



City of Leavenworth

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City Council
Cheryl K. Farivar - *Mayor*
Carolyn Wilson - *Mayor Pro Tem*
Mia Bretz
Margaret Neighbors
Sharon Waters
Clint Strand
Jason Lundgren
Position No. 7 - *Vacant*
Joel Walinski - *City Administrator*

LEAVENWORTH CITY COUNCIL AGENDA

Leavenworth City Hall – Council Chambers
September 24, 2019 – 6:30 PM

Call to Order
Flag Salute
Roll Call

Council Committees – 4th Tuesday

Housing 3:00 PM
Public Safety 4:00 PM
Finance – Budget Review 5:00 PM

Consent Agenda

1. Approval of Agenda
2. Approval of September 10, 2019 Study Session & Regular Meeting Minutes
3. 2019 Claims \$1,082,563.75
4. Set Public Hearing on Ad Valorem (Property) Tax @ 6:45 PM on 10/22/2019
5. Set Public Hearing for Biennial Budget Review/Modification @ 6:45 PM on 10/22/2019
6. Set Public Hearing for McDevitt Annexation @ 6:45 PM on 11/12/2019

Councilmember and Committee Reports

Mayor / Administration Reports

Comments from the Public on Items Not on the Agenda

Presentation: Chelan County Sheriff Annual Report – Sheriff Brian Burnett

Group Funding Report: Leavenworth Soccer Club Bavarian Battle – Aaron Simon

Public Hearings at 6:45 PM:

1. Commercial Street Alley Vacation
2. Mandatory Code Amendments – Development Standards
3. Mandatory Code Amendments – Critical Areas
4. Considering the Condemnation of 125 Pine Street Property for Temporary Access and Slope Easements

Resolutions, Ordinances, Orders, and Other Business

1. Action: Ordinance 1594 – Condemnation of 125 Pine Street Property for Temporary Access and Slope Easements
2. Action: Ordinance 1595 – Commercial Street Alley Vacation
3. Action: Ordinance 1596 – Development Standards
4. Action: Ordinance 1597 - Critical Areas
5. Action: Resolution 13-2019 – House Bill 1406 Affordable Housing – Local Sales and Use Tax
6. Action: Approve Festhalle Flooring
7. Action: Approve Pine Street Beautification

Information Items for Future Consideration

1. Economic Development & Parks Committees Budget Review / Modification 10/8/2019

Adjournment

(Next Ordinance is 1598 – Next Resolution is 14-2019)

SUPPLEMENTAL COUNCIL AGENDA

1. Ordinance 1594 – Condemnation of 125 Pine Street Property for Temporary Access and Slope Easements

The City Council will be holding a Public Hearing regarding the consideration of Ordinance 1594, which authorizes the condemnation of a specific property, stipulates the method of payment for the acquisition of property, and provides the authority to the City Attorney to initiate legal proceedings for acquiring a permanent slope easement and temporary construction easement on the property located at 125 Pine Street. The Public Hearing is the opportunity for all interested parties of the affected property and/or their representatives to appear and be heard on the issues relevant to the Ordinance.

Following the Public Hearing the City Council will be asked to make the following findings:

1. It is in the public interest and necessity to require the completion of the project – The Reconstruction of Pine Street: Phase I.
2. The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The property sought to be acquired is necessary to complete the project.
4. An offer for the purchase of a slope easement and temporary construction easement has been made to the owner of record and rejected.
5. The notice of condemnation required by RCW Chapter 8.12 has been completed.

The final consideration will be the adoption of Ordinance 1594, determining that the public interest and necessity require the acquisition of the slope easement and temporary construction easement of Assessor Parcel No. 241701680167 (125 Pine Street , Leavenworth, WA) for providing a driveway access and reconstructed driveway, to the newly constructed Pine Street for the property owner, and finishing the grading and seeding of the property.

Fiscal Impact: None, for adopting Ordinance. Right-of-way acquisition was budgeted as part of the Pine Street Reconstruction Project. Additional funding for the condemnation proceedings will be provided out of the City's General Fund.

Purpose:

The purpose of the Public Hearing and consideration of Ordinance No. 1594 is to advance the process of acquiring the slope easement and temporary construction easement on a portion of property owned by Mr. Craig Hess for the completion of his driveway access in association with the Pine Street Reconstruction Project: Phase I.

Background:

The reconstruction of Pine Street has been identified in the City Transportation Improvement Plan since at least 2008. The City Council authorized the bid, final project design, and financial funding of the Pine Street Project at the City Council Meeting on March 26, 2019. Prior to the City Council approval, the City, via a right of way consultant had opened negotiations with Mr. Hess for the

acquisition of the slope easement and temporary construction easement. An appraisal of the property was prepared in accordance with all federal, state, and local requirements. The completion of the Project required only a slope easement and temporary construction easement on a portion of the property to complete the project and provide access to the property at 125 Pine Street. The slope easement is 196.7 square feet (s.f.) and the temporary construction easement is 408.0 s.f. The appraisal determined that the value for the slope easement was \$1,553 for flattening of the slope behind the sidewalk improvement and the value of the temporary construction easement was \$581, to allow for the partial removal and construction of a new driveway access. At that time, Mr. Hess requested that the City compensate him for the dedication of property as a result of his Short Plat Subdivision in 2012. The negotiations were at an impasse with this request and minor modifications were made to the plan set so the improvements for the driveway and slope at 125 Pine Street could be excluded from the project. Mr. Hess was notified that the project would proceed without the acquisition of his property and that he would be responsible for any necessary access improvements.

After construction began on the project, Mr. Hess contacted the City on June 30, 2019 about his concerns for his driveway access and stormwater issues regarding the Pine Street Reconstruction. At that time, the Washington State Department of Transportation (WSDOT) advised the City that the City would need to purchase the necessary Slope Easement and Temporary Construction Easement from Mr. Hess or the City would need to move forward with the condemnation of the property to acquire the necessary slope and temporary construction easement to complete the access to the property at 125 Pine Street.

After multiple email conversations, Mr. Hess, Paul Mahre, P.E. Local Programs Engineer WSDOT, Dan Wolf, P.E. TD&H Project Engineer, Mayor Farivar, City Administrator Joel Walinski, and ROW Acquisition Specialist Maureen Walsh, Skillings Connolly, Inc (by phone) held a meeting on July 18, 2019 regarding the design and purchase of the easement. A mutual agreement was reached at the end of the discussions and documents were ordered to be drafted. The following day, Mr. Hess informed the group that he was not in agreement and he would not be granting the easements.

The City proceeded with filing the necessary documentation with WSDOT to acquire a Certificate 3 – Excepted Parcel on the 125 Pine Street parcel so the project could continue. The Certification 3, which is granted by the Federal Highway Administration, was approved and allowed the project to proceed while the City continued the negotiations to acquire the necessary slope and temporary construction easements. At the direction of the WSDOT Right of Way Office, the City sent several offer letters to Mr. Hess via certified mail, email, and hand delivery. On August 14, 2019 Maureen Walsh spoke with Mr. Hess and he verbally rejected the City’s offer. The City then proceeded with the notification and steps required under RCW 8.25.290 Condemnation final actions – Notice require – “Final action” defined.

Mr. Hess at this time is not in agreement with the final slope of the new driveway to be constructed. His existing driveway grade had a slope range of 6% - 12%. The proposed new driveway access will have a slope of 10%. Mr. Hess has continually requested that the newly constructed sidewalk and street access be lowered to reduce the final grade of his driveway. Given the current design standards for stormwater, ADA, and engineering guidelines, the DOT Local Office has indicated that they will not approve any changes regarding lowering the constructed sidewalk (ATT: Project Authority Letter). In addition, these changes could possibly open the City and Design Engineer to future stormwater liability. The City has on multiple occasions, stated that staff is willing to review

and consider on-site design and improvements for 125 Pine Street: however, changes to the Pine Street design will not be approved.

Therefore, staff recommends adopting Ordinance 1594 to ensure that the necessary legal steps can proceed to fully complete the Pine Street Reconstruction Project.

Analysis:

The law provides procedures for public agencies to acquire private property for public use. Under RCW 8.12.030 “Condemnation authorized” cities within the State of Washington are authorized and empowered to condemn land and property for public improvements. Under RCW 8.25.290: Condemnation final actions, the State provides the necessary steps of notification for holding the meeting to take final action and under RCW 8.12.040, for the condemnation process to move forward, the City must adopt an ordinance specifying the method of payment (Ord. No. 1594) and authorizing the City Attorney to proceed.

Generally, the power of eminent domain may be exercised by cities to acquire property for a proposed project if the following conditions are established:

- A.** The public interest and necessity require the project.
- B.** The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- C.** The property sought to be acquired is necessary for the project.
- D.** An offer has been made to the owner of record.

These four required findings are addressed as follows:

A. Public interest and necessity require that Pine Street be reconstructed. Pine Street, from Ski Hill to Titus Road, serves as a vital link in the City’s overall transportation system. It is a key link in the circulation around the City, emergency services access route, a key passage way for deliveries, bus transportation to Cascade School District Facilities, and is a key pedestrian way for adults and children who live within the City and walk/bike to school. The reconstruction project is designed to address right of way offsets, stormwater drainage, pedestrian and bicycle access, and a necessary realignment. The City Council has identified this project as priority and is in the public interest.

B. The project is located in a manner most compatible with the greatest public good and least private injury, in that it will provide better circulation for vehicles, pedestrians, and bicycles and improve capacity on the roadways while taking the least amount of property necessary to complete the improvements. The acquisition of the property identified is for a slope easement and a temporary construction easement.

C. The property sought to be acquired for the project is necessary for the proposed project because without providing for the improved access to the property on 125 Pine Street, the project cannot be completed. Failure to complete the project may result in the partial or full refunding of the \$705,000 Federal Funding for this project.

D. Appraisals of the property have been prepared in accordance with federal, state, and local requirements to establish the fair market value of the property and proposed acquisition. An offer

of just compensation was then made on January 15, 2019. Negotiations with Mr. Hess resulted in Mr. Hess requiring compensation for the property he dedicated as a condition of his Short Plat Subdivision in 2012. He was informed that the City cannot provide compensation for that dedicated property and the City withdrew the offer after Mr. Hess refused the agreement. A negotiated settlement was reached on July 18, 2019 and Mr. Hess withdrew his approval on July 19, 2019. Certified offer letters were again sent on July 26, 2019 and returned with a notification that it had been “refused.” A new certified offer letter that included a request for a meeting was sent on August 13, 2019. Ms. Maureen Walsh notified the City on August 14, 2019 that Mr. Hess refused the offer being made by the City.

It should also be pointed out that, included in the Notice of Final Decision for the Preliminary Short Plat August 21, 2012, as condition of approval # 18, rather than the City requiring infrastructure improvements to Pine Street at the time of the subdivision, Mr. Hess did agree to a no protest agreement to participate in a future Local Improvement District or similar financing mechanism for the redevelopment of Pine street. Also of note, on the Short Plat itself, Mr. Hess signed a Consent and Waiver of Claims, which included the public’s “right to make and maintain all necessary cut and fill slopes created in the original reasonable grading of said streets.”

The amount of compensation due is not a subject of Ordinance No. 1594, and therefore not to be considered as part of the consideration on the adoption of the Ordinance. All issues related to the compensation to be awarded for the acquisition would be resolved in a future negotiation or court proceeding.

A Certified Notice of Final Action was sent by certified mail on August 30, 2019 and September 13, 2019 and the notice was published twice in two different newspapers as required by RCW 8.25.290. The Notice stated the City’s intent to consider the adoption of the ordinance and the right of each person to appear and be heard on these issues.

Although a negotiated settlement may still be possible, it seems unlikely at this point, and it would be appropriate to commence the procedures to acquire the property through condemnation to assure the full completion of the project. Adoption of the ordinance will authorize the City to acquire the necessary property by condemnation.

If the City Council adopts the ordinance, the City would be allowed to prepare and file a complaint in Chelan County Superior Court to commence the condemnation proceeding.

Fiscal Impact:

There is no fiscal impact associated with adopting an ordinance. Acquiring the property through eminent domain/condemnation proceedings will result in additional legal expenses. Sufficient funds will be budgeted for condemnation proceedings through the City’s General Fund reserves.

Alternatives:

- A. Do not adopt the ordinance at this time and do nothing, which will result in a delay to the construction completion and possible loss of Federal funding.
- B. Do not adopt the ordinance at this time and request additional negotiations, which will result in a delay to the completion of construction and possible loss of Federal funding.

Recommendation:

- A. Conduct a Public Hearing to consider the adoption of Ordinance 1594, including providing all interested parties of the affected property and their attorney or representative an opportunity to appear and be heard on the issues relevant to the Resolution.
- B. Make the following findings:
 - 1. The public interest and necessity require the project.
 - 2. The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury
 - 3. The property sought to be acquired is necessary for the project
 - 4. The offer and procedures required by Federal ROW Acquisition Regulations to the owner of record and Notice Required under RCW 8.25.290 to the owner of record have been made.
- C. Adopt Ordinance 1594

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 No. 1594 Exh. 1A, Exh. B & Exh. C
- RCW 8.12.030 Condemnation authorized
- RCW 8.12.040 Ordinance Method of Payment
- RCW 8.25.290 Condemnation final action
- Notice of Final Decision for Preliminary Short Plat Approval, August 21, 2012
- Short Plat No. SS LE-2012-01
- Memo on Project Authority, WSDOT
- Letter of Understanding for Project Administration, WSDOT (LOUPA)
- Email Michelle Newlean September 12, 2019 Right of Way Manager, WSDOT
- Diary of ROW Acquisition M Walsh, Skillings Connolly, Inc
- Diary of ROW Acquisition J. Walinski, City of Leavenworth
- Transportation Property Needs and You Document
- Notice of Planned Final Action on Condemnation
- 125 Pine Street Driveway Section 08272019 Dan Wolf, P.E. TD&H
- August 13, 2019 Offer Letter
- August 30, 2019 Notice Letter to Craig Hess
- Affidavits of Publications Leavenworth Echo & Wenatchee World

- **Motion:** *The Leavenworth City Council adopts Ordinance No. 1594 Authorizing the Condemnation of a portion of the property located at 125 Pine Street, Parcel Number 241701680167 for a Slope Easement and Temporary Construction Easement.*

2. Ordinance 1595 – Commercial Street Alley Vacation

The City and adjoining property owner, Mr. Thomas Lin, are requesting that the City Council vacate a portion of Commercial Street, west of 14th Street, and the alley of Block 7 of the Second Addition to Leavenworth Plat. This portion of Commercial Street is currently used for access to the Public Works yard and shop buildings, it does not connect to the State Highway, and the alley is unused by vehicles and is partially fenced. The vacation process will remove the unused road and alley from the City right-of-way and return the land to the adjoining properties. It is City staff’s recommendation that these areas have no current or future City right-of-way need. Additionally, if these areas are vacated, they may be put to a higher and better use for the community at large.

COUNCIL GOALS

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

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

- Ordinance 1595
- File of Record for Commercial Street/Alley Vacation
- **MOTION:** *The Leavenworth City Council moves to adopt Ordinance 1595 Commercial Street and Alley Vacation.*

3. Ordinance 1596 – Development Regulations Mandatory Update

As part of the 2017 Comprehensive Plan periodic update, the City was required to review and update Development Regulations to match changes in State law, RCW 36.70A.106. Ideally, this work is completed with the Comprehensive Plan; however, the State recognizes the burden this can place on smaller communities and extended the timeline two years. The City of Leavenworth updates were due June 30, 2019. The Planning Commission held the Hearing on the Development Regulation update on July 10, 2019. There were public comments from Mr. Duane Goehner and an unidentified visitor asking for clarification but no recommendations for changing the draft amendments. Commissioner Booher noted an extra “of” in LMC 21.31.030.E. which he recommended be removed.

Motion: Commissioner Andy Lane motioned to recommend approval of the proposed amendments as revised by Commissioner Booher, based on the findings and conclusions within the staff report. The motion was seconded by Commissioner Anne Hessburg and passed unanimously.

City Staff is recommending that the Development Code Regulations be updated as forwarded from the Planning Commission.

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 3**:

- Ordinance 1596
- Staff Report dated June 21, 2019
- **MOTION:** *The Leavenworth City Council moves to adopt Ordinance 1596 Development Regulations Mandatory Update.*

4. Ordinance 1597 – Critical Areas Mandatory Update

Similar to the Development Regulation Mandatory Update, the State requires review and update of the Critical Area Regulations to match changes in State law, RCW 36.70A.106. The City of Leavenworth updates were due June 30, 2019. On September 4, 2019, the Planning Commission held a hearing on the mandatory Critical Area amendments after a workshop held on the same night. The workshop had several good discussions with the Planning Commission and attendees. Betsy Steele noted that she had a copy of the missing “Landscape Analysis and Identification of Opportunities to Restore Water Flow Processes prepared by the Department of Ecology.” She has provided this document which has been forwarded to the Department of Ecology (DOE). For the public hearing, there was one public comment from Ms. Betsy Steele noting concerns with retaining the option for de minimis impacts to critical areas, changes to aquifer, and wetland mapping.

Motion: Commissioner Andy Lane motioned to recommend approval of the critical area update amendments, with the revisions discussed tonight and reviewing Table 16.08.440.1 [Riparian Habitat Evaluation Area Widths] with the agencies [Department of Fish and Wildlife and Department of Ecology] to streamline before it goes to Council; and, with that recommendation including the Staff Report findings of facts and conclusions of law. The motion was seconded by Commissioner Hessburg and passed unanimously.

For City Council Review

The Planning Commission recommended changes have been included in the attached redline draft along with the following changes:

1. Two suggested changes from the Department of Ecology, via a phone call on September 10, 2019 – (1) to the definition of a qualified wetland professional and (2)

to the referencing of wetland delineation manuals (changing the reference to Federal manual rather than State) to match changes in the WAC.

2. Retaining the Landscape Analysis and Identification of Opportunities to Restore Water Flow Processes language noted in Section 16.08.210(F), 16.08.330(A) and 16.08.530 (B)(1).
3. Changes recommended by Department of Fish and Wildlife (DFW), via email September 17, 2019 have been made and noted in the redline attachment, excluding the following requests:
 - a. The request to add a statement about “compliance with other Federal, State and local regulations” was not forwarded by the Planning Commission, as compliance is required and stating so seemed redundant.
 - b. De minimis impacts – as noted in the redline, both DOE and DFW request that this be removed. The Planning Commission recommended retaining. It is defined as “small or minuscule impact that is demonstrated to be nonharmful to the environment.”
 - c. Request to use “potential tree height” to determine riparian management zones [buffers]. The new Riparian Management Guidelines Volume 2 is still in draft; however, DFW is recommending to size stream buffers based on site potential tree height (SPTH). Staff has reached out to DFW to determine if there is existing data that would provide the City the buffer widths. As of the drafting of this, that data has not been provided. In talking with DFW, they have not seen “mass wasting” associated with stream buffers and are okay with the revised evaluation buffers. Staff recommends that future updates review the new SPTH science.
4. The Planning Commission recommendation included retaining the “Landscape Analysis and Identification of Opportunities to Restore Water Flow Processes,” if it was located. However, after this document was reviewed, it appears to be an informal undated document which was not completed by a qualified Hydrogeologist or Professional Engineer, as required by Code. Staff has reached out via email to Matt Karrer, the Hydrologist who provided input to the document with no response. Based on what we have, it would appear that the document would be difficult to legally defend. For these reasons staff is not recommending retaining the referenced document in the critical area codes. However, if the City Council is interested in re-examining the report findings, conclusions, or suggestions found within the document, it may be appropriate to consider a new study or expansion of the 2016 Regional Stormwater/Wetland Plan.

All changes noted above are attached in the Planning Commission recommended document and ordinance.

COUNCIL GOALS

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

Community Building	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:**

- Ordinance 1597
 - Planning Commission recommendation and Department of Ecology and Department of Fish and Wildlife recommendations, as noted above
 - Attachment B (moved definitions)
 - Email from Department of Fish and Wildlife
 - Materials provided by Betsy Steele
 - Staff Report dated August 22, 2019
- **MOTION:** *The Leavenworth City Council moves to adopt Ordinance 1597 Critical Areas Mandatory Update.*

5. Resolution 13-2019 – House Bill 1406 Affordable Housing – Local Sales and Use Tax

The State approved a local revenue sharing program that returns a portion of existing sales and use tax to communities for affordable housing investments. The Housing Committee recommendation to participate was reviewed at the City Council Study Session in August.

This new revenue source would be provided to the City at two levels:

1. Full funding of 0.0146% of local sales and use tax, if the City had a qualifying local tax. The City does not currently have a qualifying local tax.
2. Half funding of 0.0073% of local sales and use tax, if both the City and Chelan County adopt resolutions of intent before January 31, 2020.
 - a. The County has indicated that they are interested in participating by passing the resolution of intent.

Any funds received pursuant to HB 1406 are required to be spent on housing projects that serve those at or below 60% of the Average Median Income (AMI); acquiring, rehabilitating, or constructing affordable housing (State definition); or, funding operations and maintenance costs of new affordable or supportive housing.

The Housing Authority of Chelan County and Upper Valley MEND have provided letters supporting implementation of HB 1406.

COUNCIL GOALS

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

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

- Resolution 13-2019
- Letters of Support – Chelan-Douglas Housing Authority and MEND
- Letter to Chelan County Commissioners
- **MOTION:** *The Leavenworth City Council moves to approve Resolution 13-2019 implementing House Bill 1406 for affordable housing local sales and use tax option.*

6. Approve Festhalle Flooring

The City Council is being asked to review and consider for approval the contracting with Built Right contractors and the expenditure of funds for the resurfacing of the Festhalle main floor. The total cost of the project is Thirty-Seven Thousand, Eight Hundred and Thirty-One dollars and sixty cents (\$37,831.60) including all applicable Washington State Sales Tax. The total Contract Sum includes all expenses and costs incurred in planning. The project costs include the honing and polishing of the concrete floor area and the application of Proscos LS Guard (sealer).

Written bids were received from three contractors. The Festhalle Oversight Committee reviewed the bids at their September 9, 2019 meeting and have recommended awarding the contract to Built Right. Bidders were asked to provide their recommendation, process, and cost for removing the existing finish from the concrete floor area and provide a recommendation on a new floor finish. The Built Right proposal was recommended based on the process, product, and future maintenance costs. If approved, the project is anticipated to be scheduled in February/March of 2020. Approval is needed at this time to lock in the scheduling of the contractor with the scheduled use of the Festhalle. The current floor coating on the Festhalle was completed in 2007. This project was identified by the Festhalle Manager, Mr. Josh Flickner and the Festhalle Oversight Committee as a needed maintenance project to assist in the ongoing cleaning and care of the Festhalle and appearance of the Festhalle. Funding for the project is available in the Festhalle Budget Reserves. The City Council may also provide partial funding using Lodging Tax Funds.

COUNCIL GOALS

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

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

- Built Right Proposal 09/09/2019
- Summary of Floor Improvement Bids
- **MOTION:** *The Leavenworth City Council moves to award the Festhalle Floor Coating bid to Built Right for a cost of completion of \$37,831.60 and authorizes the Mayor to sign the Small Public Works Contract pending review by the City Attorney.*

7. Approve Pine Street Beautification

The City Council is being asked to consider approval of the Pine Street Beautification Project and to approve the expenditure of funds for the project in an amount not to exceed \$12,000. Development of the program was discussed at the September 2019 Study Session as a means to address the loss of landscaping and trees within the Pine Street Reconstruction Project Area. Funding for the Pine Street Reconstruction project included both Federal and State funding, which precluded the use of project funds for this type of landscaping or improvements. The program would consist of the City providing a limited list of acceptable trees and shrubs from which the residents could pick up to 5 shrubs or 1 tree. The resident will be required to flag the planting locations (outside of the City ROW along the Pine Street frontage) for pre-approval by the City. The City would then purchase the plant material and deliver the individually requested plantings for installation by the residents. Planting, survival, maintenance, watering, etc. would be the responsibility of the homeowners.

In addition, the project will include cost sharing with residents to extend existing home sidewalks, not impacted by the Pine Street construction, to intersect with the newly installed Pine Street walk. This portion of the project would be for existing concrete front sidewalks only and not include driveways. Residents will be asked to provide three (3) estimates for the extensions of which the City will pay 50% of the invoice for the completed work.

Other miscellaneous City work in the right of way (not included in the Pine Street scope of work), such as the completion of the walkway at the NW corner of Titus Road would also be included.

Funding for the project would come from the General Fund. The packet for the project to be distributed to the residents can be found within the packet materials.

COUNCIL GOALS

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

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

- Pine Street Beautification Packet
 - **MOTION:** *The Leavenworth City Council moves to approve the motion for the Pine Street Beautification Project and approves the expenditure of funds for the project in an amount not to exceed \$12,000.*