



**City of Leavenworth**  
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Leavenworth, Washington 98826  
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Web: [www.cityofleavenworth.com](http://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**  
**September 22, 2020 Pacific Time (US and Canada)**

**Special Finance Committee Meeting 1:00 – 3:00 PM**

Join Zoom Meeting

<https://us02web.zoom.us/j/82468482053?pwd=ZzE1NlIxR2FyUy9YdkhWOXR5aWNSQT09>

Meeting ID: 824 6848 2053

Passcode: 844663

**Afternoon Committee Meetings 4:30 – 6:00 PM**

**Housing 4:30 – 5:00 PM \* Public Safety 5:00 – 5:30 PM \* Finance 5:30 – 6:00 PM**

**All Committee Meetings use the same zoom meeting link beginning at 4:30 PM Councilmembers will attend based on their specific assignments.**

Join Zoom Meeting

<https://us02web.zoom.us/j/88514172149?pwd=QmUvOVJicDBDbUFKeFcyMjFyTFptUT09>

Meeting ID: 885 1417 2149

Passcode: 578890

**Regular Evening Meeting Begins at 6:30 PM**

Join Zoom Meeting

<https://us02web.zoom.us/j/87428048202?pwd=Nm80QjkreTlkaFdfN2ZZd3ltVVNQUT09>

Meeting ID: 874 2804 8202

Passcode: 689111

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

+1 253 215 8782 US

**Or find your local number: <https://us02web.zoom.us/u/kdrvPIXoAO>**

**PLEASE TAKE NOTICE**, in consideration of the current COVID-19 pandemic, for the health and safety of the community, city staff, and councilmembers, City Hall is closed to the public.

We encourage all Councilmembers, Staff, and the public to utilize the Zoom Conferencing 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](mailto:financedir@cityofleavenworth.com); comments via email will need to be submitted by no later than 5:00 PM on Monday, September 21, 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, September 21, 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

September 22, 2020 – 6:30 PM

## Call to Order

## Roll Call

## Consent Agenda

1. Approval of Agenda
  2. Approval of September 2, 2020 Special Joint City Council / Planning Commission Meeting Minutes
  3. Approval of September 8, 2020 Study Session Minutes
  4. Approval of September 8, 2020 Regular Meeting Minutes
  5. 2020 Claims \$536,130.70
  6. Special Use Noise Permit for WSDOT
- 

## **Council Committees – 4<sup>th</sup> Tuesday**

Finance – 1:00 – 3:00 PM –

*Special Budget Priorities Review*

Housing – 4:30 PM – 5:00 PM

Public Safety – 5:00 PM – 5:30 PM

Finance – 5:30 PM – 6:00 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

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## Resolutions, Ordinances, Orders, and Other Business

7. Action: Ordinance 1617 Franchise Agreement between City and Falcon Video Communications L.P. aka Charter Communications – *Second Reading*
8. Action: Professional Services Agreement – Blue Logix, LLC for Controls Wastewater Treatment Plant Upgrades
9. Action: Resolution No. 17-2020 – Denial Special Use Permit for RV Parking
10. Action: Modify Budget for Engagement Agreement for Andy Lane, Attorney with Cairncross & Hempelmann
11. Action: Festhalle Funding
12. EXECUTIVE SESSION: RCW 42.30.110 (1)(i)(i) Pending Litigation

## Information Items for Future Consideration

13. Economic Development & Public Works Committees Budget Review 10/13/2020
14. Current Year Budget Review and 2021-2022 Preliminary Budget Review 10/13/2020

## Adjournment

**(Next Ordinance is 1618 – Next Resolution is 18-2020)**

## CONSENT AGENDA

### **1. City Council Meeting Agenda**

This item is included under **TAB 1**.

### **2. Special Joint City Council / Planning Commission Meeting Minutes – 9/2/2020**

This item is included under **TAB 2**.

### **3. Study Session Minutes – 9/8/2020**

This item is included under **TAB 3**.

### **4. Regular Meeting Minutes – 9/8/2020**

This item is included under **TAB 4**.

### **5. 2020 Claims**

This item is included under **TAB 5**.

### **6. Special Use Noise Permit for WSDOT**

The City Council is being asked to consider the approval of a Special Use Permit (SUP) with the Washington State Department of Transportation (WSDOT) for night time construction of US 2/9<sup>th</sup> Street/Evans Street for ADA Curb Ramp Upgrades. The work will take place on approximately 5 separate nights between the hours of 6:00 PM and 6:00 AM between Monday, March 1, 2021 and Monday, May 31, 2021. Depending on the contractor's progress, that work may take place on consecutive nights or one night per week.

This work is necessary in order to rebuild the existing pedestrian sidewalk ramps to meet the American Disabilities Act (ADA) requirements for pedestrian sidewalk ramps. All steps will be taken by the contractor to minimize impacts to both vehicle and pedestrian traffic at the above intersection.

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, will oversee all management of the project and will keep the City informed of any changes, schedule, or otherwise in regard to the project.

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

- Special Use Permit for Noise Variance
- WSDOT Letter of request
- Approximate Equipment Decibel Output
- Traffic Control Plans

## SUPPLEMENTAL CITY COUNCIL MEETING AGENDA

### **7. Ordinance 1617-2020 Franchise Agreement between City and Falcon Video Communications L.P. aka Charter Communications – Second Reading**

Staff requests Council direction to execute a ten-year franchise agreement with Falcon Video Communications L.P. aka Charter Communications. The second reading of the proposed franchise agreement will take place at the September 22, 2020 City Council meeting. The Franchise Agreement will grant Charter authority to erect, construct, operate, and maintain in, upon, along, across, above, over and under the Streets, now in existence and as may be created or established during the term of the agreement. Per RCW [35A.47.040](#) Franchises and permits—Streets and public ways.

No ordinance or resolution granting any franchise in a code city for any purpose shall be adopted or passed by the city's legislative body on the day of its introduction nor for five days thereafter, nor at any other than a regular meeting nor without first being submitted to the city attorney, nor without having been granted by the approving vote of at least a majority of the entire legislative body, nor without being published at least once in a newspaper of general circulation in the city before becoming effective.

Per Legal Counsel, this item requires two readings.

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

- Ordinance 1617 Franchise Agreement between City and Falcon Video
  - **MOTION:** *The Leavenworth City Council moves to adopt Ordinance 1617 Franchise Agreement with Falcon Video aka Charter Communications.*

### **8. Professional Services Agreement – Blue Logix, LLC for Controls Wastewater Treatment Plant Upgrades**

The City Council is being asked to review and approve a Controls Consultant Agreement with Blue Logix, LLC, for Control System Programming and Commissioning for the Wastewater Treatment Plant Upgrade Project in the amount of \$80,000, excluding WA State Sales Tax. This proposal includes programming, developing, testing, implementation, documentation, and operator training for automated control and monitoring (SCADA) for the new and existing equipment at the Wastewater Treatment Plant.

Funding for this portion of the Wastewater Treatment Plant upgrade is provided in the overall Rural Development (RD) Funding package; however, the actual contract for the work was left open by the City engineers for the project, Varela and Associates, in order for the City to utilize the local firm with which the City has been working with over the past years, and is familiar with the City's needs and requirements in this area of expertise. The City has worked in conjunction with Adam Blucher of Blue Logix, LLC at both the Water Plant and Wastewater Treatment Plant in this capacity.

All work will be coordinated, scheduled, and overseen by the City engineers for the project, Varela and Associates, in conjunction with the Wastewater Treatment Plant upgrades.

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

- Controls Consultant Agreement – Blue Logix, LLC
  - **MOTION:** *The Leavenworth City Council moves to approve the Controls Consultant Agreement for the Wastewater Treatment Plant upgrades with Blue Logix, LLC in the amount of \$80,000.00, excluding WA State Sales Tax.*

## **9. Resolution No. 17-2020 – Denial Special Use Permit for RV Parking**

The City Council held a public hearing on September 8, 2020 for a Special Use Permit (SUP) for Kristall's RV Parking – Camping, file number SUP2020-059. At the conclusion of the hearing, the City Council denied the permit. To conclude this action, a Resolution has been drafted for the City Council's final review and formal action.

The following item is included under **TAB 9:**

- Resolution No. 17-2020
  - **MOTION:** *The Leavenworth City Council moves to approve Resolution 17-2020 for the denial of Special Use Permit 2020-059, for a RV Parking – Camping permit.*

## **10. Modified Budget for Engagement Agreement**

The City Council is being asked to modify the Engagement Agreement budget for the services of Andy Lane, an attorney with Cairncross & Hempelmann, for work associated with the Riverstone Comprehensive Plan Amendment appeal. The agreement was authorized by the Council in May 2020 with an estimated cost of \$30,000 – \$50,000; however, there were several potential “off-ramps” where costs may be reduced, such as, settlement or joining with another appellant. The Council approved the agreement with a budget of \$30,000 and an understanding that Mr. Lane would inform the City when/if a budget increase was necessary.

Mr. Lane has provided an update on the budget noting two additional items to be completed:

*We're currently at just over \$25,000 (including August's \$8,700, which will be invoiced soon).*

*There are two events still to happen:*

- We'll receive the response briefs of the County and Riverstone Ranch on Monday (9/14) and have two weeks to brief a reply. This will be shorter than our prehearing brief (which is the majority of August's time), but will still require some time.

- The hearing is scheduled for October 7. That will require solid preparation, which will take some time, and the hearing itself is scheduled for 4 hours.

*At this stage (and with no surprises), I expect that we'll come in at or below \$40,000 total. Council approved a budget of \$30,000 with the understanding that the cost could be closer to \$50,000. I'd suggest Council revisit the \$30,000 and increase it to \$40,000.*

The motion below would provide an additional \$10,000 in funding, which is anticipated to complete the appeal process. Funds for this will come from the City's General Fund and will be presented within a budget amendment in October.

The following item is included under **TAB 10**:

- Engagement Agreement Contract
  
- **MOTION:** *The Leavenworth City Council moves to approve the budget amount increase for the services of Cairncross & Hempelmann by \$10,000, for a total potential expense of \$40,000.*

## **11. Festhalle Funding**

The City Council is being presented with an updated request for transfer from the General Fund to the Festhalle Fund for ongoing operational expenses of the facility. Previous transfers to date total \$70,000 that covered costs to date through August 31, 2020 and included a positive balance of \$6,340.98. As of the September 10, 2020 check run, all authorized transfers have been completed and the fund is in a deficit status of -\$3,591.82. Finance Director Steiner has been providing bi-weekly updates on the status of the additional funding to date, which totals \$70,000 at this time. Upon review of the remainder of the calendar year through December 2020, base level costs will be approximately \$15,000; these include items such as operating supplies for restrooms over Labor Day weekend yet to be billed, remaining transfers to the equipment and central service funds, \$1,500 per month for Managerial Services with Manger Mike Hartnell, phones/internet/utilities, contracted services for maintenance of HVAC, and the elevator funding; as well as an allowance of approximately \$1,500 for repairs/maintenance. With the current deficit plus the anticipated minimum costs, this comes to a total of \$18,592; Director Steiner is recommending a transfer of \$20,000 at this time for a total yearly transfer of \$90,000. The above cost predictions do not include future additional refunds or costs for unanticipated expenses for heating/cooling, electrical, HVAC, etc., that may or may not arise.

Outstanding revenues for future events remain booked at a total due to the City of \$38,764; for these future events, the City has acquired a total of \$19,699.15 that could eventually need to be refunded if those events are cancelled. Project Bayern has cancelled Christkindlmarkt and has rolled their payment into 2021, in lieu of a refund; 7 other events have been moved from 2020 to 2021, and one event is booked for 2022.

The following item is included under **TAB 11:**

- Festhalle Budget Through September 10, 2020
  - **MOTION:** *The Leavenworth City Council moves to authorize a budget amendment to include a third COVID-19 related direct transfer in the amount of \$20,000 from the General Fund to the Festhalle Fund for a total yearly transfer to date of \$90,000.*

**12. EXECUTIVE SESSION: RCW 42.30.110 (1)(i)(i) Pending Litigation**

There are no items included under **TAB 12.**

**INFORMATION ITEMS FOR FUTURE CONSIDERATION**

**13. Economic Development & Public Works Committees Budget Review 10/13/2020**

**14. Current Year Budget Review and 2021-2022 Preliminary Budget Review 10/13/2020**

There are no items included under **TABS 13 and 14.**