



## City of Leavenworth

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**City Council**  
Cheryl K. Farivar - *Mayor*  
Elmer Larsen  
Carolyn Wilson – *Mayor Pro Tem*  
Mia Bretz  
Margaret Neighbors  
Sharon Waters  
Clint Strand  
Jason Lundgren  
Joel Walinski - *City Administrator*

### LEAVENWORTH CITY COUNCIL AGENDA

Leavenworth City Hall – Council Chambers  
January 8, 2019 – 6:30 PM

**Call to Order**  
**Flag Salute**  
**Roll Call**

#### **Council Committees – 2<sup>nd</sup> Tuesday**

Economic Development 3:00 PM  
Parks 4:00 PM  
Public Works 5:00 PM

#### **Consent Agenda**

1. Approval of Agenda
2. Approval of December 11, 2018 Regular Meeting Minutes
3. Approval of December 11, 2018 Study Session Minutes
4. December 2018 Payroll \$214,036.45
5. 2018 Claims \$860,168.96
6. 2019 Claims \$284,791.63

#### **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**

#### **Resolutions, Ordinances, Orders, and Other Business**

1. Action: Motion to Elect Mayor Pro-Tempore
2. Action: Mayor to Reappoint Heidi Forchemer to the Design Review Board
3. Action: Mayor to Reappoint Sharon Waters & Steve Scott to the Festhalle Oversight Committee
4. Action: Ordinance 1580 – Annexation of 1440 Commercial Street
5. Action: Chelan County Regional Justice Center Contract Amendment
6. Action: 2019 – 2021 Collective Bargaining Agreement
7. Action: City Attorney Retainer Agreement for 2019
8. Action: City Administrator Contract Amendment

#### **Information Items for Future Consideration**

1. January 22, 2019 Mayor & Mayor Pro-Tem Committee Assignments
2. January 22, 2019 Joint Meeting with Planning Commission for 2019 Planning Commission Docket Acceptance

#### **Adjournment**

**(Next Ordinance is 1581 – Next Resolution is 1-2019)**

## SUPPLEMENTAL COUNCIL AGENDA

### **1. Motion to Elect Mayor Pro Tempore**

The Council is being asked to consider the appointment and designation of a Mayor Pro Tempore. The action could be the confirmation of the standing Mayor Pro Tempore or the selection and confirmation of another sitting council member. Councilmember Carolyn Wilson served as the Mayor Pro Tempore from 2014 through 2018.

The duties of the Mayor Pro Tempore include the recommendation of council members to standing committees with the appointments approved by the City Council and to serve as the presiding officer at the Council Meetings in the Mayor's absence.

At this time, the following procedure is recommended:

- Mayor: Nominations are now in order for the office of Mayor Pro Tempore.
- Nominations taken from the floor.
- Mayor calls for any further nominations - if none, announces nominations are closed.
- Election then occurs by show of hands in support of each nominee.
- A full majority of four (4) is needed for the confirmation.

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

- RCW 35A.12.065 Pro tempore appointments
- RCW 35.27.160 Mayor – Duties – Powers – Mayor Pro Tempore
- **MOTION:** *The Leavenworth City Council moves to nominate and appoint Councilmember \_\_\_\_\_ as Mayor Pro Tempore.*

### **2. Mayor to Reappoint Heidi Forchemer to the Design Review Board**

The Leavenworth City Council is being asked to confirm the Mayoral reappointment of Ms. Heidi Forchemer to the Design Review Board. All Design Review Board members shall be appointed by the Mayor with confirmation by the City Council (LMC 2.38.010 (B)).

The table below provides the current names of appointed Design Review Board members and their terms:

<b>1</b>	Oliver Brulotte	Expires Jun 1, 2020
<b>2</b>	Todd Smith – <i>Chair</i>	Expires Jun 1, 2021
<b>3</b>	Robert Smith	Expires Dec 1, 2020
<b>4</b>	Ken Kohnhorst – <i>Vice Chair</i>	Expires Dec 1, 2021
<b>5</b>	Mary Morse – <i>Vice Chair</i>	Expires Jun 1, 2021
<b>6</b>	Heidi Forchemer	(Alternate) / Expires Jan 1, 2019
<b>7</b>	Fred Dowdy - Construction Specialist	

There are no items included under **TAB 2.**

- **MOTION:** *The Leavenworth City Council moves to confirm the Mayoral reappointment of Heidi Forchemer to the Design Review Board Position No. 6 for a four (4) year term.*

### **3. Mayor to Reappoint Committee Members to the Festhalle Oversight Committee**

The Leavenworth City Council is being asked to confirm the Mayoral reappointment of City Council Member Sharon Waters and Leavenworth resident Mr. Steve Scott to the Festhalle Oversight Committee for a term of three (3) years. The second motion is to confirm the appointment of City Administrator Joel Walinski to the Festhalle Oversight Committee; Mr. Walinski would be the Mayor's Representative on the Festhalle Oversight Committee; this appointment is made annually.

There are no items included under **TAB 3.**

- **MOTION:** *The Leavenworth City Council moves to confirm the Mayoral reappointment of Councilmember Sharon Waters and Mr. Steve Scott to the Festhalle Oversight Committee for a term of three (3) years.*
- **MOTION:** *The Leavenworth City Council moves to confirm the Mayoral reappointment of Mr. Joel Walinski to the Festhalle Oversight Committee for a term of one (1) year.*

### **4. Ordinance 1580 – Annexation of 1440 Commercial Street**

The City Council approved the purchase of property at 1440 Commercial Street with the intent of expanding the Public Work Facilities. The sale was recorded on August 30, 2018. Prior to the design and redevelopment of the property, the City is seeking to annex and rezone the property. The annexation of municipally owned property, for municipal purposes, is streamlined in State law requiring only a majority vote of the City Council, pursuant to RCW 35A.14.300.

The following item is included under **TAB 4:**

- Ordinance 1580
  - **MOTION:** *The Leavenworth City Council moves to adopt Ordinance 1580 – Annexation of property owned by the City of Leavenworth located at 1440 Commercial Street.*

### **5. Chelan County Regional Justice Center Contract Amendment**

The City Council is being asked to approve a one-year amendment to the Interlocal Agreement between Chelan County and the City of Leavenworth for the housing of inmates in the Chelan County Regional Justice Center. As in the past, the City is responsible for all costs of incarceration for individuals found guilty of a misdemeanor within the City and sentenced to jail time by the Chelan County District Court system.

Previous agreements have been based on the fees of actual costs over a rolling 3-year period by calculating the number of prisoners identified as a City of Leavenworth inmate times the daily rate and then averaged for a yearly contract price. This year the County has reviewed how this past agreement has worked and is requesting a transition to calculate the costs based on the average daily population (ADP) over the rolling 3-year period and then multiplying the average rolling ADP by the current yearly rate for 12 months. Staff has analyzed how this change in calculation affects the overall contract costs for a single year and the result is a very minimal change; 2019’s contract rate will be slightly lower than it would have been using the previous calculation. The compensation to Chelan County for 2019 will be based on the period from July 1, 2015 through June 30, 2018 with the daily cost per inmate at \$96.00 per day; there is no increase in the daily rate for 2019. The contract amount for incarceration fees for the City of Leavenworth will be \$25,112.

The County is adding a new charge this year that is a one-time \$25.00 processing fee per inmate. The processing fee will capture inmates incarcerated between November 2017 through October 2018, for a total of 89 inmates at \$25.00 each for a total of \$2,225. The total contract for 2019 will include the \$25,112 for the incarceration fees and \$2,225 for the processing fees for a total contract cost of \$27,337 or \$2,278.08 per month. Below is a breakdown of the per inmate incarceration cost per day history.

Year	Cost Per Day
2014	\$73.50
2015	\$73.50
2016	\$85.00
2017	\$87.00
2018	\$96.00
2019	\$96.00

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

- Regional Justice Center letter dated November 1, 2018 from Director Larson
- 2019 Interlocal Agreement
- Average Daily Population Calculations July 2015 to June 2018
- **MOTION:** *The Leavenworth City Council moves to approve and authorizes the Mayor to sign the 2019 Interlocal Agreement between Chelan County and the City of Leavenworth for the Housing of Inmates in the Chelan County Regional Justice Center.*

**6. 2019 – 2021 Collective Bargaining Agreement**

The City Council is being asked to review and consider approval of a new labor union contract with Teamsters Local Union No. 760 which represents the majority of the City of Leavenworth employees. The City of Leavenworth employs approximately 29 full time employees, of which twenty-four of those employees are covered under the collective bargaining agreement. The City Council has had several executive sessions regarding the status of the contract negotiations over

the past few months. The contract under review this evening does reflect the concerns of those conversations.

The Contract is for a three year period from January 1, 2019 through December 31, 2021. Annual increases are three and one quarter (3.25%) percent per year; this is within the range of other negotiated union and public employee contracts of 2.5% to 3.5%. The City's benefit package remains consistent with other local government contracts.

The following item is included under **TAB 6:**

- 2019 – 2021 Labor Agreement
  - **MOTION:** *The Leavenworth City Council moves to approve and authorizes the Mayor to sign the 2019 – 2021 Labor Agreement with the Teamsters Local Union #760.*

## **7. City Attorney Retainer Agreement for 2019**

The City Council is being asked to review and consider for approval the fourth amendment to the City Attorney Retainer Agreement. The fourth amendment addresses a change in the rate structure from the Law Offices of Weed, Graafstra, and Benson, Inc., P.S. which is currently under contract with the City of Leavenworth to provide legal representation as the City Attorney for the City. The initial retainer agreement and rate structure began in May of 2011. At that time, Mr. Thomas Graafstra assumed the role of City Attorney after the City had been served admirably by Mr. Terry McCauley for thirty plus years. In 2013, the Council approved an amendment to the initial agreement with a limited increase in fees. In 2016 and again in 2017, the Council approved amendments for increases in fees for both the monthly retainer and hourly charges for items not covered within the scope of the retainer.

This amendment to the City Attorney Retainer Agreement for 2019 includes an increase in the monthly retainer amount from \$3,700 to \$3,900. The Basic Retainer covers 20 hours of legal services that includes the attendance at City Council Meetings, a review of the City Council Packet, assistance in preparing contracts, easements, and instruments necessary for the City, and other legal services as requested. Legal services outside of the retainer hours will be charged at a rate of \$200.00 per hour for attorney services and \$155.00 for paralegal services. In the event the City is involved with litigation and requires the representation by Weed, Graafstra & Associates, those services will be charged at an hourly rate of \$210.00.

The Administration's goal, under the guidance of the City Council the past several years, has been to resolve and limit the involvement in litigations, yet at the same time, improve the City's compliance with City codes and ordinances, contract review and development, and code development. Mr. Graafstra's support and assistance in achieving this goal is respected and valued. In addition, by providing alternatives to strictly litigious solutions, the City has worked toward accomplishing the goal of stabilizing the annual legal costs of the City. The following table gives a breakdown of annual fees incurred by the City for legal services:

<b>Year</b>	<b>Fees</b>
2013	\$46,019
2014	\$45,070
2015	\$47,324
2016	\$67,419
2017	\$48,056
2018	\$64,673

In 2016, additional work was requested concerning the legal status of overnight rentals, the ramifications of those potential code changes, and development for stricter enforcement, which is reflected in the increase in legal fees. The increase in 2018 reflects the review and development provided to a number of City contracts, additional review provided on Development Services projects and assistance provided on the purchase of property by the City.

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

- Fourth Amendment to City Attorney Retainer Agreement
- City Attorney Retainer Agreement
- **MOTION:** *The Leavenworth City Council moves to approve the amendment to the City Attorney Retainer Agreement and authorizes the Mayor to sign the agreement.*

## **8. City Administrator Contract Amendment**

The City Council is being asked to review and consider approval of an Employment Agreement with Joel Walinski for providing professional services as the City Administrator for the City of Leavenworth. Mr. Walinski has been employed with the City of Leavenworth since September 10, 2010 as the City Administrator. The City Administrator position and authority is to oversee the operation of the City and assist the Mayor and City Council to implement their vision and goals for the City. Over his tenure, Mr. Walinski has brought financial stability in the operation of the City, provided the oversight in the development of senior staff, supervisors, and staff members to provide a high level of customer service to residents and business, and has successfully implemented and/or assisted the Mayor and City Council in achieving a number of their identified goals. That list of accomplishments would include the purchase of the warehouse property and implementing a financially sustainable paid parking program within the City, the completion of a number of street and utility improvement projects that were completed with grant awards and Transportation Benefit District funding, and overseeing and implementing a number of code revisions requested by the Mayor and City Council. The new agreement runs through May 31, 2020 and outlines the job duties and responsibilities of the position and the compensation and benefit package. The agreement has been reviewed and approved by the City Attorney as to form. The agreement reflects the terms and discussion items as reviewed in the executive session on December 11, 2018 and as directed by the approved motion of the City Council.

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

- City Administrator Employment Agreement

- **MOTION:** *The Leavenworth City Council moves to approve and authorizes the Mayor to sign the Employment Agreement with Joel Walinski for employment as City Administrator for the City of Leavenworth.*