



City of Leavenworth

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City Council
Cheryl K. Farivar - *Mayor*
Peter D. DeVries
Tibor Lak
Michael Molohon
Elmer Larsen
Robert Francis - *Mayor Pro-Tem*
Larry Meyer
Carolyn Wilson
Joel Walinski - *City Administrator*

LEAVENWORTH CITY COUNCIL AGENDA

Leavenworth City Hall - Council Chambers
January 24, 2012 - 6:00 p.m.

Call to Order
Flag Salute
Roll Call

Council Committees -4th Tuesday -
Econ. Dev. 4:00 Finance 5:00

Consent Agenda

1. Approval of Agenda
2. Approval of January 10, 2012 Regular Meeting Minutes and Study Session Minutes
3. 2011 Final Claims \$139,430.98
4. 2012 Claims \$276,938.58
5. December Payroll \$14,916.39 (Quarterly Unemployment & L&I)

Public Safety Reports

Councilmember and Committee Reports

Mayor/Administration Reports

Public Presentation:

Introduction of Mr. Stan Morse, City of Chelan
Richard DeRock from Link Transit

Public Hearing: Annexation Request @ 6:30 PM

Resolutions, Ordinances, Orders and Other Business

- | | |
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| Action | 1. Motion to Approve or Reject the Annexation Request |
| Action | 2. Community Development Block Grant Application Varela & Associates – Joel Walinski |
| Action | 3. Motion to Set Public Hearing for CDBG Grant Application on February 14, 2012 – Chantell Steiner |
| Action | 4. Approval of Front Street Plans and Specification/Authorization for Bid – Dave Schettler |
| Action | 5. Front Street Change Order #2; Stormwater/Intersection Modification – Dave Schettler |
| Action | 6. Motion to set a Public Hearing for the Park & Recreation Plan on February 14, 2012 – Nathan Pate |
| Action | 7. Ordinance 1408 Amending LMC Chapter 10.08 Parking Regulations – Nathan Pate |
| Action | 8. Parking Resolutions – Joel Walinski & Nathan Pate |
| | a) Creating Municipal Parking Lot Fees |
| | b) Parking Restrictions |
| Action | 9. eCivis Grant Seeking Program – Joel Walinski |
| Action | 10. Motion for Council to Confirm the Mayor's Appointments to the Planning Commission- Mayor Farivar |
| Action | 11. Ordinance 1407 Amending LMC Chapter 2.04 City Council – Joel Walinski |
| Action | 12. Resolution 1-2012 Amending Council Rules of Conduct – Joel Walinski |
| Action | 13. Motion for Council to Approve the Mayor Pro-Tempore's Appointments to the City Council Standing Committee and Ad Hoc Committee Assignments – Mayor Pro-Tempore |

Information Items for Future Consideration

- "Meadowlark" Planned Development Discussion Work Session February 14, 2012
- Special Work Session: Parking Discussion Feb. 28, 2012 Festhalle

Comments from the Public on Items Not on the Agenda

Adjournment

(Next Ordinance is 1409 - Next Resolution is 4-2012)

SUPPLEMENTAL COUNCIL AGENDA

Public Hearing: Annexation Request @ 6:30 PM

The City Council is being asked to conduct a public hearing for the requested annexation inviting interested persons to appear and voice approval or disapproval of the annexation. During the City Council Hearing, the City Council: gives proponents and opponents an opportunity to speak; and the City Council decides whether to approve the annexation. If the Council decides to approve, the Council must enact an ordinance (motion) tentatively scheduled for February 14th 2012 to annex the territory. The Council may annex all or any portion of the area proposed for annexation, but may not include any property not described in the annexation petition. In the event the Council votes to reject the annexation, the Council may motion to deny the annexation.

1. Motion to Approve or Reject the Annexation Request

• **MOTION:** *The Leavenworth City Council moves to annex the property described as (abbreviated) herein as the Upper Valley MEND, Titus LLC, Agnew/Hebert, and Duncan properties described as:*

1. *Parcel # 241701550135 - EMIG PARKs LOT 22s & 23s with 14 acres.*
2. *Parcel # 241701550153 - EMIG PARKs LOT 26s L B BA06-104,L B BA05-133s with 5.5000 acres.*
3. *Parcel # 241701550111 - EMIG PARKs PT LOT C BLA 2008-111 (TAX CODE/ANNEXED); LC BA06-122 LESS ANNEXED STRIPs with 0.3600 acres*
4. *Parcel # 241701550155 –EMIG PARKs LOT 26s BA# 2005-133 LOT As with 3.9000 acres.*

And further, the Leavenworth City Council moves to retain the existing zoning; require transfer of water rights; require the assumption of all or any portion of existing city indebtedness by the area to be annexed; and adopt Ordinance No. 1409 (or otherwise numbered) for such annexation.

• **MOTION:** *The Leavenworth City Council moves to deny the annexation request for properties described as (abbreviated) herein as the Upper Valley MEND, Titus LLC, Agnew/Hebert, and Duncan properties described as:*

1. *Parcel # 241701550135 - EMIG PARKs LOT 22s & 23s with 14 acres.*
2. *Parcel # 241701550153 - EMIG PARKs LOT 26s L B BA06-104,L B BA05-133s with 5.5000 acres.*
3. *Parcel # 241701550111 - EMIG PARKs PT LOT C BLA 2008-111 (TAX CODE/ANNEXED); LC BA06-122 LESS ANNEXED STRIPs with 0.3600 acres*
4. *Parcel # 241701550155 –EMIG PARKs LOT 26s BA# 2005-133 LOT As with 3.9000 acres.*

2. Community Development Block Grant Application Varela & Associates

The City Council is being asked to approve a contract agreement with Varela & Associates to assist the City and Upper Valley MEND in completing and submitting the Community Development Block Grant (CDBG) Application in conjunction with Upper Valley MEND “Meadowlark” Development project. The City will utilize existing funds available from the Affordable Housing Surcharges to offset the costs of the contract amount. The contract amount is for \$10,590, this is a not to exceed amount billed on an hourly basis. Upper Valley MEND has agreed to fund one half the costs for this contract amount. The City will use the standard Professional Services Agreement document which has been approved by the City Attorney. A scope of services with a defined roles and responsibilities for completing the CDBG Grant Application is included in section 2 of the packet material. The Varela Scope and Cost estimate is also included for your review.

Currently there is \$15,859 available of funds from the Affordable Housing Surcharges with an estimated additional \$5,000 to be received throughout 2012. The 2012 City Budget did include \$16,000 in the 2012 budget to assist Upper Valley MEND, primarily focused on this project, although the expenditure has not been specifically designated at this time. As noted in previous discussions, the CDBG grant application and grant award are key components in the financing package and success of the “Meadowlark” affordable housing development. The staff recommendation for this contract and expenditure would be to approve the expenditure and authorize the use of the Affordable Housing Surcharge funds for the City’s portion of this contract expenditure. The expenditure of the remaining funds could be utilized in other efforts made by the City to help ensure the success of this project.

- **MOTION:** *The Leavenworth City Council moves to approve and authorizes the Mayor to sign a contract agreement with Varela & Associates in the amount of \$10,590 to complete the Community Development Block Grant Application. Furthermore the City will utilize the Affordable Housing Surcharge funds in the amount of \$5,295 with the other \$5,295 being reimbursed to the City by Upper Valley MEND.*

3. Motion to Set Public Hearing for CDBG Grant Application on February 14, 2012

The City Council is being asked to set a Public Hearing in regards to the Community Development Block Grant (CDBG) applications. CDBG funding is being considered for the extension of water and sewer utilities to the properties included in the “Meadowlark” Affordable Housing Development. As part of the process for applying for a CDBG Grant, a public hearing must be administered. In addition, passage of a resolution for compliance with the grant rules and a resolution setting formal grievance procedures in place must be outlined and application information must be provided. Each of these required documents will be presented and made available at the public hearing. At this time a motion would only be necessary to set the public hearing.

- **MOTION:** *The Leavenworth City Council moves to set a public hearing for the CDBG Grant Application in relation to the Meadowlark Development on February 14, 2012 at 6:25 p.m.*

4. Approval of Front Street Plans and Specification/Authorization for Bid

The City Council is being asked to approve the plans and specifications for the Front Street Reconstruction and authorize the public bid of this project. The engineered plans and specifications for the “Downtown Leavenworth Street Reconstruction Project, Phase II” project have been approved for bidding by both WSDOT and the Transportation Improvement Board (TIB) and final edits are ready by Hammond Collier PACE for the Call for Bids Advertisement. The proposed construction schedule for this project was presented to City Council in study session on January 10, 2012 and the Council’s comments regarding the Contractor’s Incentive and the date for physical completion shall be incorporated into the specification bid package. The revised project construction schedule is attached for review in section 4. The engineer’s estimated cost of construction is \$1,930,950. The Public Works Director, Dave Schettler, recommends this project for bid advertisements. This project has been awarded funding of \$800,000 from TIB and it is anticipated that the additional project funding will be provided through a PWTF low interest loan which will be considered for legislative approval in March 2012.

- **MOTION:** *The Leavenworth City Council moves to approve the Front Street Plans and Specifications and authorizes staff to proceed with the bid advertising.*

5. Front Street Change Order #2: Stormwater/Intersection Modification

Intersection Modification Change Order: The “Downtown Leavenworth Street Reconstruction Project , Phase II” engineered plans required the intersection of Division and Front Streets to be reconfigured to accommodate a traffic entrance to the fruit warehouse lower parking lot area. This redesign of these intersection improvements was necessary to accommodate the City’s new lease for the fruit warehouse property and associated parking improvements the City may construct for that parking location. The associated change order as a supplement agreement to the engineer, Hammond Collier PACE, for the intersection redesign is for \$5,596 (see attached Task 8.20 in Exhibit A-1 located in section 5 of the packet).

Stormwater Modification Change Order: The City has requested that the Public Works Trust Fund (PWTF) approve the City of Leavenworth for a low interest loan for project construction funding for the “Downtown Leavenworth Street Reconstruction Project, Phase II”. A PWTF requirement for this funding is the use of stormwater bioinfiltration, bioswale or best management practices for stormwater controls following the Stormwater Management Manual for Eastern Washington. In order for this requirement to be met for the PWTF loan the engineered plans require a change in scope to their design fee associated with stormwater treatment modifications. Hammond Collier PACE fees for this design change order are for \$23,388 as shown in the attached Exhibit A-1, Task 8.21 located in section 5 of the packet. The City has heard favorable remarks from PWTF staff that it is very likely that this request for construction funding as a PWTF loan will likely be approved by the State Legislature in March, if the City does receive the approved funding the engineering and construction for stormwater treatment will need to be added to this project scope. At this time, however, we are still defining the scope and type of treatment necessary to meet the PWTF requirements.

It is recommended by the City Administrator and the Public Works Director that Task 8.20 the intersection redesign for a cost of \$5,596 be approved by City Council. The stormwater Task 8.21 is still currently in process of being negotiated to get a better price so it is recommended by the City Administrator and the Public Works Director that Task 8.21 not be approved at this time.

- **MOTION:** *The Leavenworth City Council moves to approve the Front Street Change Order #2 for the Intersection Modifications, Exhibit A-1, Task 8.20 in the amount of \$5,596.*

6. Motion to set a Public Hearing for the Park & Recreation Plan on February 14, 2012

The City Council is being asked to schedule a Council Hearing on the Parks Plan for February 14th. This hearing is for the review of the final Parks and Recreation Plan, as recommended for adoption by the Planning Commission, and to receive any additional public comments. The final adoption of the Parks and Recreation Plan is by ordinance tentatively scheduled for February 28th. Please note that the time originally recommended for 6:30 pm can be modified per motion.

- **MOTION:** *The Leavenworth City Council moves to set a public hearing for the Park and Recreation Plan on February 14, 2012 at 6:15 p.m.*

7. Ordinance 1408 Amending LMC Chapter 10.08 Parking Regulations

The City Council is being asked to adopt amendments to LMC Chapter 10.08. These amendments allow the City to operate a paid parking lot and moves the parking restrictions (“no parking”, timed

parking, and loading zones) from the LMC to a Council Resolution. This ordinance allows the Council to change parking needs and demands without altering the LMC and provides a revenue generation opportunity to recover costs of improvements to parking. A redline version and clean version with the changes accepted are both provided in section 7 of the packet.

- **MOTION:** *The Leavenworth City Council moves to adopt Ordinance 1408 amending the Leavenworth Municipal Code Chapter 10.08 Parking Regulations.*

8. Parking Resolutions

a). Resolution 2-2012 – Creating Municipal Parking Lot Fees

The City Council is being asked to adopt Resolution 2-2012 which is a municipal parking lot fee structure. At this time the resolution specifies a five dollar (\$5.00) per day fee and a ten dollar (\$10.00) per day fee for the weekend and/or festival rate. These fees can be reviewed and changed by resolution as the City Council begins to develop a more comprehensive parking plan. At this time staff recommends approving the resolution so parking fee rates can be posted and collected at the Fruit Warehouse Parking Lot.

- **MOTION:** *The Leavenworth City Council moves to approve Resolution 2-2012 Creating Municipal Parking Lot Fees.*

b.) Resolution 3-2012 – Parking Restrictions

The City Council is being asked to approve Resolution 3-2012 which identifies the locations for “no parking”, timed parking, and loading zones within the City. These locations were pulled directly from the current LMC 10.08 Parking Regulations which previously had identified these locations. These locations can be reviewed and changed by resolution as the City Council begins to develop a more comprehensive parking plan. A copy of both resolutions is provided in section 8 of the packet.

- **MOTION:** *The Leavenworth City Council moves to approve Resolution 3-2012 to Designate Portions of Streets of the City and Property of the City as Prohibited Parking Areas, Restricted Parking Zones, Municipal Parking, and/or Paid Parking Spaces.*

9. eCivis Grant Seeking Program

The City Council is being asked to authorize the City Administrator to enter into a subscription service agreement with eCivis. eCivis is a grants network company that provides software and tools for organizations to research and access grants, write and submit applications, and track and report on grant results. To access these resources the City would enter into a subscription agreement for a three year term; the cost per year would be \$2,869. This subscription provides use with access to the grants network, which includes a sorted list of government grants the City may be eligible for. It also provides access to a filtered data base of foundation grants that the City may also compete for. The City would also have access via the internet to Grant Network: Knowledge Base, which is additional information and training on writing and submitting grant applications. The Master Subscription and Service Agreement is included in section 9 of the packet material, also included is additional general information on eCivis Grants Network. For more information, the website www.ecivis.cm can provide more information on this agency.

The City Administrator recommends approving this subscription agreement. Having used this software and data base previously, it is a useful and cost effective tool for identifying grants that the

City may be able to compete for and making good use of staff time. It removes several of the hours in searching for grant programs and helps streamline the application process.

- **MOTION:** *The Leavenworth City Council hereby moves to approve a subscription contract with eCivis Grants Management Network for a period of three years at a cost of \$2,869 annually and authorizes the Mayor to sign the agreement.*

10. Motion for Council to Confirm the Mayor's Appointments to the Planning Commission

Two Planning Commission positions are vacant and a recruitment process was necessary to ensure quorums could be maintained. The recruitment started in October of 2011 to appoint Positions 2 and 5. 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 or own property within the urban growth area as depicted by the Leavenworth Comprehensive Plan. Mayor Farivar has received letters of interest from seven members of the public. She has evaluated each of the letters of interest, conducted interviews, and deliberated on the selection of two members, and has appointed Charles B. Reppas and Lester Nunn to the vacant Planning Commission positions. Mayor Farivar has provided the following brief comments in support of her decision:

- Charles B. Reppas, CPA, brings to the Planning Commission 25 years of experience in all areas of development, both large projects and small. This deep background will offer an additional private sector perspective to the Leavenworth Planning Commission.
- Lester Nunn, owner of Café Verona, is a long time resident and business owner in the upper valley. As a downtown business owner, Mr. Nunn will round out the Planning Commission with a fresh viewpoint from the central downtown core area.

In addition, Andy Lane, seated Planning Commissioner for Position No. 3, is being reappointed by the Mayor. His position expires in April of this year, and Mayor Farivar has reappointed Andy at this time in advance of his expiration to the position.

Finally, Mayor Farivar re-affirms and/or re-appoints (as applicable) the appointments of: Marshall West to Planning Commissioner for Position No. 1 (or for the remainder of his term); Pete Olson to Planning Commissioner for Position No. 4 (or for the remainder of his term); Larry Hayes to Planning Commissioner for Position No. 6 (or for the remainder of his term); and Anne Hessburg to Planning Commissioner for Position No. 7 (or for the remainder of her term).

An table of the appointed and filled Planning Commission seats is provided in section 10 of the packet information.

- **MOTION:** *The Leavenworth City Council moves to confirm the Mayoral appointments of Lester Nunn and Chuck Reppas to the Leavenworth Planning Commission, and Mayoral reappointment of Andy Lane.*

11. Ordinance 1407 Amending LMC Chapter 2.04 City Council

The City Council is being asked to adopt Ordinance 1407 amending the Leavenworth Municipal Code Chapter 2.04 City Council. These changes are recommended as a result of the discussion of the City Council at the January 2012 Work Session. Several items were addressed:

- Correction of the schedule for Council regular work session which is the 2nd Tuesday of each month.
- Removal of the word “future” in **2.04.010 Work Session – Purpose.**
- Removal of the cancellation of the second meeting in February and in July. The council can opt at any time to cancel a meeting date.

A full copy of Ordinance1407 with the highlighted changes is provided in section 11 of the packet information.

- **MOTION:** *The Leavenworth City Council moves to adopt Ordinance 1407 amending the Leavenworth Municipal Code Chapter 2.04 City Council.*

12. Resolution 1-2012 Amending Council Rules of Conduct

The City Council is being asked to approve Resolution 1-2012 which are the Council Rules of Conduct. Changes to the document were discussed at the January Work Session. The two areas of change are in Section 8; the discussion on work sessions, and in Section 14; clarity on removal of an item from the Consent Agenda. These changes would be consistent with the changes made in Ordinance 1407. A full copy of Resolution 1-2012 with the highlighted changes is provided in section 12 of the packet information.

- **MOTION:** *The Leavenworth City Council moves to approve Resolution 1-2012 amending the Council Rules of Conduct.*

13. Motion for Council to Approve the Mayor Pro-Tempore’s Appointments to the City Council Standing Committee and Ad Hoc Committee Assignments

The City Council is being asked to review and approve the recommendation of committee members and Ad Hoc Committee members being brought forward by the Mayor Pro-Tempore Bob Francis. As defined in Resolution#13-2008, which will be considered for re-confirmation in Resolution 1-2012 (Council Agenda Item #12) Section 4 and Section 5 outline the policy and procedures:

Section 3. Selection of Mayor Pro Tempore. The Mayor Pro Tempore is elected by the Council from its own membership at the first meeting after each General Election and thereafter whenever a vacancy occurs. The Mayor Pro Tempore shall hold office at the pleasure of the Council.

Section 4. Assignment to Standing Committees. Alignment of standing committees of the Council shall be recommended by the Mayor Pro Tempore when newly-elected members take office. Membership on committees shall be appointed by a majority vote of the Council. Membership on standing committees may be realigned at the discretion of the Mayor Pro Tempore with confirmation by the Council. Standing Committees shall appoint their own chairpersons.

The Mayor Pro-Tempore recommendations are included as an attachment in section 13 of the packet material.

- **MOTION:** *The Leavenworth City Council moves to approve the Mayor Pro Tempore’s appointments to the City Council Standing Committee and Ad Hoc Committee Assignments.*