,045.55

Council Committees – 2nd Tuesday

Economic Development 4:30 PM

Parks 5:00 PM

Public Works 5:30 PM

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

Public Hearings at 6:45 PM

1. Design Review Board Code Amendments – Continued from April 14, 2020
2. Subdivision Code Amendments – Continued from April 14, 2020
3. Six-Year Transportation Improvement Plan

Resolutions, Ordinances, Orders, and Other Business

1. Action: Ordinance 1609 – Design Review Board Code Amendments – cont. from 4/14/2020
2. Action: Ordinance 1610 – Subdivision Code Amendments – cont. from 4/14/2020
3. Action: Resolution 12-2020 – Amending Six-Year Transportation Improvement Plan for 2021-2026
4. Action: Resolution 09-2020 – Review Rate & Fee Changes for Pool and Festhalle – cont. from 5/12/2020
5. Action: Gray & Osborne, Inc. Professional Services Agreement – On-Call Engineering Services
6. Action: Resolution 13-2020 – Suspending Limited Regulations During Phase 2
7. Action: Bid Award for South Interceptor

Information Items for Future Consideration

Executive Session: RCW 42.30.100(1)(i)(ii) Potential Litigation

Adjournment

(Next Ordinance is 1612 – Next Resolution is 14-2020)

SUPPLEMENTAL COUNCIL AGENDA

1. Ordinance 1609 – Design Review Board Code Amendments – Cont. from 4/14/2020

The City Council is being asked to approve amendments to Chapter 14.08 Old World Bavarian Architectural Theme. The Design Review Board code update was initiated by the 2019 Docket. The Design Board and staff started reviewing the code in May of 2019 and worked through December 2019. The initial review started as a discussion to provide for more administrative approval of sign permits but quickly changed into a discussion about how to provide clarity to the applicants and the Board on design objectives and process steps.

The Board forwarded the amendments to the Planning Commission in January 2020. Todd Smith attended the Planning Commission in February to review the amendments at a public workshop. There were several questions and a few clarifications of the amendments at the workshop. The Planning Commission then held a public hearing on March 4, 2020 and suggested minor changes to the proposed amendments including: page 3 “A change of use or occupancy...”, page 12 addition of an “a”, and page 16 correction of a reference for quasi-judicial review in LMC 21.09.050. These changes are noted in the attached Ordinance.

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:**

- Ordinance 1609 (clean and redline version of Attachment A included)
- Staff Report – Design Review Board
- **MOTION:** *The Leavenworth City Council moves to adopt Ordinance 1609 amending Leavenworth Municipal Code Chapters 14.08 Old World Bavarian Architectural Theme and 2.38 Design Review Board as recommended by the Planning Commission.*

2. Ordinance 1610 – Subdivision Code Amendments – Cont. from 4/14/2020

The City Council is being asked to approve amendments to the Leavenworth Municipal Code pertaining to short and major subdivisions. The proposed amendments change the administrative review of Short Subdivisions to nine lots (rather than the existing four) and the quasi-judicial (Hearing Examiner) review for Major Subdivisions to ten or more lots.

The Planning Commission held a workshop on the proposed amendments in February 2020 where several questions about density were addressed. A subdivision is the division of land into multiple

plots, sites, parcels, or tracts. All subdivisions, regardless of the number of lots created, are required to meet zoning standards and buildout requirements for infrastructure (such as roads). These amendments will not change the standards, density, or buildout requirements. At the public hearing on March 4, 2020, the Planning Commission recommended that the amendments be adopted as presented. There were no public comments at the hearing.

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 2:**

- Ordinance 1610 (clean and redline version of Attachment A included)
- Staff Report - Subdivisions
- **MOTION:** *The Leavenworth City Council moves to adopt Ordinance 1610 amending Leavenworth Municipal Code Chapter 17.08 Short Subdivisions, Chapter 17.12 Major Subdivisions and Section 21.90.030 Common Definitions permitting up to nine lots to be created through the short subdivision process.*

3. Resolution 12-2020 – Amending Six-Year Transportation Improvement Plan for 2021-2026

The City Council is being asked to approve Resolution 12-2020, which is the City of Leavenworth Six-Year Transportation Improvement Plan (TIP) 2021-2026. A public hearing on the Six-Year TIP is being held prior to approval of the final document. The City Council reviewed the TIP at the May 12, 2020 Study Session meeting and was asked to review the document for any additional recommended changes; no changes have been requested.

The City utilizes an alternative format that is more user friendly than the Washington State Department of Transportation (WSDOT) format. Once the City Council has approved the amended Six-Year TIP for 2021-2026, the amended City TIP projects will be entered into the WSDOT format for submission to WSDOT for inclusion on the State Transportation Improvement Plan (STIP). The STIP is a planning document used by the State of Washington; projects that have qualified for state funding or will be considered for state funding need to be identified in the STIP document. The City has the ability to amend the TIP/STIP at a later date should another project be identified that the City might consider in a grant program.

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:**

- Resolution 12-2020 Amending the Six-Year TIP for 2021-2026
 - **MOTION:** *The Leavenworth City Council moves to approve Resolution 12-2020 amending the Six-Year Transportation Improvement Plan for 2021 – 2026.*

4. Resolution 09-2020 – Review Rate & Fee Changes for Pool and Festhalle – cont. from 5/12/2020

The City Council is being presented with the continuation of the Rate & Fee Schedule changes for the Pool and Festhalle from May 12, 2020. The Council will need to consider whether it would like to approve the proposed Pool rate changes as recommended from the Upper Valley Park & Recreation Service Area Board (PRSA). If the Council chooses to reject the pool rates, staff recommends moving forward with approval of the resolution with the change incorporated for the Festhalle, as bookings continue into 2021. Prior discussions at the Festhalle Committee have concurred that rate changes are not necessary at this time; however, this may become a topic of discussion in the near future due to the Festhalle Fund balance concerns. The Council will need to make two motions to proceed based on the motion from May 12; the first motion will untable the Ordinance as previously motioned.

In addition, this discussion will determine whether the City should proceed with attempting to open the Pool this year, contingent upon authorization from the Governor. At this time, it is unknown if the City can reach the required Phase 2 or Phase 3 requirements. Even if the Council wants to allow a potential opening, it may not be known until mid-June or July; at that point it may likely not be a good financial option. A draft modified budget is provided to identify what a partial opening of the season may look like if the City were to open by July 1. The City will see a reduction in the fund balance, whether the pool has a limited operation or not, as certain costs are still needed to maintain the pool; including the debt service payment that is due to the City for the loan on the resurfacing project. For the limited operation scenario, the City could anticipate a reduction of approximately \$44,100 in the fund balance (see yellow highlight on spreadsheet); if the Pool does not open, it is estimated to be about a \$30,000 reduction. Previous discussions by the PRSA Board was to finalize a decision by June 15, 2020. No motion is required for this portion of the discussion; however, staff requests direction on whether to consider opening or not by July 1, 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?
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The following items are included under **TAB 4:**

- Resolution 09-2020 Rate & Fee Schedule – Affected Pages Only – Clean Version
- Resolution 09-2020 Rate & Fee Schedule – Affected Pages Only – Redline Version
- Pool Rate History
- Draft Budget Scenario for Limited Operations

- **MOTION:** *The Leavenworth City Council moves to untable Resolution 09-2020 Rate & Fee Changes.*
- **MOTION:** *The Leavenworth City Council moves to approve Resolution 09-2020 Rate & Fee Changes _____ (with or without) the pool rate changes included.*

5. Gray & Osborne, Inc. Professional Services Agreement-On-Call Engineering Services

The City Council is being asked to authorize the Mayor to sign a contract with Gray & Osborne, Inc. for on-call engineering consultant services that includes, inspection, plan review, 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 / site inspections, grant writing and grant management, GMA Comprehensive Plan work, and review and drafting of development standards and codes. This contract will run from June 15, 2020 through December 31, 2021 with an option to renew.

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 5:**

- Gray & Osborne, Inc. Professional Services Agreement for On-call Engineering Services
- **MOTION:** *The Leavenworth City Council moves to approve and authorizes the Mayor to sign the On-call Engineering Services Professional Services Agreement with Gray & Osborne, Inc.*

6. Resolution 13-2020 – Suspending Limited Regulations During Phase 2

The City Council is being asked to suspend portions of the Leavenworth Municipal Code to provide businesses more flexibility during the Phase 2 reopening, as outlined by Governor Inslee. Due to the declared state of emergency, signed by the Governor on February 29, 2020, and the

resulting limitations or closures of most businesses throughout the State and City, the City of Leavenworth businesses have faced numerous financial impacts. Additionally, businesses that are permitted to re-open, under Phase 2, are challenged to meet new regulations for operations and building occupancy. However, the City is in a unique situation to support businesses by providing use of the right-of-way and being flexible with signage options.

For these reasons, Mayor Florea has enacted the closure of several streets and is requesting that some portions of the street be open to retail and restaurant use without charge. Historically, the use of sidewalks or streets (right-of-way) for private business use requires a Special Use Permit and fees. Additionally, these permits require compliance with the Old World Bavarian Alpine Theme and building codes. To streamline the permit process and help financially strapped businesses, the Mayor and Development Services, in consultation with the Chamber of Commerce, streamlined the submittal, review, and requirements for a Special Use Permit. These changes include exempting the requirement to comply with the Old World Bavarian Alpine Theme, permitting day use only (removing items at night), and prohibiting fencing. The COVID Special Use Permit’s would require insurance, an approved site plan, building owner signature, and would be conditioned as determined appropriate or necessary by the City Administrator. The Mayor is also requesting that the required fees be waived for Special Use Permits issued for the Phase 2 re-opening and for all existing and new Special Use Permit fees during Phase 2 be pro-rated for the year.

The final component of supporting businesses during this re-opening, under Phase 2, is to permit additional “A-frame” signs, each less than 4 square feet, to be placed throughout the commercial zones. Currently this type of sign is required to meet color, font, and design requirements. The proposed exemption would permit “A-frame” signs without regulating the number of signs, color, font, or design. The City will retain control of the right-of-way and would have the option to move or remove signs if it is determined to be an obstruction. This exemption will help direct and inform the public during Phase 2 of the re-opening plan.

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 6:**

- Resolution 13-2020
 - **MOTION:** *The Leavenworth City Council moves to approve Resolution 13-2020 suspending certain requirements of the Special Use Permit, permit fees for right-of-way, and the Old World Bavarian Alpine Theme standards to accommodate State imposed restrictions on businesses during Phase 2 of the State re-opening plan.*

7. Bid Award for South Interceptor Project

The City Council is being asked, at the recommendation of the project engineering firm, Varela and Associates, to award the bid for the City of Leavenworth Wastewater South Interceptor Replacement project to Clackamas Construction, of Boring, Oregon in the amount of \$1,187,291.63 (including WA State Sales Tax). The project includes replacement of the South Interceptor sewer mainline from 8th Street to the Wastewater Treatment Plant. The construction will include excavation, removal, and replacement of the aging undersized line where it is feasible, and “pipe bursting” replacement in areas where disturbance is not acceptable. Engineering, design, bidding and evaluation, and project management has been and is being provided to the City by contract through Varela and Associates of Spokane, WA, represented by Mr. Mark Johnson PE, and Jeff Moran, Project Manager. Three bids were received at the bid opening held on May 22, 2020 ranging from \$1,187,291.63 to \$2,485,885.27. The project estimate provided by Varela and Associates was \$1,306,150.13. Bids were evaluated by Varela and Associates for accuracy and completeness and are making the award recommendation to Council. Rural Development has reviewed the bid summary and is authorizing moving forward with bid award.

Funding for the project is secured through Rural Development Funding (RD) in the form of an overall combination loan and grant in conjunction with the Wastewater Treatment Plant Upgrade Project. Construction is scheduled to begin in spring/summer of 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 items are included under **TAB 7**:

- Bid award recommendation letter
- Bid tabulation
- **MOTION:** *The Leavenworth City Council moves to award the South Interceptor Replacement Project to Clackamas Construction, of Boring, Oregon, in the amount of \$1,187,291.63 including WA State Sales Tax.*