



City of Leavenworth

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TAB 1

City Council
Carl J. Florea - *Mayor*
Sharon Waters
Clint Strand
Jason Lundgren
Anne Hessburg - *Mayor Pro Tem*
Zeke Reister
Marco Aurilio
Vacant - Position #4

PLEASE TAKE NOTICE – RETURN TO IN PERSON MEETINGS

In consideration of the current COVID-19 pandemic restrictions being lifted in Washington State, the City Council returned to in person meetings beginning in April. At this time, we will continue to offer the zoom option for attendees that are not able to attend in person. We encourage all City Council and Staff to plan to attend in person, if possible. Staff will ensure hosting of the zoom 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. At this time, we continue to hold shorter scheduled meetings for Committee meetings and will provide updates as changes occur. We look forward to seeing you in person.

MEETING LINKS VIA ZOOM CONFERENCING August 9, 2022 Pacific Time (US and Canada)

Morning Study Session Begins at 8:30 AM

Join Zoom Meeting

<https://zoom.us/j/94135716155?pwd=bUNxRzRpSFh6V3RCUGtUaDZMa1VLdz09>

Meeting ID: 941 3571 6155

Passcode: 761860

Afternoon Committee Meetings Begins at 3:45 PM

Economic Development 3:45 – 4:30 PM * Parks 4:30 – 5:15 PM * Public Works 5:15 – 6:00 PM

Councilmembers will attend based on their specific assignments.

<https://zoom.us/j/92322578114?pwd=QXp0bzVRNWJwenhhRmxtM0R1cFcwdz09>

Meeting ID: 923 2257 8114

Passcode: 427111

Regular Evening Meeting Begins at 6:30 PM

Join Zoom Meeting

<https://zoom.us/j/96695682035?pwd=Q1I4UERhUkY0Z0RIT05nZFIEMDRRQT09>

Meeting ID: 966 9568 2035

Passcode: 181387

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://zoom.us/u/aesy1PYZGF>

LEAVENWORTH CITY COUNCIL AGENDA
Leavenworth City Hall – Council Chambers
August 9, 2022 – 6:30 PM

Call to Order

Flag Salute

Roll Call

Consent Agenda

1. Approval of Agenda
2. Approval of July 26, 2022 Regular Meeting Minutes
3. July 2022 Payroll \$364,554.73
4. 2022 Claims \$561,926.76
5. Leavenworth Farmer’s Market Noise Permit
6. Modification of Planning Commission Position No. 6 and Appointment Confirmation of Position No. 4

Comments from the Public on Items Not on the Agenda

Resolutions, Ordinances, Orders, and Other Business

7. Action: Professional Services Agreement – Gray & Osborne – Water System Plan Update
8. Action: Change Order No. 2 Smith Excavation – 14th Street Reconstruction Project
9. Action: Right of Entry & Use Agreement – Rob and Nancy Johnson Snow Storage Agreement
10. Action: Professional Services Agreement – PACE Engineers, Inc. – On-Call Services
11. Action: Housing Authority Affordable Housing Funding Request – Bavarian Village Apts.
12. Action: Cancel August 23, 2022 Regular Council and Subcommittee Meetings

Councilmember and Committee Reports

Mayor / Administration Reports

Information Items & Future Considerations

13. Economic Development Committee Agenda Items
14. Parks Committee Agenda Items
15. Public Works Committee Agenda Items
16. Development Services June & July Report
17. Reminder: All City Block Party & City Council Social

Adjournment

Council Committees – 2nd Tuesday

Economic Development 3:45 PM
Parks 4:30 PM
Public Works 5:15 PM

(Next Ordinance is 1661 – Next Resolution is 13-2022)

1. City Council Meeting Agenda:

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

2. Regular Meeting Minutes – 7/26/2022:

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

3. July 2022 Payroll:

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

4. 2022 Claims:

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

5. Leavenworth Farmer’s Market Noise Permit

The City Council is being asked to approve a noise variance for the Leavenworth Community Farmer’s Market to allow for amplified music over the levels established in LMC Chapter 9.33 regarding public disturbance noise regulations. The request is for 20 decibels over the permitted levels on Thursdays at the Farmers Market from 4:00 PM – 9:00 PM.

On March 22, 2022, the City Council approved a noise variance for the period of June 3 – August 25, 2022; this is an extension of that permit to cover the remainder of the market season. As a note, this is the second season that the market has operated with a noise variance and they have received no complaints.

Prior to requesting this noise variance, Farmers Market Staff tested the noise levels created by playing amplified music at the Cascade School District parking lot, which is the location of the Farmers Market. They found that the amplified music was typically 5 – 10 decibels over what is allowed in the residential district. Executive Director Cali Osborne and Board President Lauren Peterson have drafted a letter to the Council that details these findings, as well as providing additional information on their “Summer Music Series”.

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

- Compliance Analysis – Special Use Permit, Letter of Request and Special Use Permit Agreement

6. Modification of Planning Commission Position No. 6 and Appointment Confirmation Position No. 4

LMC 2.40.010 states that all Planning Commission members shall be appointed by the Mayor with confirmation by the City Council. Members of the Leavenworth Planning Commission shall reside within the city limits of Leavenworth, except that up to two members may reside outside the city

limits of Leavenworth, provided they reside within the urban growth area as depicted by the Leavenworth comprehensive plan.

The Leavenworth Municipal Code does not require any one position be designated in the UGA or City. So, this spring Commissioner Forsyth moved from the City to the UGA during a time when we had an open UGA position; his position was re-assigned from the City to the UGA.

Position	Name	City/UGA	Expiration	Appointed	Reappointment
1	Steven Booher	City	Apr 2026	2019	
2	Kenneth Renner-Singer	City	Apr 2023	2021	Changed from UGA position to City position in 2021
3	VACANT	City	Apr 2024		
4	VACANT	UGA	Apr 2025		
5	Angela Harrison	City	Apr 2025	2020	
6	Colin Forsyth	UGA	Apr 2026	2020	Changed from City position to UGA position spring of 2022
7	Alison Miller	City	Apr 2026	2020	

Planning Commission Position No. 4: Pete Olson’s last Planning Commission meeting was July 6, 2022 after fourteen years of dedicated service. At this time, the Mayor is seeking confirmation of appointing of Drew Foulk to fill this vacancy.

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

- Letter of Interest Submitted by Drew Foulk

SUPPLEMENTAL COUNCIL AGENDA

7. Professional Services Agreement – Gray & Osborne – Water System Plan Update

The City Council is being asked to approve a Professional Services Agreement with Gray & Osborne, Inc. to update the City’s Water System Plan (WSP). Gray & Osborne, Inc. was selected as the most qualified consulting firm for this project. Three (3) consulting firms were selected from the City’s MRSC-managed Consultant Roster. The selection committee comprised of City staff interviewed all firms and determined Gray & Osborne to be the most qualified.

The Water System Plan will be prepared to meet the requirements of WAC 246-290-100. The Washington Department of Health changed the water system planning regulations to allow for water plans to be valid for a longer period; specifically, plans can now be valid for up to 10 years. Consequently, the water system plan will be written to allow for a 10-year Plan. This project will be funded with City’s Water Fund. There is capacity in the Water Fund budget due to reprioritizing project design funding; therefore, a budget amendment will not be necessary to fund this project.

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

- Professional Services Agreement – Gray & Osborne, Inc.

- **MOTION:** *The Leavenworth City Council moves to approve and authorizes the Mayor to sign the Professional Services Agreement with Gray & Osborne, Inc. in an amount not to exceed \$155,000.*

8. Change Order No. 2 – Smith Excavation - 14th Street Reconstruction Project

The City Council is being asked to approve Change Order No. 2 associated with the 14th Street Reconstruction Project. Change Order No. 2 reconciles quantity under/overruns and increases the construction contract amount due to minor changes. The amount associated with Change Order No. 2 is 32,148.60. A summary of Change Order No. 2 can be found in the attached materials; however, the main reasons for cost increases were due to unforeseen rock excavation and disposal, unlocated water and sewer utilities, increased asphalt tonnage due to expanding pavement area, and replacing business access ramps resulting from elevation issues. The cost of Change Order No. 2 will be supported by both Street and Water Funds due to both bid schedules being impacted. There is adequate funding in both funds; therefore, a budget amendment is not required.

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

- 14th Street Reconstruction Change Order No. 2 for Smith Excavation
 - **MOTION:** *The Leavenworth City Council moves to approve and authorizes the Mayor to sign Change Order No. 2 for Smith Excavation associated with the 14th Street Reconstruction Project in the amount of \$32,148.60.*

9. Right of Entry & Use Agreement – Rob and Nancy Johnson Snow Storage Agreement

The City Council is being asked to approve a Right of Entry and Use Agreement with Robert and Nancy Johnson for snow storage on the Johnson property located near 9th Street and Main Street. The City has had agreements with the Johnsons for snow storage at this location beginning in 2008. The most recent agreement was negotiated in 2016 and Mr. Johnson submitted a written notice in January 2022 cancelling the 2016 agreement for the purposes of renegotiating terms. This new agreement is for a period of two (2) years and shall automatically renew at one (1) year periods under the same terms. The cost of this new agreement is \$12,000 annually for each year that this agreement is in effect. For reference, the fee associated with the 2008 agreement was \$10,000 annually, then decreased to \$8,000 for the most recent 2016 agreement.

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

- Right of Entry and Use Agreement for Snow Removal
 - **MOTION:** *The Leavenworth City Council moves to approve and authorizes the Mayor to sign the Right of Entry and Use Agreement with Robert and Nancy Johnson for a not to exceed annual cost of \$12,000.*

10. Professional Services Agreement – PACE Engineers, Inc. – On-Call Services

The City Council is being asked to approve an agreement with PACE Engineers, Inc for surveying services. Development Services and Public Works requested statements of qualifications for a land

surveyor in March, using the MRSC rooster lists. PACE was the sole respondent and was qualified to perform the work. The purpose of this contract is to identify and locate the boundary of street rights-of-way and other public facilities.

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

- Professional Services Agreement – PACE Engineers, Inc.
 - **MOTION:** *The Leavenworth City Council moves to approve and authorizes the Mayor to sign the Professional Services Agreement for PACE Engineers, Inc to complete on-call land surveyor tasks not to exceed \$25,000.*

11. Housing Authority Affordable Housing Funding Request – Bavarian Village Apts.

The Housing Authority of Chelan County and the City of Wenatchee has recently purchased the Bavarian Village Apartments, the only affordable apartments in Leavenworth available to the general population. They have also secured a grant to begin the process of renovation, (Phase One - which covers health and safety and exterior items). However, while this grant requires that the interior of the three ADA units be included in this first phase of renovation, the grant does not allow for any of the relocation costs associated with the interior renovations of those units be covered by the grant. The Housing Authority is requesting a grant from the City to cover those relocation costs so Phase One can begin. The State grant cannot be received until the renovation plan is in place. They are asking for a maximum of \$33,006.30 for this. There is a chance that one or more of the current tenants would have a less expensive option available to them that could bring this cost down (if they do not need a hotel room, they bump up the per diem offered to them as incentive and that is where there is some potential savings). This would potentially come from the two funds we have that are specifically restricted for affordable housing independent of the general fund dollars we have set aside in the past two years. These are the 2060 Fund (that is derived from filing fees), which currently has \$31,301.58 available, and the State Sales Tax Diversion Fund, which currently has \$33,069.40 available. This was brought to the Housing Committee who recommended passage. However, at that presentation the estimated maximum was over \$49,000. Since that time a mistake was discovered in the spreadsheet formula that dropped the maximum by over \$16,000. (That's the kind of mistake we like to see!)

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

- A Summary of the Relocation Budget
 - **MOTION:** *The Leavenworth City Council moves to approve and authorizes the Mayor to sign, an affordable housing grant agreement with the Housing Authority of Chelan County and the City of Wenatchee as reimbursement for relocation costs incurred for the three ADA units of the Bavarian Village Apartments in an amount not to exceed \$33,006.30.*

12. Cancel August 23, 2022 Regular Council and Subcommittee meetings

Due to lack of action items for the Council and the annual Block Party this week the Council is presented with this motion to consider cancellation of the August 23, 2022 Council meetings. The

Council may also choose to cancel the Downtown Steering Committee meeting and should include this in the motion if desired.

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

- **MOTION:** *The Leavenworth City Council moves to cancel the August 23, 2022 City Council meeting and subcommittee meetings.*

COMMITTEES, INFORMATION ITEMS & FUTURE CONSIDERATIONS

13. Economic Development Committee Agenda Items

This item is included under **TAB 13.**

14. Parks Committee Agenda Items

This item is included under **TAB 14.**

15. Public Works Committee Agenda Items

This item is included under **TAB 15.**

16. Development Services July Report

This item is included under **TAB 16.**

17. Reminder: All City Block Party & City Council Social

This is a friendly reminder to the Community that we will host the 2nd All City Block Party & City Council Social at Orchard Street and Osborn Elementary in conjunction with our local Farmer's Market on Thursday, August 25, 2022 from 4:00 – 8:00 PM.

There are no items included under **TAB 17.**