

City of Tenino

149 Hodgen Street South
Tenino, WA 98589

City Council Meeting
Tuesday, March 09, 2021 at 7:00 PM

Agenda

WORK SESSION

1. Executive Session Isaac Ruiz & Josh Johnson. 5-10 Minutes.
2. Mayor Pro Tem Gotivac will give update from Finance Committee held 3/4/2021

CALL TO ORDER

AGENDA APPROVAL

APPROVAL OF MINUTES

3. Minutes of the 2/23/2021 regular city council meeting.

CONSENT CALENDAR

4. Payroll EFT's and check #29732 in the amount of \$23,085.26 and Claims Checks #29733 through #29772 and other EFT's in the amount of \$63,894.35 for a grand total \$86,894.61.

Recommended action: Move to approve EFT's and Vouchers as presented.

Liquor and Cannabis Licenses or Renewals:

Tenino Farmers Market

Tenino Marketfesh

EXECUTIVE SESSION

PRESENTATIONS

PUBLIC COMMENTS

PUBLIC HEARING

PROCLAMATIONS

OLD BUSINESS

5. On 3/4/2021 the Financial Committee met to review the current budget position and make specific recommendations to salary of Clerk Treasurer position.

NEW BUSINESS

6. Under RCW 4.96.041 the city council may authorize the defense and indemnification of officers and employees for acts or omissions arising from their official duties.

RESOLUTIONS

ORDINANCES

REPORTS

- 7. 1) Chamber of Commerce**
- 2) Economic Development Council (EDC)**
- 3) Experience Olympia & Beyond (VCB)**
- 4) Fire District #12**
- 5) Library**
- 6) Museum**
- 7) Tenino Community Service Center**
8. **1) ARCH Commission**
- 2) Civil Service Commission**
- 3) Facade Improvement Grant Review Committee**
- 4) Finance Committee**
- 5) Planning Commission**
- 6) Public Safety Committee**
9. **1) Chief of Police**
- 2) Director of Public Works**
- 3) City Planner/Building Official**
- 4) City Attorney**
- 5) Clerk/Treasurer**
- 6) Mayor**
- 10. 1) Bucoda/Tenino Healthy Action Team (BTHAT)**
- 2) Community Investment Partnership (CIP)**
- 3) Solid Waste Advisory Board**
- 4) South Thurston Economic Development Initiative (STEDI)**
- 5) TCOMM/911**

6) Tenino School Board

7) Thurston Regional Planning Council (TRPC)

8) Transportation Policy Board

PUBLIC COMMENTS 2

ANNOUNCEMENTS

ADJOURNMENT

File Attachments for Item:

3. Minutes of the 2/23/2021 regular city council meeting.

City Council Meeting Tuesday, February 23, 2021

Minutes

WORK SESSION

1. TCOMM to present a draft review (approx 30 minutes) of the changes to the TCOMM IGA and City of Tenino. They would also like to receive approval during the regular Council meeting.

Keith with TCOMM presented the draft amendments to the agreement.

CALL TO ORDER

Mayor Fournier called the meeting to order at 7:30 pm with

PRESENT

Councilmember Linda Gotovac
Councilmember Cutter Copeland
Councilmember John O'Callahan
Councilmember Jason Lawton
Councilmember Rachel Davidson

AGENDA APPROVAL

2. Agenda for the Regular Meeting of the 2/23/21.

Recommended Action: Motion to approve the agenda as presented.

Motion made by Councilmember O'Callahan, Seconded by Councilmember Lawton to approve the agenda amending it to include under New Business TCOMM911

Voting Yea: Councilmember Gotovac, Councilmember Copeland, Councilmember O'Callahan, Councilmember Lawton, Councilmember Davidson.

Motion passes 5/0.

APPROVAL OF MINUTES

3. Minutes of the regular City Council Meeting 2/9/2021

Recommended Action: Move to approve the minutes of the 2/9/21 Regular Council Meeting as presented.

Motion made by Councilmember O'Callahan, Seconded by Councilmember Gotovac.

Voting Yea: Councilmember Gotovac, Councilmember Copeland, Councilmember O'Callahan, Councilmember Lawton, Councilmember Davidson.

Motion passes 5/0

CONSENT CALENDAR

4. Resolution 2021-01 PARC Foundation Caboose Donation

Included in vouchers vote.

5. Tenino Farmers Market and the Evergreen Bicycle Club

Included in vouchers vote

6. Consent Calendar consisting of February 10, 2021 through February 23, 2021:

Payroll EFT's and check #29708 in the amount of \$24,593.04 Claims Checks #29709 through #29731 and EFT's in the amount of \$21,421.02, for a grand total of \$46,014.06.

Recommended action: Motion to approve the vouchers as presented.

Motion made by Councilmember O'Callahan, Seconded by Councilmember Gotovac.

Voting Yea: Councilmember Gotovac, Councilmember Copeland, Councilmember O'Callahan, Councilmember Lawton, Councilmember Davidson.

To also include the Farmers Market and Evergreen Bicycle Club waiver of fees for their Special Events as well as Resolution 2021-01 accepting the donation from the PARC Foundation.

Motion passes 5/0.

EXECUTIVE SESSION

PRESENTATIONS

PUBLIC COMMENTS

PUBLIC HEARING

PROCLAMATIONS

OLD BUSINESS

NEW BUSINESS

7. Discussion regarding budget and C/T position.

Recommended Action: Motion to approve a meeting with the Finance Committee to discuss further the budget position and C/T position.

Mayor Fournier explained to Council his desire to meet with the Finance Committee prior to the ultimate hiring of a new Clerk/Treasurer.

8. Historic Commission's recommendation to award the City of Tenino \$5000.00 in support of its Caboose Restoration Project.

Recommended action: Motion to approve Mayor Fournier to enter into and sign an agreement with the Thurston County Heritage Grant Program.

Motion made by Councilmember Gotovac, Seconded by Councilmember O'Callahan.

Voting Yea: Councilmember Gotovac, Councilmember Copeland, Councilmember O'Callahan, Councilmember Lawton, Councilmember Davidson.

Motion passes 5/0.

9. The Port of Olympia invited Tenino to participate in its Small City Economic Development Fund Program. The eligible amount is a total of \$10,000.00 which we would put towards the paving of the City's Parking Lot behind the Mini Mall.

Recommended Action: Motion to begin the 2021 application process.

Motion made by Councilmember Gotovac, Seconded by Councilmember O'Callahan.

Voting Yea: Councilmember Gotovac, Councilmember Copeland, Councilmember O'Callahan, Councilmember Lawton, Councilmember Davidson.

Motion passes 5/0.

10. Agreement by L.G. Nelson for providing plan check and building inspection services.

Recommended action: Motion to authorize Mayor Fournier to enter into an agreement with L.G. Nelson to replace our current inspector Ben Barnes as the plan check and building inspections.

Motion made by Councilmember O'Callahan, Seconded by Councilmember Gotovac to authorize Mayor Fournier to sign the agreement with L.G. Nelson with any changes as needed per our City Attorney.

Voting Yea: Councilmember Gotovac, Councilmember Copeland, Councilmember O'Callahan, Councilmember Lawton, Councilmember Davidson.

Motion passes 5/0.

11. PW CC stipend/change to WDM 1&2.

Recommended action: Motion to approve the change for the Public Works.

Motion made by Councilmember O'Callahan, Seconded by Councilmember Gotovac.

Voting Yea: Councilmember Gotovac, Councilmember Copeland, Councilmember O'Callahan, Councilmember Lawton, Councilmember Davidson.

Motion passes 5/0.

12. Discussion regarding a request for the Quarry House and ball field July 24th & 25th for a concert.

Nikkolas Resutek introduced himself and his plans for a concert he would like to hold in the park in July.

13. TCOMM911 agreement amendment

Motion made by Councilmember O'Callahan, Seconded by Councilmember Gotovac to authorize Mayor Fournier to sign the agreement with TCOMM911

Voting Yea: Councilmember Gotovac, Councilmember Copeland, Councilmember O'Callahan, Councilmember Lawton, Councilmember Davidson.

Motion passes 5/0.

RESOLUTIONS

ORDINANCES

REPORTS

14. 2) Economic Development Council (EDC)

3) Experience Olympia & Beyond (VCB)

4) Fire District #12

5) Library

6) Museum

7) Tenino Community Service Center

1) Chamber of Commerce: George Sharp reported the Chamber is getting ready to launch the new phase of the Wooden Money for the Small Businesses in town. How it will work is you can purchase the money for \$20.00 and when you turn it in to a business they will give you \$21.00 in purchases.

2) Economic Development Council: George Sharp reported they provided a presentation to the Planning Commission at their last meeting regarding an upcoming survey which will be presented to the Council at the next meeting.

15. 2) Civil Service Commission

3) Facade Improvement Grant Review Committee

4) Finance Committee

5) Planning Commission

6) Public Safety Committee**16. 2) Director of Public Works****3) City Planner/Building Official****4) City Attorney****5) Clerk/Treasurer****6) Mayor**

1) Chief of Police: Chief Lougheed reported we will have 2 new officers starting the end of the week.

6) Mayor: Mayor Fournier reported he has had a lot of meetings he has attended by person/phone or computer in the last couple of weeks.

PUBLIC COMMENTS 2

None

ANNOUNCEMENTS

Councilmember O'Callahan announced that if the restrictions on gatherings are lifted they will still be having the First Responders Appreciation BBQ.

ADJOURNMENT

Meeting adjourned at 8:26 pm

File Attachments for Item:

4. Payroll EFT's and check #29732 in the amount of \$23,085.26 and Claims Checks #29733 through #29772 and other EFT's in the amount of \$63,894.35 for a grand total \$86,894.61.

Recommended action: Move to approve EFT's and Vouchers as presented.

Liquor and Cannabis Licenses or Renewals:

Tenino Farmers Market

Tenino Marketfesh

Consent Calendar consisting of February 24, 2021 through March 9, 2021:

Payroll EFT's and check #29732 in the amount of \$23,085.26

- **Claims Checks #29733 through #29772 and EFT's in the amount of \$63,894.35**

for a grand total of \$86,979.61

**Liquor and Cannabis License Applications/
Renewals:**

**Tenino Farmers Market
Tenino Marketfresh**

CHECK REGISTER

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
849	03/09/2021	Claims	5	29744	Law Office of Richard L. Hughes PLLC	5,606.25	
850	03/09/2021	Claims	5	29745	LeMay Mobile Shredding	60.40	
851	03/09/2021	Claims	5	29746	Aaron Lee	112.64	
852	03/09/2021	Claims	5	29747	Lincoln Creek Lumber	51.48	
853	03/09/2021	Claims	5	29748	Mountain Mist Water	48.02	
854	03/09/2021	Claims	5	29749	Olympia Copy & Printing	224.65	
855	03/09/2021	Claims	5	29750	Pitney Bowes Global Financial Svcs	143.64	
856	03/09/2021	Claims	5	29751	Platt Electric Supply	320.21	
857	03/09/2021	Claims	5	29752	Puget Sound Energy	5,776.33	
858	03/09/2021	Claims	5	29753	Quill	142.00	
859	03/09/2021	Claims	5	29754	Right Systems Inc	4,993.61	
860	03/09/2021	Claims	5	29755	Sunbelt Rentals	2,889.91	
861	03/09/2021	Claims	5	29756	Sunbirds	205.55	
862	03/09/2021	Claims	5	29757	Tenino Marketfresh	164.37	
863	03/09/2021	Claims	5	29758	Tenino Telephone Co	1,684.04	
864	03/09/2021	Claims	5	29759	Tenino Valley Auto	1,673.72	
865	03/09/2021	Claims	5	29760	City Of Tenino	1,591.58	
866	03/09/2021	Claims	5	29761	Thurston Co Emergency Mgt	336.52	
867	03/09/2021	Claims	5	29762	Thurston Co Treasurer	61.69	
868	03/09/2021	Claims	5	29763	Tribeca Transport LLC	7,644.45	
869	03/09/2021	Claims	5	29764	USA BlueBook	1,928.11	
870	03/09/2021	Claims	5	29765	Utilities Underground Location	12.32	
871	03/09/2021	Claims	5	29766	Verizon Wireless (Cell)	1,381.50	
872	03/09/2021	Claims	5	29767	Voyager Fleet System	1,253.57	
873	03/09/2021	Claims	5	29768	WA State Dept Of Ecology	1,196.17	
874	03/09/2021	Claims	5	29769	WA State Treasurer	1,471.91	
875	03/09/2021	Claims	5	29770	Water & Wastewater Svcs, Inc	6,933.00	
876	03/09/2021	Claims	5	29771	Waters - ERA	182.65	
877	03/09/2021	Claims	5	29772	Wilson Parts Corporation	1,048.41	

001 General Government Fund #001	32,808.52
002 Quarry Pool Fund #002	85.15
101 City Street Fund #101	5,152.96
310 Municipal Capital Imp Fund 310	823.50
401 Water Fund	7,955.74
402 Water Capital Imp Fund	2,889.91
410 Sewer Fund	29,619.38
421 Sewer Capital Improvement Fund	7,644.45

	Claims:	63,894.35
	Payroll:	23,085.26

CHECK REGISTER

4.

City Of Tenino

Time: 14:59:43 Date: 03/09/2021

02/24/2021 To: 03/09/2021

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
713	02/25/2021	Claims	5	EFT	Retail Lockbox Merchant Services, LLC	6.25	
723	02/26/2021	Claims	5	EFT	Retail Lockbox Merchant Services, LLC	8.75	
738	03/02/2021	Claims	5	EFT	Retail Lockbox Merchant Services, LLC	13.75	
741	03/02/2021	Claims	5	EFT	Retail Lockbox Merchant Services, LLC	3.75	
744	03/02/2021	Claims	5	EFT	Retail Lockbox Merchant Services, LLC	6.25	
747	03/02/2021	Claims	5	EFT	Retail Lockbox Merchant Services, LLC	10.00	
749	03/02/2021	Claims	5	EFT	Excise WA State Dept Of Revenue	1,849.86	January 2021 Excise Tax Payment
773	03/05/2021	Payroll	5	EFT	Veronica A Barnes	1,384.26	
774	03/05/2021	Payroll	5	EFT	Miles Cannon	1,174.49	
775	03/05/2021	Payroll	5	EFT	Troy LK Cannon	2,047.31	
777	03/05/2021	Payroll	5	EFT	Brent L Gibbs	1,846.12	
778	03/05/2021	Payroll	5	EFT	Kristi L Lougheed	1,914.64	
779	03/05/2021	Payroll	5	EFT	Jason M Plaja	2,366.15	
780	03/05/2021	Payroll	5	EFT	Maria Rodriguez	1,033.34	
781	03/05/2021	Payroll	5	EFT	Jennifer N Scharber	1,158.43	
782	03/05/2021	Payroll	5	EFT	Seth D Sharp	1,789.32	
783	03/05/2021	Payroll	5	EFT	Bennett H Barnes	434.20	
784	03/05/2021	Payroll	5	EFT	Cutter J Copeland	92.35	
785	03/05/2021	Payroll	5	EFT	Rachel L Davidson	138.14	
786	03/05/2021	Payroll	5	EFT	Wayne R Fournier	889.72	
787	03/05/2021	Payroll	5	EFT	Linda Gotovac	69.07	
788	03/05/2021	Payroll	5	EFT	Jason A Lawton	69.07	
789	03/05/2021	Payroll	5	EFT	John J O'Callahan	46.04	
802	03/04/2021	Claims	5	EFT	Retail Lockbox Merchant Services, LLC	1.25	
803	03/04/2021	Payroll	5	EFT	Timberland Bank		Duplicate Payment Need Deleted
807	03/05/2021	Claims	5	EFT	Retail Lockbox Merchant Services, LLC	5.00	
808	03/05/2021	Payroll	5	EFT	Timberland Bank	5,621.27	941 Deposit for Pay Cycle(s) 03/05/2021 - 03/05/2021
821	03/09/2021	Claims	5	EFT	Retail Lockbox Merchant Services, LLC	6.25	
824	03/09/2021	Claims	5	EFT	Retail Lockbox Merchant Services, LLC	3.75	
829	03/09/2021	Claims	5	EFT	Retail Lockbox Merchant Services, LLC	3.75	
776	03/05/2021	Payroll	5	29732	Scott Garrison	1,011.34	
838	03/09/2021	Claims	5	29733	911 Supply - Keizer	279.67	
839	03/09/2021	Claims	5	29734	Aramark AUS West Lockbox	161.78	
840	03/09/2021	Claims	5	29735	Actionaire Inc	275.62	
841	03/09/2021	Claims	5	29736	Corporate Payment Systems	531.25	
842	03/09/2021	Claims	5	29737	Dragon Analytical Laboratory	4,515.00	
843	03/09/2021	Claims	5	29738	Brent L Gibbs	38.15	
844	03/09/2021	Claims	5	29739	Gordon Enterprises LLC	619.38	
845	03/09/2021	Claims	5	29740	H D Fowler Co	2,891.38	
846	03/09/2021	Claims	5	29741	Hillier, Scheibmeir & Kelly, PS	628.90	
847	03/09/2021	Claims	5	29742	Idexx Laboratories	1,191.02	
848	03/09/2021	Claims	5	29743	Joes Refuse	1,704.89	

File Attachments for Item:

5. On 3/4/2021 the Financial Committee met to review the current budget position and make specific recommendations to salary of Clerk Treasurer position.

CITY COUNCIL AGENDA STAFF REPORT

Council Meeting Date: 3/9/2021

Agenda Item Number: _____

Originator: Linda Gotavac

Title: Mayor Pro Tem

Discussion Action Required

Department: Admin

Old Business New Business Resolution Ordinance Public Hearing

Subject: RCW 4.96.041

Comments:

Under RCW 4.96.041 the city council may authorize the defense and indemnification of officers and employees for acts od omissions arising from their official duties.

Staff Recommendation:

Move to authorize Move to authorize the city to sign into the contract with younglove Coker Law for defense of recall petition.

File Attachments for Item:

6. Under RCW 4.96.041 the city council may authorize the defense and indemnification of officers and employees for acts or omissions arising from their official duties.

Clerk Treasurer

From: Oskar Rey <orey@mrsc.org>
Sent: Thursday, March 4, 2021 11:11 AM
To: Clerk Treasurer
Subject: MRSC Inquiry--Defense and Indemnification of Employees and Officers

Hello Scott:

I am following up on our discussion of your MRSC inquiry:

Inquiry

What state statutes address: (1) defense and indemnification of officers or employees for actions or omissions occurring in the course of the employee's job; and (2) defense of elected officials who are the subject of recall petitions?

Response

[RCW 4.96.041](#)(1) and (2) addresses the defense and indemnification of officers and employees for acts or omissions arising from their official duties:

(1) Whenever an action or proceeding for damages is brought against any past or present officer, employee, or volunteer of a local governmental entity of this state, arising from acts or omissions while performing or in good faith purporting to perform his or her official duties, such officer, employee, or volunteer may request the local governmental entity to authorize the defense of the action or proceeding at the expense of the local governmental entity.

(2) If the legislative authority of the local governmental entity, or the local governmental entity using a procedure created by ordinance or resolution, finds that the acts or omissions of the officer, employee, or volunteer were, or in good faith purported to be, within the scope of his or her official duties, the request shall be granted. If the request is granted, the necessary expenses of defending the action or proceeding shall be paid by the local governmental entity. Any monetary judgment against the officer, employee, or volunteer shall be paid on approval of the legislative authority of the local governmental entity or by a procedure for approval created by ordinance or resolution.

RCW 4.91.041(3) gives a governing body of local government entity (and its legal counsel) the option, in its discretion, to authorize payment for the defense of one of its elected officials in a recall action:

The necessary expenses of defending an elective officer of the local governmental entity in a judicial hearing to determine the sufficiency of a recall charge as provided in *RCW [29.82.023](#) shall be paid by the local governmental entity if the officer requests such defense and approval is granted by both the legislative authority of the local governmental entity and the attorney representing the local governmental entity. The expenses paid by the local governmental entity may include costs associated with an appeal of the decision rendered by the superior court concerning the sufficiency of the recall charge.

Please feel free to call or email if you have any additional questions.

Oskar Rey (he/him)
 Legal Consultant

6.

206.625.1300 x102

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CITY COUNCIL AGENDA STAFF REPORT

Council Meeting Date: 3/9/2021

Agenda Item Number: _____

Originator: Linda Gotivac

Title: Mayor Pro Tem

Discussion Action Required

Department: Admin

Old Business New Business Resolution Ordinance Public Hearing

Subject: RCW 4.96.041

Comments:

Under RCW 4.96.041 the city council may authorize the defense and indemnification of officers and employees for acts od omissions arising from their official duties.

Staff Recommendation:

Move to authorize Move to authorize the city to sign into the contract with younglove Coker Law for defense of recall petition.

File Attachments for Item:

- 8. 1) ARCH Commission**
- 2) Civil Service Commission**
- 3) Facade Improvement Grant Review Committee**
- 4) Finance Committee**
- 5) Planning Commission**
- 6) Public Safety Committee**

City of Tenino

Washington

TENINO CREATIVE DISTRICT

Port of Olympia Small Cities Economic Development Fund Program Application

The City of Tenino was certified by the Washington State Arts Commission in July 2020. The Washington State Arts Commission awarded the City of Tenino a Creative District Pilot Project that requires matching funds. The City applied to have their City owned parking lot paved. The parking lot is located in the heart of the Creative District and behind the Sandstone Café. The current parking lot is a mixture of dirt, potholes and deteriorating asphalt. The existing parking arrangements are haphazard and inherently inefficient in the use of the space. The City believes that fixing the parking lot will lead to additional residents and visitors staying and shopping in downtown Tenino and helping to retain existing businesses and jobs and creation of new ones.

The original estimate of the project in July 2020 was \$52,000. It appears the cost will be closer to \$75,000 to \$80,000. The Washington State Arts Commission Pilot Project Grant amount is \$26,416.66. Please see attached contract. The Tenino Area Chamber of Commerce has committed to match the grant with \$10,000. The City of Tenino is seeking additional funds to match the Washington State Arts Commission Grant and to complete the project. The City of Tenino is looking at the potential of using its Public Works Department to complete some of the work as in-kind to match the grant.

Timeline:

2021 January-March finish fund identification to complete the project.

March-April design the project

April issue RFP for paving the parking lot

May-June- project is completed by June 30, 2021

For more information please contact Mayor Wayne Fournier, 360-246-2368, mayor@ci.tenino.wa.us

SMALL CITY ECONOMIC DEVELOPMENT FUND

1. Applicant Information

City: Tenino	
Address: P.O. BOX 4019	
Phone: 360-246-2368	Contact: Mayor Wayne Fournier
Date: 3/1/2021	Amount Requested: \$ 10,000

2. Project Information

Title: Tenino City Parking Lot- Tenino Creative District Pilot Project
Description: The city will pave the city owned parking lot that has not had any maintenance for many years. It is part dirt and the rest of it has many potholes and uneven surfaces.
Use of Funds: (e.g. professional services, site readiness, feasibility) The funds will be for site readiness and paving.

3. Benefits / Needs of Project

1) Is project related to job expansion/retention, recruitment or feasibility? 2) Describe job creation: direct or potential impacts?
3) Is it consistent with local or area plans? 4) Is status "ready-to-go," "last-dollars-in," or will help secure other sources, 5) will it help meet developer/business need timeline?

The City has identified the downtown core and the new Certified Creative District as a top economic development priority to attract residents and visitors to downtown. Parking has been identified as a key issue in attracting and keeping residents and visitors in downtown.

The funding will match other grants to have the project completed by 6/31/2021

4. Budget

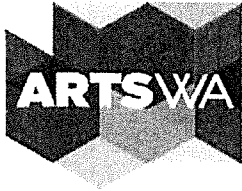
Total cost:	\$ Est. \$75,000	Dollars committed from own/other sources (attach evidence):	\$ 36,000*
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5. Schedule

Attach a timeline for the project.

6. Interlocal Government Agreement

Agreement is in place.



WASHINGTON STATE
ARTS COMMISSION

WASHINGTON STATE ARTS COMMISSION
CREATIVE DISTRICTS PROGRAM
RCW 43.17

Contract # 2021-007-CD

Name:	City of Tenino
Address:	P.O. Box 4019 Tenino, WA 98589
Phone Number:	(360) 264-2368
E-mail:	clerktreasurer@ci.tenino.wa.us
Washington State UBI #:	343 000 396
Statewide Vendor #:	000 1495-00

PROFESSIONAL SERVICES CONTRACT

This Contract is entered into by and between the Washington State Arts Commission (COMMISSION) 711 Capitol Way S., Suite 600, PO Box 42675, Olympia, WA 98504-2675 and

CITY OF TENINO hereinafter referred to as **CONTRACTOR**.

The COMMISSION and CONTRACTOR MUTUALLY UNDERSTAND AND AGREE AS FOLLOWS:

The COMMISSION and CONTRACTOR enter into this Contract for the purpose of developing, sponsoring, promoting or administering [describe the activity, project or program], which is related to the growth and development of the arts and humanities in the State of Washington. RCW 43.46 provides the statutory authorization for this Contract. It is administered under WAC Title 30.

The CONTRACTOR agrees to perform the following services for the COMMISSION:

1) SCOPE OF WORK:

Contractor agrees to:

- (a) Complete paving of City of Tenino owned dirt parking lot with asphalt parking lot located in the Tenino Creative District;
- (b) Complete painted murals along the building surfaces surrounding the parking lot.

2) BUDGET

Up to \$26,416.66 in Capital Funds.

3) PAYMENT SCHEDULE

The CONTRACTOR's compensation for services rendered shall be based in accordance with the following terms and conditions:

1. No funds will be paid to the CONTRACTOR in advance of the stated start date.
2. All requests for payment shall be made using the Invoice Voucher (Form A19-1A), *Attachment "A"*.
3. Payments will be made AFTER the expenses for which COMMISSION funds were committed have been incurred.
4. The COMMISSION will make payment to the CONTRACTOR within 45 business days of receipt of a properly completed Invoice Voucher submitted with documentation, if documentation is applicable.

The COMMISSION agrees to pay the CONTRACTOR a fee not to exceed:

Up to \$26,416.66.

4) TIME SCHEDULE

The services covered by this Contract begin on **October 19, 2020** or date of execution on the contract, whichever date is later, and ends on **June 30, 2021**.

5) INDEMNIFICATION

To the fullest extent permitted by law, CONTRACTOR shall indemnify, defend, and hold harmless the State of Washington, the COMMISSION, agencies of State, and all officials, agents, and employees of State, from and against any liability, damages, claims, suit, and/or expenses arising out of or resulting from the performance of the Contract. CONTRACTOR's obligation to indemnify, defend, and hold harmless includes any claim by CONTRACTOR's agents, employees, representatives, or any subcontractor or its employees.

CONTRACTOR expressly agrees to indemnify, defend, and hold harmless the State for any claim arising out of or incident to CONTRACTOR's or any sub-CONTRACTOR's performance or failure to perform the Contract. CONTRACTOR shall be required to indemnify, defend, and hold harmless the State only to the extent claim is caused in whole or in part by negligent acts or omissions of CONTRACTOR. CONTRACTOR waives its immunity under Title 51 RCW to the extent it is required to indemnify, defend and hold harmless State and its agencies, officials, agents, or employees.

6) INDEPENDENT CONTRACTOR

This Contract creates an independent CONTRACTOR relationship. The CONTRACTOR and its employees or agents performing under this Contract are not employees or agents of the COMMISSION or the State of Washington. The CONTRACTOR and its employees or agents will not hold themselves out as nor claim to be officers or employees of the COMMISSION or of the State of Washington by reason of this Contract and will not make any claim, demand, or application to or for any right or privilege which would accrue to such an officer or employee under law. The COMMISSION shall not control or otherwise supervise the manner in which this Contract is performed. Conduct and control of the work will be solely with the CONTRACTOR.

All payments accrued on account of payroll taxes, unemployment contributions, any other taxes, insurance or other expenses for the CONTRACTOR or its staff shall be the sole responsibility of the CONTRACTOR.

7) COMPLIANCE WITH LAWS AND REGULATIONS

The CONTRACTOR shall comply with, and COMMISSION is not responsible for determining compliance with, all applicable and current federal, state, and local laws, regulations, and policies, including all applicable local, state, and federal licensing, accreditation, and registration requirements/standards necessary for the performance of this Contract. The CONTRACTOR shall complete registration with the Department of Revenue, as applicable, and be responsible for payment of all taxes due on payments made under this Contract.

During the performance of this Contract, the CONTRACTOR shall comply with all federal and state nondiscrimination laws, regulations, or policies. The CONTRACTOR shall have no mandatory individual arbitration clauses and Class or Collective Action Waivers for Employees. The CONTRACTOR shall not require its employees, as a condition of employment, to sign or agree to mandatory individual arbitration clauses or class or collective action waivers.

This Contract shall be construed and interpreted in accordance with the laws of the state of Washington and venue of any action brought hereunder shall be in the Superior Court for Thurston County.

8) AMENDMENTS AND WAIVER

No provision of this Contract may be amended, modified or supplemented except in writing signed by the COMMISSION and the CONTRACTOR.

Waiver of any breach of any term or condition of this Contract shall not be deemed a waiver of any prior or subsequent breach. No term or condition of this Contract shall be held to be waived, modified, or deleted except by a written instrument signed by the parties.

9) TERMINATION FOR CAUSE

If the COMMISSION determines the CONTRACTOR has failed to comply with the terms of this Contract in a timely manner, the COMMISSION has the right to suspend or terminate the Contract. Before suspending or terminating the Contract, the COMMISSION shall notify the CONTRACTOR in writing of the need to take corrective action. If corrective action is not taken within fifteen (15) days of receiving notice, COMMISSION may terminate or suspend the Contract.

10) TERMINATION FOR CONVENIENCE

If the state government or other funding source withdraws, reduces, or limits in any way the funds appropriated for the work under this Contract, the COMMISSION may terminate the Contract for convenience without advance notice. The CONTRACTOR shall be reimbursed for eligible fees and expenses incurred prior to the effective date of such termination and not otherwise paid for by the COMMISSION, as the COMMISSION reasonably determines.

11) INSURANCE

In the event that services delivered pursuant to this Contract involve the use of vehicles, or the transportation of clients, current automobile liability insurance shall be required. CONTRACTOR will waive all rights against the State of Washington for the recovery of damages to the extent they are covered by automobile liability insurance, business auto liability or commercial umbrella liability insurance. Upon request, CONTRACTOR shall furnish evidence in the form of a certificate of

insurance satisfactory to the State of Washington. Failure to provide proof of insurance, as required, will result in Contract cancellation.

12) RECORDS RETENTION

The CONTRACTOR shall maintain all books, records, documents, data and other evidence relating to this Contract and performance of the services described herein, including but not limited to accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Contract. CONTRACTOR shall retain such records for a period of six years following the date of final payment. At no additional cost, these records, including materials generated under the Contract, shall be subject at all reasonable times to inspection, review or audit by the COMMISSION, personnel duly authorized by the COMMISSION, the Office of the State Auditor, and federal and state officials so authorized by law, regulation, or agreement.

If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

13) ENTIRE AGREEMENT

This Contract contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Contract shall be deemed to exist or to bind any of the parties.

This Contract is effective on: **October 19, 2020 or date of execution on the contract, whichever date is later, and ends on June 30, 2021.**

CITY OF TENINO

Washington State Arts Commission

[Handwritten Signature]
(Signature of party authorized to sign for CONTRACTOR)

Karen Hanan, Executive Director

Wayne Fournier
(Printed name of signatory)

(Signature Date)

Mayer
(Title of signatory)

October 28, 2020
(Signature Date)

APPROVED AS TO FORM:

(Signature of Sharon James, Assistant Attorney General, State of Washington, on file in the fiscal office)



City of Tenino Economic Development Survey

Page Title

The City of Tenino is developing the Economic Development Chapter for the Tenino Compressive Plan.

Economic development plays a crucial and vital role in creating a roadmap for a successful and vibrant community. The State of Washington, through its Growth Management Act, requires that cities and jurisdictions develop, implement and update elements and plan chapters such as housing and transportation. But the practice and planning of economic development spans many, if not all of a community's planning documents. It creates a roadmap of success – of how a community is able to afford many of the things it deems necessary in the creation of a successful community. The following survey is being implemented to gather information from the Citizens and Business Owners in Tenino. It is our hope to understand what the Citizens and Businesses want and don't want for the future of Tenino and what they value and find important in creating a quality viable community.



1. How long have you lived in Tenino?

2. What do you think Tenino's economic development strengths are?

- Affordable place to do business
- Affordable place to live
- Close to urban centers
- Community Spirit
- Creative District
- Downtown
- Engage local leadership
- Festivals and Events

8.

Edit



- Location on State Route 507
- Low density
- Municipal infrastructure- sewer capacity
- Name Recognition
- Natural Environment
- Plentiful open space
- Quarry House
- Quarry Pool
- Scatter Creek
- School District
- Small Town Feeling
- South Thurston County Historical Society- Tenino Depot Museum
- Southwest Washington Agricultural Business and Innovation Park Development
- Tenino City Park
- Tenino Stone Carvers
- Thurston Bountiful Byway
- Yelm-Tenino Trail
- Other (please specify)



3. What do you think are Tenino's economic development challenges?

- Affordable Senior Housing
- Cellphone Service
- Cost of rehabilitation of commercial space

8.

Edit



- Incompatible land uses in retail sector
- Lack of full service retail
- Lack of hotel/motel lodging
- Lack of local sustaining-wages for families
- Limited tax base to support City services
- No/limited public transit
- Road maintenance
- Rural location
- Shortage of buildable lands
- Sidewalk maintenance
- Small population/market share for growing retail or business base
- Telecommunications infrastructure
- Unknown environmental species act elements impact
- Water Capacity
- Other (please specify)

4. How should Tenino’s challenges be addressed?

- Business Retainment and Recruitment Strategies
- Community Engagement
- Grants
- Planning & Zoning
- Other (please specify)

8.

Edit



- Continue to grow downtown business core
- Creative District
- Preserve historic Sandstone architecture
- Recruit new businesses
- Southwest Washington Agriculture Business and Innovation Park
- Support an entrepreneurial center
- Other (please specify)

6. As growth and changes occur in Thurston County and impact Tenino. . . .

How do you feel about growth and change in Tenino? This could be growth in size/population, growth in residential and commercial activity, growth in government, traffic or any way you want to define growth. For example, if you choose "Very Positive," then you might feel that Tenino should grow aggressively by adding more commercial developments and housing, if you choose Very Negative" you might feel that you want to see no growth happen.

	General feeling about growth	Commercial growth (e.g. more land zoned commercial, more commercial businesses, etc.)	Residential growth (e.g. more housing built, more population)	Industrial growth, (e.g. more industrially zoned property)
Very positive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Positive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Neutral	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Negative	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Very negative	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other (please specify)

8.

Edit



- Netural
- Somewhat Negative
- Very Negative
- Other (please specify)

8. What would you like to preserve in the City of Tenino? This could be the general feel our rural small town, or more specific such has our historic buildings, nature areas, certain community events, etc.

9. What would you like to change in the City of Tenino?

10. What kinds of assets are missing now that you would like to have here? This could be anything from types of businesses, services, buildings, recreation, etc.)

11. Where do you shop for or get your services?

8.

Edit



13. Are there types of businesses or industries that you would like to keep out of Tenino?

14. Are you a business owner in the City of Tenino?

Yes

No

15. If yes, what type of business do you have?

16. What makes Tenino a good place to do business?

17. What makes Tenino a difficult place for business?

18. Is there anything that you need to run your business that is missing in Tenino, that you have to go outside the city for?

8.

Edit



20. What could the City of Tenino, Tenino Area Chamber of Commerce and Thurston Economic Development Council do to help your business?

21. Is there anything else you would like to add or comment on?

File Attachments for Item:

- 9. 1) Chief of Police**
- 2) Director of Public Works**
- 3) City Planner/Building Official**
- 4) City Attorney**
- 5) Clerk/Treasurer**
- 6) Mayor**

2021 BUDGET POSITION TOTALS

City Of Tenino

Time: 11:38:14 Date: 03/04/2021

Page: 31

Fund	Revenue Budgeted	Received		Expense Budgeted	Spent	
001 General Government Fund #001	1,346,103.00	177,547.12	13.2%	1,332,952.96	248,933.34	19%
002 Quarry Pool Fund #002	39,122.00	0.00	0.0%	39,120.00	2,323.30	6%
003 Reserve Academy Operating Fund	10,000.00	0.00	0.0%	10,000.00	0.00	0%
101 City Street Fund #101	670,444.00	27,202.00	4.1%	658,443.00	14,243.10	2%
109 Contingency Fund #109	53,803.00	1.55	0.0%	0.00	0.00	0%
310 Municipal Capital Imp Fund 310	1,236,997.00	11,943.48	1.0%	1,021,042.00	29,712.18	3%
401 Water Fund	529,559.00	35,244.30	6.7%	271,706.48	43,170.72	16%
402 Water Capital Imp Fund	1,034,568.00	11,650.47	1.1%	267,413.00	349.89	0%
403 Stormwater Fund	37,080.00	0.48	0.0%	0.00	0.00	0%
410 Sewer Fund	1,881,425.00	196,481.28	10.4%	1,573,242.48	75,405.60	5%
421 Sewer Capital Improvement Fund	1,226,414.00	17,096.57	1.4%	442,570.00	33,209.13	8%
422 Sewer Reserve Fund	765,092.00	0.00	0.0%	559,091.00	0.00	0%
	8,830,607.00	477,167.25	5.4%	6,175,580.92	447,347.26	7.2%