



City of Leavenworth

700 HIGHWAY 2 / POST OFFICE BOX 287
LEAVENWORTH, WASHINGTON 98826
(509) 548-5275 / FAX: (509) 548-6429

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
October 11, 2011 - 6:00 p.m.

Call to Order

Flag Salute

Roll Call

Consent Agenda

1. Approval of Agenda
2. Approval of September 27, 2011 Regular Meeting Minutes
3. Claims \$300,281.31
4. September 2011 Payroll \$172,680.36

Public Safety Reports – Sergeant Bruce Long

Councilmember and Committee Reports

Mayor/Administration Reports

Resolutions, Ordinances, Orders and Other Business

- | | |
|--------|--|
| Action | 1. Motion to Set Public Hearing on Preliminary Budget, November 8 th @ 6:15 PM – Chantell Steiner |
| Action | 2. Motion to Set Public Hearing for Utility Rate Study, November 8 th @ 6:30 PM – Joel Walinski |
| Action | 3. Ordinance 1399 Quarterly Budget Amendment – Chantell Steiner |
| Action | 4. Bond Counsel Agreement for Financing with Foster Pepper – Chantell Steiner |
| Action | 5. Resolution 18-2011 Adopting the National Incident Management System – Dave Schettler |
| Action | 6. Resolution 19-2011 Public Records Request Policy – Chantell Steiner |
| Action | 7. Electric Vehicle Charging Station Agreement – Joel Walinski |
| Action | 8. Fruit Warehouse Discussion/Review – Joel Walinski |

Information Items for Future Consideration

Comments from the Public on Items Not on the Agenda

Adjournment

Reminder: Transportation Benefit District Meeting to Follow

(Next Ordinance is 1400 - Next Resolution is 20-2011)

The City of Leavenworth is committed to providing reasonable accommodations in accordance with the Americans with Disabilities Act. Please contact City Hall at (509) 548-5275 at least 72 hours prior to a scheduled meeting to request an accommodation.

<u>Council Committees - 2nd Tuesday</u>	
Parks 4:00	Public Works 5:00

SUPPLEMENTAL COUNCIL AGENDA

1. Motion to Set Public Hearing on Preliminary budget on November 8th @ 6:15 PM

This motion is necessary to set a date for the public hearing on the preliminary budget.

- **MOTION:** *The Leavenworth City Council moves to set a public hearing on Preliminary budget on November 8, 2011 @ 6:15 PM.*

2. Motion to Set Public Hearing for Utility Rate Study, November 8th @ 6:30 PM

This motion will set the date for a public hearing to allow public comments prior to the acceptance of the Utility Rate Study that has been put together by HDR, Inc.

- **MOTION:** *The Leavenworth City Council moves to set a public hearing on the Utility Rate Study on November 8, 2011 @ 6:30 PM.*

3. Ordinance 1399 Quarterly Budget Amendment

This quarterly budget amendment includes various Council motions from the last quarter including the following: Contract Agreements for use of the Public Works Trust Fund Engineering Loan, Recycle Property Purchase, Environmental Assessment on the Fruit Warehouse Property, LOCAL financing for a Street Sweeper, Interfund Loan to the Water/Sewer Fund, \$25,000 to MEND for Affordable Housing, and fund adjustments for distribution of payment for the Utility Rate Study. The budget amendment is included in section 3 of the packet.

- **MOTION:** *The Leavenworth City Council moves to adopt Ordinance 1399 Quarterly Budget Amendment.*

4. Bond Counsel Agreement for Financing with Foster Pepper

The City Council passed a motion on September 13, 2011 to direct staff to work with Bond Counsel for financing of the Water Rights Litigation and refinancing for the current bonds on the Leavenworth Fire Hall and Aquatic Center. Due to the Aquatic Center being bonded through the Upper Valley Park and Recreation Service Area, it is not being included at this time; however staff will continue to work on refinancing of this bond issue soon. The proposed agreement, located in section 4, with Foster Pepper, formalizes the request by Council to secure the process with Bond Counsel. The reduced rates identified are less than was previously presented and will only be paid if the bonds are issued. The fee's will be incorporated within the financing of the new bonds and will not affect a direct payment out of the city's current budget.

- **MOTION:** *The Leavenworth City Council moves to authorize the Mayor to sign the Agreement for Bond Counsel and Special Counsel Services.*

5. Resolution 18-2011 Adopting the National Incident Management system (NIMS)

The Federal government requires all Cities to be eligible to receive Federal funds from FEMA to formally adopt the National Incident Management System (NIMS) as its all-hazards incident management system. The City staff along with City Council members underwent NIMS training within the last year and has met those training requirements. In order to continue meeting the requirements the City will need to formally adopt NIMS by resolution and so it is recommended that a motion to do adopt this incident management system as presented.

- **MOTION:** *The Leavenworth City Council moves to approve Resolution 18-2011 to adopt the National Incident Management System (NIMS).*

6. Resolution 19-2011 Public Records Request Policy

The City currently does not have an adopted Public Records Request Policy. However, the City does follow a standard procedure on any records request. With the recent statewide litigation concerns regarding the processing and procedures for information requests, the City's insurance provider, Washington Cities Insurance Authority (WCIA), recommends the council adoption of a written policy. In preparation for the City's annual audit review with the WCIA, city staff has comprised a Public Records Request Policy used by other member cities. The Council is being asked to review this policy and if the Council is in concurrence with the policy, Staff recommends approving the policy at the evening meeting. Staff will be meeting with the WCIA representatives on Friday, October 14th, 2011 as part of the annual audit review. Should there be any recommended changes to the policy by WCIA; those will be brought back to Council in a future resolution for amendment. This policy, once approved, will be posted on the City's website as well as in an area open to the public at City Hall. The policy is located in Section 6 of the packet.

- **MOTION:** *The Leavenworth City Council moves to approve Resolution 19-2011 to adopt the Public Records Request Policy.*

7. Electric Vehicle Charging Station Agreement

The City Council is being asked to review the agreement with AeroVironment and authorize the Mayor to sign the agreement once finalized and reviewed by the City Attorney. At this time the draft agreement has been provided and included in Section 7 of the packet.

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. 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.

Currently the City is still in discussion on the length of the contract renewal terms and some specific language in regards to liability and indemnification. A copy of the "Land Lease Agreement" is provided in Section 7.

- **MOTION:** *The Leavenworth City Council moves to authorize the Mayor to sign the Agreement for Electric Vehicle Charging Stations.*

8. Fruit Warehouse Discussion/Review

The City Council is being asked to review and consider the approval of a Lease with an Option to Purchase Agreement for the property located at 10th and Highway 2 commonly referred to as the Fruit Warehouse property. The agreement would be with the Estate of Barbara J. Nelson represented by Michael M. Nelson. Please see the attachment "October 7, 2011 Fruit Warehouse Talking Points" for a review of the lease agreement as compared to the original Letter of Understanding approved by the City on May 24, 2011 which is provided in Section 8 of the packet material. Over the last 90 days, the Economic Development Committee, City staff and the Nelson representatives have met several times on the development of the lease agreement. The agreement review and development also included working with the City Attorney on the language development and the completion of a Phase I Environmental Survey by RH2 Engineering.