



City of Leavenworth

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City Council
Elmer Larsen - *Mayor*
Peter D. DeVries
Tibor Lak - *Mayor Pro-Tem*
Michael Molohon
Robert Francis
Cheri Kelley Farivar
Larry Meyer
Vacant Council Position
Joel Walinski - *City Administrator*

LEAVENWORTH CITY COUNCIL AGENDA

Leavenworth City Hall - Council Chambers
September 27, 2011 - 6:00 p.m.

Call to Order

Flag Salute

Roll Call

**Council Committees -4th Tuesday –
Moved Date to September 26, 2011**

Econ. Dev. 4:00 Finance 5:00

Consent Agenda

1. Approval of Agenda
2. Approval of September 13, 2011 Study Session Minutes
3. Approval of September 13, 2011 Regular Meeting Minutes
4. Claims \$234,162.77

Public Safety Reports

Councilmember and Committee Reports

Mayor/Administration Reports

Resolutions, Ordinances, Orders and Other Business

- | | |
|--------|--|
| Info | 1. Autumn Leaf Association Funding Request – Ed Rutledge |
| Action | 2. Authorize Mayor to Finalize and Sign for the Purchase of the Recycle Property (CC Parcel #27718) |
| Action | 3. Contract with Chelan County Sheriff – Joel Walinski |
| Disc | 4. Charging Station Ground Lease Agreement with AeroVironment – Joel Walinski |
| Action | 5. Motion to Purchase Street Sweeper – Dave Schettler |
| Action | 6. Reimbursement Resolution 17-2011 for the LOCAL Program Street Sweeper – Chantell Steiner |
| Action | 7. Motion to Set Public Hearing on Ad Valorem Tax on October 25 th @ 6:15 PM – Chantell Steiner |

Information Items for Future Consideration

Comments from the Public on Items Not on the Agenda

Executive Session: 42.30.110(1) (g) City Administrator Annual Review

Adjournment

(Next Ordinance is 1399 - Next Resolution is 18-2011)

SUPPLEMENTAL COUNCIL AGENDA

1. Autumn Leaf Association Funding Request

Mr. Ed Rutledge, President of the Autumn Leaf Festival had requested for an opportunity to meet with the Council to discuss the funding necessary for holding and participating in the Autumn Leaf Festival. No action is requested from the Council this evening.

2. Authorize Mayor to Finalize and Sign for the Purchase of the Recycle Property (CC Parcel #27718)

The City Council is being asked to authorize the Mayor to sign the closing documents for the purchase of Chelan Count Parcel Number 27718, currently referred to as the “recycling property.” The purchase price of the property is two hundred and seventy five thousand (\$275,000) dollars. An additional four hundred and thirty seven dollars and twelve cents (\$437.12) will be spent on the cost of escrow fees, recording fees, and the Mosquito Control portion of the County Property tax. The property will be purchased with the following funding break outs:

Garbage Fund	\$80,000
Sewer Fund	\$80,000
Water Fund	\$25,000
PW/Street Fund	\$20,000
Recycling SWAC Grant	<u>\$70,000</u>
	275,000

Additional expenditures for this acquisition, which include the appraisal and Phase I Environmental Site Assessment, were split among the funding sources.

The .71 acre property is located to the northwest of the City of the City Public Works Facility. It fronts US Hwy 2 and is also bordered by a residential property and a commercial business. Access to the property is limited at this time, Washington DOT recommends limiting the access to a right in right out access to Hwy. 2 A property location map is included as Attachment #1 in section 2 of the packet.

A summary appraisal of the property was completed by Pacific Appraisal Associates on June 9, 2011 which provided an estimated market value of \$309,500. A Phase I Environmental Site Assessment was completed by V Environmental on August 14, 2011 for Forsgren & Associates with no recommendations on further environmental investigations at this time. The City also received a copy of the land survey of the property completed and recorded by Forsgren & Associates in 2002. The City Attorney has reviewed the purchase agreement and closing documents. Mr. Mike West of Prudential Mike West Real Estate represented the City in the negotiations for the purchase of this property. These documents identified above are available for your review at City Hall. The closing documents are included in Section 2 for your review.

The City’s acquisition of this property is for the long term site development of the City’s Sewer Facility and Public Works Facility. In the immediate future the acquisition of this property provides the City with additional necessary space at the Public Works Facility to develop a Recycling Drop Off Center accessed off of 14th Street. The planning for this development will continue this fall/winter and be constructed and operational by next summer.

The recommendation at this time is for approval of the property purchase.

- **MOTION:** *The Leavenworth City Council approves the purchase of Chelan County Parcel #27718 and authorizes the Mayor to sign the necessary closing documents.*

3. Interim Contract with Chelan County Sheriff

The City Council is being asked to review and discuss the pending Public Safety Contract with the Chelan County Sheriff's Department. Chelan County notified the City providing a twelve month notice to terminate the Public Safety Contract with Chelan County. As of October 1, 2011 the City will not have police services. The City began negotiations with Chelan County regarding the public safety contract in March of 2011 and has had several negotiation meetings since that time. The County Commissioners' met on September 12th, 2011 and provided the City with a proposal for police services. The City met with the County and provided a counter proposal on September 14, 2011. City was notified though on Friday September 23, 2011 that the County Commissioners "did not agree to make any substantive change in our contract offering". Attached is the original contract proposal from the Chelan County Commissioners of September 12, 2011.

Background Information:

The City is required by state law to have a Chief Law Enforcement Officer. Currently the County Sheriff assumes that role by contract. The level, however of ordinance enforcement and the personnel necessary to accomplish that task is not specified within the RCW. In terms of enforcement, a licensed peace officer is necessary for the enforcement of the City ordinance. A limited commissioned officer may be used to enforce parking, traffic and nuisance ordinances. Police Service is a primary City service and the City does have a responsibility in providing the level of service necessary to keep its residents and visitors "safe".

Listed below is a summary of the information that was provided by City Attorney Thom Graafstra and his staff regarding the question on the level of Police Services the County would perform in the City of Leavenworth without a contract.

- A. Generally the County Sherriff and the City Police have concurrent jurisdiction to respond to, investigate and arrest within the City limits in that County – for State Crimes in the RCW.
- B. The Sheriff will not have authority to respond to, investigate and arrest for those crimes that are municipal ordinance only.
- C. Leavenworth does not have a police department so there is not likely a mutual aid agreement - where jurisdictions can back each other up and respond to each other's calls - particularly related to Municipal Code crimes.
- D. County Sherriff will respond to serious reported events and crimes within City limits. These would likely be violations of state law for felonies, violent crimes, DV crimes that are occurring, DUI's that are occurring, and crimes where people are in serious danger. In short you could expect them to respond to emergency or dangerous calls where persons are in danger. The City will probably be billed at a higher rate than the contract for this "Emergency Police Services".
- E. The County Sheriff probably will not respond to any Leavenworth municipal code cases, or non-emergency, no-danger types of calls. Such as Calls for cold DV cases days old where there is no danger, old thefts, shoplifts.

- F. The City will need to consider the potential liability for allowing a police services contract to lapse if a “non-emergency call” turns violent and law enforcement does not respond timely or at all.
- G. The WCIA may have to take some action towards the City if it has no police contract or police department. It seems like, given the state law, that there is huge potential liability for Leavenworth – and probably for Chelan County but in a bad law suit fingers would point at Leavenworth. The WCIA does not have a required level of police service however.

The City Council is being asked to provide direction on proceeding with the contract negotiations and providing police service within the City of Leavenworth.

4. Charging Station Ground Lease Agreement with AeroVironment

The City was notified on September 19, 2011 that it was selected as a site location for participation in the “West Coast Green Highway/Electric Highway Program”. An Electric Vehicle Charging Station with Level 2 and Level 3chargers will be installed at the City Hall parking lot as part of this Project. From the “Green Highway” project website:

- Charging Stations will be located every 40 to 60 miles along stretches of I-5 between the Canadian border and Everett and between Olympia and the Oregon border, as well as along US 2 between Everett and Leavenworth.
- Seed funding for the “Green Highway Project” of \$1.32 million is provided by the U. S. Department of Energy with American Recovery and Reinvestment Act dollars administered by the Department of Commerce through the State Energy Program.
- Through a competitive contract award process, AeroVironment was selected to manufacture, supply, install and operate a network of nine fast-charging stations for electric vehicles. The fast-charging stations will be operational by Nov. 30, and will power an electric vehicle from zero to fully charged in less than 30 minutes.
- Each station also will include a Level 2 "medium-speed" charger which will cost less for users and take up to four to six hours for a full charge.
- Currently the State of Washington, Washington Department of Transportation, Chelan PUD, and AeroVironment are in discussion on the user fees associated with the charging stations.

The charging station equipment, sign, and electrical work will be installed at no charge to the City of Leavenworth. To move forward on the project though, the City will need to enter into a “land use lease agreement” with AeroVironment concerning the installation and use of the charging station. Included in section 4 of the packet is a preliminary layout of the charging station location being requested by AeroVironment (Exhibit B). The lease agreement is still under review by AeroVironment and the City. City staff is working with the City Attorney and representatives from AeroVironment on a final draft agreement that may be presented for review on Tuesday evening. Issues within the agreement concern indemnity, City ability to opt out of the agreement, renegotiation intervals, and liability language.

5. Motion to Purchase Street Sweeper

Requests for bid quotations for a new street sweeper were requested from three companies that represent the following manufacturers: Schwarze Industries Inc., Tymco International Ltd., and

Johnston North America. The City Public Works received bid quotations from both Schwarze and Tymco but did not receive a bid price quotation from Johnston, although all three street sweeper manufacturer's models were demonstrated to the City Public Works Department. The following is the summary of the bid quotes received:

- Schwarze Industries Inc = \$174,414 + \$2334 (for auxiliary hand hose w/ power broom) = \$176,748
- Tymco International = \$171,680 (includes auxiliary hand hose w/ power broom)

The Public Works Department staff is pleased with the performance of the Tymco street sweeper and since it is also the lower bid would recommend the approval of the purchase of the Tymco unit. Delivery of the Tymco sweeper is estimated by the factory to be mid-November this fall. With sales tax and delivery applied to the bid amount the total amount required for the purchase of the Tymco street sweeper is \$185,930.

- **MOTION:** *The Leavenworth City Council moves to purchase the Tymco International street sweeper.*

6. Reimbursement Resolution 17-2011 for the LOCAL Program Street Sweeper

As previously mentioned to the Council, should the City choose to purchase the street sweeper prior to the bond sale that will occur in November, the City would need to pass a Reimbursement Resolution to ensure proper reimbursement from the LOCAL program. The resolution provided includes the necessary language required by the LOCAL program and is included in section 6 of the packet.

- **MOTION:** *The Leavenworth City Council moves to approve the Reimbursement Resolution 17-2011 for the LOCAL Program for a new Street Sweeper.*

7. Motion to Set Public Hearing on Ad Valorem Tax on October 25th @ 6:15 PM

This motion will set the public hearing for public comments prior to the passage of Ad Valorem Taxes (Property Taxes) for the 2012 budget.

- **MOTION:** *The Leavenworth City Council moves to set a public hearing on Ad Valorem Tax on October 25, 2011 at 6:15 PM.*

Executive Session: 42.30.110(1)(g) City Administrator Annual Review

Annual review is required per the employment contract with the City Administrator. Depending on the outcome of the review the City Council may have a motion for consideration.