



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
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

August 28, 2018 – 6:30 PM

Call to Order
Flag Salute
Roll Call

Consent Agenda

1. Approval of Agenda
2. Approval of August 14, 2018 Regular Meeting & Study Session Minutes
3. 2018 Claims \$139,530.66

Council Committees – 4th Tuesday

Housing 3:00 PM

Public Safety 4:00 PM

Finance 5:00 PM - *Review Draft Budget*

Councilmember and Committee Reports

Mayor / Administration Reports

Mosquito Control District Report – Larry Meyer

Group Funding Report: Music in the Meadow Concert Series – Jamie Howell

Autumn Leaf Parade Update: Mr. Bill Forhan

Comments from the Public on Items Not on the Agenda

Public Hearing: Annexation Request for Pine Village KOA @ 6:30 PM

Resolutions, Ordinances, Orders, and Other Business

1. Action: Ordinance No. 1572 Annexation Request for Pine Village KOA
2. Discussion: Residential Solid Waste Conversion to Waste Management
3. Action: Resolution 15-2018 Rate & Fee Schedule
4. Action: Chelan County Hazard Mitigation/Letter of Intent
5. Action: Purchase Enchantment Park Athletic Field Lighting/Field #3
6. Action: Bid Award City Hall Replacement Roofing
7. Action: Rejection of Hwy. 2 HAWK Crosswalk Bid

Information Items for Future Consideration

1. Economic Development & Parks Committees Review Draft Budgets 9/11/2018
2. Budget Priorities Finance Committee Special Review 9/25/2018 if Needed

Executive Session: RCW 42.30110(1)(b) Real Estate Acquisition

Adjournment

(Next Ordinance is 1573 – Next Resolution is 16-2018)

SUPPLEMENTAL COUNCIL AGENDA

Public Hearing on Annexation for Pine Village KOA at 6:30 PM

The City Council is being asked to conduct a public hearing for the requested annexation. The Public Hearing is an opportunity for interested persons to appear and voice approval or disapproval of the annexation. During the City Council Hearing:

- a) The City Council gives proponents and opponents an opportunity to speak.
- b) The City Council decides whether to approve the annexation. If the Council decides to approve, the Council must enact an ordinance (motion) to annex the territory (pursuant to RCW 35A.14.140). Subject to RCW 35.02.170, the ordinance may annex all or any portion of the proposed area but may not include in the annexation any property not described in the petition. Upon passage of the annexation ordinance, a certified copy shall be filed with the Board of Chelan County Commissioners.
- c) The Ordinance is prepared for tonight's Council action under "Resolutions, Ordinances, Orders, and Other Business."

The property owner, Recreational Adventures Co. (Pine Village KOA Campgrounds), is requesting annexation for approximately 27.39 acres of property owned by Recreational Adventures Co. (Pine Village KOA Campgrounds) located at 11686 (11401 and 11575) River Bend Drive, Leavenworth, WA 98826; identified as Assessor's parcel numbers 241806340150 and 241806330100, and the abbreviated legal description is "SESW quarter of Section 06, Township 24N, Range 18 EWM" (22.37 acres); and is "Part of government lot 8 within Section 06, Township 24N, Range 18 EWM" (5.02 acres) contiguous to the City of Leavenworth, and within the City of Leavenworth urban growth boundary, and further described and shown within Exhibits A and B of the Ordinance. The City of Leavenworth Comprehensive Land Use Plan has designated this area as Recreation Zone.

On July 10, 2018, the City Council met with the petitioner, outlined the obligations of the annexation, approved proceeding with the process, and set the public hearing for tonight.

Mandatory notice specifying the time and place of the hearing and inviting interested persons to appear and voice approval or disapproval of the annexation has been completed.

The State of Washington's Growth Management Act of 1990 (GMA) requires counties to establish 20-year Urban Growth Area (UGA) boundaries for every city to accommodate projected growth. GMA also encourages cities to annex lands within their UGA and provide urban-level services to these areas. Lands outside the UGA cannot be annexed. Basically, the UGA establishes a boundary around the City, with everything outside the boundary intended for rural land use, and everything inside the boundary intended for urban land use. This helps prevent sprawl and loss of resource lands, (for example, agriculture / orchards, and critical areas). This property is within the UGA. The City of Leavenworth UGA was established as a part of the GMA and has remained unchanged since 1994.

Resolutions, Ordinances, Orders, and Other Business

1. Ordinance No. 1572 Annexation Request for Pine Village KOA

The City Council is being asked to adopt Ordinance No. 1572. Adoption of Ordinance No. 1572 is the final step for the annexation of approximately 27.39 acres of property owned by Recreational Adventures Co. (Pine Village KOA Campgrounds) located at 11686 (11401 and 11575) River Bend Drive, Leavenworth, WA 98826; identified as Assessor's parcel numbers 241806340150 and 241806330100, and the abbreviated legal description is "SESW quarter of Section 06, Township 24N, Range 18 EWM" (22.37 acres); and is "Part of government lot 8 within Section 06, Township 24N, Range 18 EWM" (5.02 acres), contiguous to the City of Leavenworth, and within the City of Leavenworth urban growth boundary, and further described and shown within Exhibits A and B of the Ordinance.

On July 10, 2018, the City Council met with the petitioner and outlined the obligations of the annexation which include the following:

1. The City would require the assumption of City indebtedness by the area proposed to be annexed.
2. The property owners will be required, in accordance with applicable Leavenworth city ordinances, prior to annexation, to transfer to the City of Leavenworth their present water rights, unless otherwise agreed with the City, as a condition of annexation. The terms and conditions of the transfer of the water rights to the City of Leavenworth pursuant to this annexation shall be set forth in a written agreement or agreements approved by the City Council prior to annexation.
3. The property will be zoned Tourist Commercial. The process for the change in zoning will be established by the City Council
4. The property owner and/or heir or assigns will comply with Conditional Use Permit No. CUP 2017-317 and as amended. In addition, at no time shall any legal action derived from actions prior to annexation be brought before the City of Leavenworth. The property owner shall have sole responsibility to defend any action brought to the City of Leavenworth based on pre-annexation conditions, permitting, or any other action or non-action of the property owner, heir, or assigns
5. The City of Leavenworth recognizes pre-existing conditions on the subject property. With such, city services to existing building and facilities must be in place at adopted level of service standards and specifications. The City requires the following necessary improvements to be completed within 18-months from the date of annexation:
 - a. Certification and dedication to the City of fire hydrants to serve the property to ensure water is accessible for fire-fighting purposes to all developed portions of the property.
 - b. Dedication and acceptance to the City of the water main system to provide fire and domestic water service for the property.
 - c. Dedication and acceptance to the City of the sewer main system improvements which includes an appropriately sized municipal sewage pump station and force main per Washington State DOE's handbook "Criteria for Sewage Works Design."

- d. Dedication and acceptance of permanent roadway as authorized by City of Leavenworth Permit # 16 – 124G / 2304.
- e. Dedication and acceptance of stormwater facilities for the new access road in conformance with the Stormwater Management Manual for Eastern Washington and Permit # 16 – 124G / 2304.
- f. Uses within the annexed property shall utilize City garbage service in conformance with LMC Chapter 8.04.
- g. System Development and Buy-In fees to be paid based on the number of equivalent residential units (ERUs) used.
- h. Provide the City with a bond or other surety as approved by the City in the amount to be determined by engineered cost estimates compliant with LMC 14.14.170. The value of the bond or approved surety shall be equal to at least 150 percent of the estimated cost of the improvement(s) to be performed for improvements completed within a one-year time frame.

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

- Ordinance No. 1572
 - Annexation Territory Legal Description Exhibit “A”
 - Annexation Territory Survey Exhibit "B"
 - Petition for Annexation
 - Annexation Terminal Date and Determination of Sufficiency of Petition
 - Riverbend Park Association Letter, July 7, 2018
 - 2014 Chelan County CUP Compliance Letter.
- **MOTION #1:** *The Leavenworth City Council moves to delay the transfer of water rights owned by the Recreational Adventures Co. (Pine Village KOA) as a condition of the annexation, the transfer of water rights will be completed within eighteen (18) month period.*
 - **MOTION #2:** *The Leavenworth City Council moves to adopt Ordinance No. 1572 Annexation of property owned by Recreational Adventures Co. (Pine Village KOA Campgrounds) located at 11686 (11401 and 11575) River Bend Drive, Leavenworth, WA 98826; identified as Assessor’s parcel numbers 241806340150 and 241806330100, and the abbreviated legal description is “SESW quarter of Section 06, Township 24N, Range 18 EWM” (22.37 acres); and is “Part of government lot 8 within Section 06, Township 24N, Range 18 EWM” (5.02 acres).*

2. Residential Solid Waste Conversion to Waste Management

This time is provided to allow the City Council to review the final draft agreement with Waste Management (WM) Company to collect solid waste and recycling materials within the City of Leavenworth for residential accounts. This item has been discussed several times at the Public Works Committee and reviewed with the full Council at the July Study Session.

Currently, the City provides sanitary waste pick up services to City residents and business accounts. Businesses and residents within the City may also contract with Waste Management for recycling

services. This contract will require residents to have garbage services through Waste Management and residents may elect to have recycling services through Waste Management. At this time, Waste Management is only offering the optional recycling services because of the current issues with the disposal of recyclable materials. WM has also notified the City that recycling charges and qualified materials will change as the discussion regarding the disposal of the recycling material on a world wide basis continues.

The current City of Leavenworth Garbage Service for single family residential collection is as follows:

	Garbage Cart Size	Garbage Only Rate Per Month	Recycling Rebate Option Per Month
Residential	64 gal	\$26.52	\$5.00

Following the discussion at the July Study Session, several areas were discussed and modified within the draft agreement:

- Addition of language to allow for the residential service to allow for removal of “bulky items.”
- Addition of language to cover areas that are annexed into the City and the process for notification.
- Modification regarding the use of City Carts and other language regarding waste carts.
- Qualified low income service provision similar to the current City provision for low income utility service provided by the City, a 50% price reduction.
- Language and provisions added for “special services” which includes temporary container services, Refuse Services Transition Plan, Business Outreach on waste reduction, and Complimentary Recycling Service provided for the City’s Festhalle.
- Language was also added regarding level of service by Waste Management Employees, equipment used, vehicle cleanliness, and records retention and availability.
- The annual price adjustment was changed to 3.25% annually from 3.5% after reviewing an annual Consumer Index Pricing Model based on Northwest Utility Pricing.
- The public outreach and change of service would begin after the City Council approves the agreement; full implementation would be January 1, 2019.

A draft agreement is provided in the packet materials. Ms. Tami Yager, Manager, Public Sector Services Waste Management Co. will be available on Tuesday evening to address any questions Council Members may have and walk through the transition processes that she has overseen in the past.

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

- Waste Management Draft Franchise Agreement Residential Services.

3. Resolution 15-2018 Rate & Fee Schedule

The City Council is being asked to approve changes to the Rate & Fee Schedule as follows:

- a. Low Income Senior / Disabled Rates: On March 13, 2018, the City Council approved Resolution 2-2018 regarding the Senior/Disabled Utility Discount Policy, which included a total household income of \$30,000 per year or less; the additional hardship is for those with an income of \$15,000 or less. The \$30,000/\$15,000 rates were not included in the Rate & Fee Schedule at that time. *(page 12, 17, and 21 redlines)*
- b. Miscellaneous Water Fees: Leavenworth Municipal Code (LMC) 13.04.100 notes a \$10.00 Application Service Charge. This charge was not included in the Rate & Fee Schedule. *(page 14 redlines)*
- c. Festhalle Rates & Fees: The Festhalle Oversight Committee approved a 10% increase to the 2019 Festhalle Rental Fees and a 5% increase to the 2020 Rental Fees at the August 13, 2018 Committee meeting. *(pages 29-30 redlines)*
- d. Credit Card Convenience Fee: The Finance Department has recently instituted a 3% charge on all credit card transactions, as more residents desire to use a credit card to pay for building permit fees. *(page 31 redlines)*
- e. Overnight Parking Permits: At one time, the P3 (Festhalle) parking lot was designated to be the parking lot used for permitted RV overnight parking. The lot is not suitable for RV parking and is being removed from the Rate & Fee Schedule. *(page 35 redlines)*

The following items are included under **TAB 3:**

- Resolution 15-2018 Rate & Fee Schedule – *redlines*
- Resolution 15-2018 Rate & Fee Schedule – *clean version*
 - **MOTION:** *The Leavenworth City Council moves to approve Resolution 15-2018 Amending Rates and Fees.*

4. Chelan County Hazard Mitigation/Letter of Intent

The City of Leavenworth City Council is being asked to review and consider for approval a Letter of Intent to Participate in the Chelan County Hazard Mitigation Plan Update. The approval of the Letter of Intent would commit the City of Leavenworth to participate in the planning process and require the City to dedicate the necessary staffing resources in order to actively participate. A Hazard Mitigation Plan is necessary in order for the City to be in compliance with the Disaster Mitigation Act. Compliance also allows the City to access Federal Emergency Management funding, either in aid of disaster relief, or potential grant access for mitigation to reduce the probability of natural hazards. The planning effort is to develop and identify potential natural hazards that could potentially affect Leavenworth residents and/or businesses and to identify potential mitigation actions that could reduce the fallout from the natural hazards if and when they occur.

The Letter of Intent commits the City to participate, identifies the point of contact, and calculates the “in-kind” local match to the planning process. The planning process is approximately an 8 month period with an estimated 40 hours of staff time. The planning process includes the development of a draft plan, which will be presented and reviewed by the public. The expectation is that the City

Council will review and adopt the plan at the end of the planning process after reviewing the final draft plan.

The current Chelan County Mitigation Plan and information on the current planning efforts are available via the Chelan County Natural Resources Website:

<http://www.co.chelan.wa.us/natural-resources/pages/natural-hazard-mitigation-plan?parent=planning>

The following items are included under **TAB 4:**

- Planning Partner Expectations Information Sheet
- Level of Intent to Participate
- **MOTION:** *The Leavenworth City Council moves to approve and authorizes the Mayor to sign the Letter of Intent to Participate as a Planning Partner for the Chelan County Hazard Mitigation Plan-Update.*

5. Purchase of Athletic Field Lighting/Enchantment Park Field #3

The City Council is being asked to authorize the expenditure of funds for the purchase and installation of recreational sports lighting at a 30/20 FC Light Level for Field #3 (lower field) at Enchantment Park from Techline Sports Lighting in the amount of \$217,987 excluding any applicable tax. The proposal, specifications, and reference list is available within the packet materials. Techline Sports Lighting is listed on the Washington State Contracting list; therefore, the three (3) bid requirement does not apply. The proposal is for a total turnkey installation with the exception of the power supply, which will be the responsibility of the City to acquire in conjunction with the Chelan County PUD.

The proposal was reviewed by the Council at the August 14, 2018 Study Session as well as the Parks Committee meeting that was held on the same day. It was agreed at that time that the 30/20 FC Light Level versus 50/30 level would be adequate for the design function and purpose of the City Park. The next step that will need to be completed is a Conditional Use Permit (CUP) for the addition of athletic field lighting within Enchantment Park. Approval of this purchase will allow for the lighting specification to be included within the CUP Application.

This lighting project is one of the three (3) projects highlighted for funding through the recent passage the \$500,000 Park Bond in conjunction with the Waterfront Park Play Toy installation, which is currently in progress, and additional Enchantment Park ballfield improvements (drainage/grading) scheduled for 2019.

The following item is included under **TAB 5:**

- Techline Sports Lighting Proposal
- **MOTION:** *The Leavenworth City Council moves to authorize the expenditure of funds for the purchase and installation of recreational sports lighting at a 30/20 FC Light Level for Field #3 (lower field) at Enchantment Park from Techline Sports Lighting in the amount of \$217,987 excluding any applicable tax.*

6. Bid Award City Hall Replacement Roofing

The City Council is being asked to approve and award the Leavenworth City Hall Replacement Roofing Bid to Alpine Roofing, LLC in the amount of \$45,000 excluding any applicable taxes. Public Works solicited bids from five (5) additional local contractors from the Municipal Research & Services Center (MRSC) Small Works Roster; one (1) additional bid was received from Lyon's Construction & Roofing in the amount of \$46,158.49. Both bids and a list of solicited contractors are available within the packet materials.

Public Works recommends that the repair work be completed this year prior to winter snow fall. Leaks in the roofing have occurred in several areas over the past two (2) years; several attempts to correct the problems have failed. Facility Maintenance is concerned that additional structural damage may be occurring as a result of the leakage, which will potentially cause additional necessary repair work (in-house) prior to and in conjunction with the installation of the new roofing.

The funding source for this project will be the General Fund, Fund Balance.

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

- List of solicited bids
- Roofing Bids
- **MOTION:** *The Leavenworth City Council moves to award the Leavenworth City Hall Replacement Roofing Bid to Alpine Roofing, LLC in the amount of \$45,000 excluding applicable taxes.*

7. Rejection of Hwy. 2 HAWK Crosswalk Bids

The City Council is being asked to reject all bids received for project HLP-PB15(008), US 2 Crosswalks. The rejection is due to all bids exceeding the funds available for this project. Only one bid was received by the bid closing date in the amount of \$562,064 from NorthEast Electric, LLC. The engineers estimate of probable costs was \$413,502 for the project.

Additional funding is being sought through the Transportation Improvement Board (TIB) Sidewalk Program and staff will request reauthorization to bid this project in December 2018/January 2019.

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

- August 21, 2018 TDH Engineer's Recommendation
- **MOTION:** *The Leavenworth City Council moves to reject all bids received for Project HLP-PB15(008), US 2 Crosswalks.*