

# City of Tenino

149 Hodgen Street South  
Tenino, WA 98589

## City Council Meeting

Tuesday, February 26, 2019 at 6:30 PM

### Agenda

#### WORK SESSION

1. The Association of Washington Cities has published this year's first "Legislative Bulletin," outlining a number of bills currently being considered by the Legislature, along with the AWC's recommendations for support or non-support.
2. The 2019 Council "Getaway" is scheduled for March 16, 2019. This item is continued from the January 26 regular meeting.
3. The Department of Commerce has announced workshops in preparation for this year's round of CDBG grants. The mayors of all the cities met with representatives from Thurston County regarding the distribution of this year's grant funds. The Administration would like to engage the Council regarding CDBG grant options and priorities.
4. The Port of Olympia has notified the City of the 2019 Small City Economic Development Fund (formerly, the Small Cities Grant Program) criteria.

Application deadline is March 14, 2019, and the Cities will present their proposals to the Board of Commissioners during their March 21, 2019 Work Session beginning at 2:30 pm.

The Administration seeks Council input regarding what project the City would seek to undertake this year.

5. Ordinance 698, Creating and Adding Chapter 5.15 of the Tenino Municipal Code Relating to Parades and Special Events, was adopted on September 14, 2004, but was never codified.

Given that Special Events Permits serve a number of purposes, it is right that the City should address the issue of Special Events and Parades by adoption of a standard process. Also given that the Tenino Municipal Code has undergone a number of codification efforts since 2004, it will be easier, from an administrative perspective, to revoke Ordinance 698 and publish a similar ordinance that can be codified in accordance with our current numbering scheme.
6. Experience Olympia & Beyond (a.k.a. the Visitor & Convention Bureau of Thurston County) hopes to attract more visitors to the Tenino area by highlighting the Yelm-Tenino Trail at an "Open House" type event during the last week of February.

The wish to utilize the Quarry House and the Administration desires to waive all fees and deposits.

[7.](#) Ordinance 897 would allow the use of WATV's on City Streets.

8. Councilmember Gotovac wishes to continue the discussion regarding the formation of a Creative District within the City of Tenino. Specifically, she hopes all Councilmembers have completed the survey sent out by Mr. George Sharp of the Economic Development Council.

#### **CALL TO ORDER**

#### **AGENDA APPROVAL**

#### **APPROVAL OF MINUTES**

[9.](#) Minutes from the January 22, 2019 Regular Meeting

#### **CONSENT CALENDAR**

[10.](#) Vouchers for the period February 13, 2019 through February 26, 2019.

**Recommended Action:** Move to approve payroll EFT's in the amount of \$23,111.29 and Claims Checks #28023 through #28047 in the amount of \$18,259.39, for a grand total of \$41,370.68.

[11.](#) New Applications: Raise for Rowyn (Special Occasion April 27, 2019)

Renewals: Casa Ramos

**Recommended Action:** Move to approve all liquor and cannabis licenses applications and renewals.

#### **EXECUTIVE SESSION**

#### **PRESENTATIONS**

12. Chief Robert Swain would like to present Tenino's two newest Reserve Police Officers and swear them in, and would to present Mr. Joe West and Officer Jonathan Meyer with certificates of appreciation, and recognize Officer Craig Klumper for his life-saving efforts.

#### **PUBLIC COMMENTS**

#### **PUBLIC HEARING**

#### **PROCLAMATIONS**

#### **OLD BUSINESS**

13. For the past two years, Mr. Doug Mah has facilitated the City's Strategic Planning Workshop, more commonly known as the "Council Getaway."

Mr. Mah's unique perspective, as a former Olympia Mayor, and his intimate familiarity with the City due to his previous work with our Mayor and Council to produce a workable Municipal Budget, in addition to the fact that he has facilitated the previous two sessions, makes him particularly well-suited to facilitate this year's event.

The Administration, therefore, requests approval to enter into a Consultant Agreement with Mr. Mah again this year.

**Recommended action:** Move to approve Mayor Fournier entering the agreement with Doug Mah and Associates to facilitate this year's Council Getaway on March 16, 2019.

## **NEW BUSINESS**

14. During the January 22, 2019 Regular Meeting, Chief Swain informed Council that he would be seeking to replace all of the City's current inventory of pistols with more modern firearms.

He had Sergeant Sharp research a number of potential vendors and obtained the best price from "Keith's Sporting Goods" in Gresham, Oregon.

Chief Swain was under the impression the funds for this purchase were within the current budget under "small equipment," but was mistaken in that regard. The funds for this type of purchase are appropriately taken from funds appropriated to the Police Department's operations section, but should be represented by a single line entry in order that the "small equipment" line is left open for the myriad items consumed during police operations throughout the year. Alternatively, the "small equipment line" could be increased in an amount equal to this proposed transaction.

The Administration therefore, requests Council approve an additional amount, not to exceed \$3000.00, for the purchase of new firearms for the Tenino Police Department. Such funds exist in the form of non-obligated General Funds. If approved, this expenditure would result in a General Fund ending balance of \$73,877.00, rather than the currently projected \$76,877.00.

## **RESOLUTIONS**

### **ORDINANCES**

15. Ordinance 896 would:

- 1) Amend the Table of Uses to allow agricultural use of land currently zoned P/SP.
- 2) Amend the Tenino Municipal Code to allow for the vacation of a "Lot Combination," resulting in a "Lot Split."

During the first reading of the Ordinance, Councilmembers Gotovac and Watterson requested the Administration investigate the possibility of making the Lot Split procedure available to any succeeding owner in due course. The Ordinance, as written, would limit the availability to only the immediately succeeding owner to the owner who performed a Lot Combination. City Attorney Rick Hughes provided the attached input regarding the proposed change.

**Recommended Action:** Move to approve as the second reading and to adopt Ordinance 896, as currently written, with an effective date of March 1, 2019.

[16.](#) Ordinance 897 would allow the use of WATV's on City Streets.

**Recommended action:** Move to approve the first reading of Ordinance 897, authorizing the use of WATV's on the City Streets of Tenino.

## **PUBLIC COMMENTS 2**

### **REPORTS**

17. 1) Chamber of Commerce
  - 2) Economic Development Council (EDC)
  - 3) Experience Olympia & Beyond (VCB)
  - 4) Fire District
  - 5) Library
  - 6) Museum
18. 1) Civil Service Commission
  - 2) Park Commission
  - 3) Planning Commission
  - 4) Facade Improvement Grant Review Committee
  - 5) Finance Committee
  - 6) Public Safety Committee
- [19.](#) 1) Chief of Police
  - 2) Director of Public Works
  - 3) City Planner / Building Official
  - 4) City Attorney
  - 5) Clerk/Treasurer
  - 6) Mayor
20. 1) Bucoda/Tenino Healthy Action Team (BTHAT)
  - 2) Community Investment Partnership (CIP)

- 3) Solid Waste Advisory Board
- 4) TCOMM/911
- 5) Tenino School Board
- 6) Thurston Regional PLanning Council (TRPC)
- 7) South Thurston Economic Development Initiative (STEDI)
- 7) Transportation Policy Board

**ANNOUNCEMENTS**

**ADJOURNMENT**

**Backup material for agenda item:**

1. The Association of Washington Cities has published this year's first "Legislative Bulletin," outlining a number of bills currently being considered by the Legislature, along with the AWC's recommendations for support or non-support.



# Legislative Bulletin

January 28, 2019

## Hot topics

### **AWC priority bill encouraging investments in affordable & supportive housing**

One of AWC's priority bills to encourage investments in affordable and supportive housing is scheduled for hearings. Companion bills would create a revenue sharing partnership between the state and cities and counties for affordable housing construction. The proposals also provide for rental assistance for smaller cities.

### **AWC economic development priority bill set for public hearing**

**SB 5564** is an AWC priority bill that allows local governments to compete for state sales tax credits to finance infrastructure improvements that spur private investments. This is a needed tool to help cities and towns encourage local economic development. We encourage cities to contact your Senators and ask them to support this proposal.

### **Three bills address barriers to building condos**

Three separate proposals have been introduced that support one of AWC's priority issues for removing barriers to affordable housing – condominium liability laws.

## View from the Hill

### **More than 1,400 bills have been introduced so far in 2019**

As we've been saying, the 2019 session has taken off with a fast and busy start. With more than 1,400 bills introduced this session, find out how your AWC Government Relations Team decides what to focus on. In this week's View from the Hill, you'll also learn about a couple of AWC's priority bills introduced, and what the state's economist had to say to cities about the likelihood of another recession.

## Things you can do

### **Make appointments with legislators for City Action Days February 14 | Olympia**

We're excited to host a nearly sold-out City Action Days in Olympia on February 13-14! If you haven't already done so, make appointments now with your legislators to take place after 11:15 am on February 14. We'll have shuttle service available to and from the hotel through 5 pm. See the most recent schedule.

## Media time

### **Listen to the *CityVoice* podcast on economic development**

This week our staff experts delve into what our cities named as their top priority in our 2018 city conditions survey: Economic development. Our cities turn the wheels of commerce in Washington State, driving a staggering 96% of gross domestic product here. Hear the conversation as Candice Bock and Brandon Anderson explore the connections between cities, our economy, and local infrastructure.

### **Cities address Senate Housing Stability & Affordability Committee work session**

Don't miss these panels of cities on TVW sharing their unique successes and challenges in addressing housing affordability and homelessness in their communities.

Special thanks to the following people for coming to Olympia to testify: White Salmon Mayor David Poucher, Walla Walla Councilmember Riley Clubb, Wenatchee Valley Chamber of Commerce Executive Director Shiloh Burgess, and Chelan Mayor Mike Cooney.

Also, thanks to Monday's cohort for testifying in the same committee: Tacoma Economic Development Director Jeff Robinson, Olympia Councilmember Jessica Bateman, Everett Economic Development Director Dan Eernisse, and Kirkland Deputy Mayor Jay Arnold.

## What you need to know

**Affordable housing:** Bills addressing affordable housing development by religious organizations.

Bill proposes changes to mobile home park home siting.

The House adds more bills expanding property tax exemption for affordable housing. None of these are companion bills.

REET bill introduced in the House. AWC and individual cities supported its companion in the Senate.

Self-help housing bill has House companion. AWC would appreciate feedback on these proposals.

**Budget & finance:** Bill would allow cities currently excluded to impose lodging tax.

Creation of Parks Benefit Districts provides new revenue options.

Treasurer's proposal to provide enhanced investment serv

**Cannabis:** Cannabis home grow and delivery bills to be heard.

**Economic development:** Committee will hold hearing on broadband expansion bill.  
Rural development and opportunity zone act scheduled for hearing.

**Environment & natural resources:** Orca Task Force recommendation bill on HPA and bulkheads.

Bills address voluntary cleanup of contaminated properties. Please let us know if you see any concerns with this proposal.

**General government:** Senate version of wrongful death bill advances.

A bill to standardize fire safety codes and permits for food trucks is scheduled for a hearing.

**Homelessness & human services:** Legislators introduce Governor's behavioral health bills.

**Land use & planning:** Bill streamlines annexations of unincorporated islands.

"Best available science" use for critical areas bill is heard.

Governor's request energy efficiency bill up for a hearing. For cities in particular, the bill proposes a number of changes to the building codes.

**Open government:** AWC seeking city feedback on facial recognition privacy bill.

Bill authorizes regulation of the open carrying of firearms in public meetings.

**Pensions:** Two pension bills scheduled for public hearing.

**Public safety & criminal justice: I-940 "fix" bill passes the House. The Senate version follows closely behind.**

Smoke alarm bill may create unfunded mandate to inspect resold homes before occupancy.

**Public works:** Work under way to address "unintended consequences" of prevailing wage changes.

**Transportation:** Personal vehicle delivery system bills.

Military surplus vehicle bill to be heard.

Prohibition on local governments' toll authority.

# View from the Hill

## More than 1,400 bills have been introduced so far in 2019

Contact: Candice Bock

As we've been saying, the 2019 session has taken off with a fast and busy start. The bill count thus far illustrates that, with more than 1,400 bills introduced this session. That means there are a lot of proposals to sort through, and it can be challenging to know which bills to focus on in these early days. Your AWC Government Relations team is doing the best they can to quickly triage through the avalanche of bills and pick out those we believe are most likely to impact cities, and then do a deeper dive. After all, a simple bill introduction does not mean the bill will necessarily gain traction this session.

We use this weekly *Legislative Bulletin* to flag the bills that are scheduled for public hearing and to highlight where we need cities to take a closer look and provide feedback on potential impacts. We always appreciate the feedback we receive from our city officials. So please, keep it coming!

Last week AWC hosted a Mayors Exchange in Olympia. We were thrilled to have around 50 mayors and city officials attend. We had a strong line-up of speakers on topics like the Governor's behavioral health transformation plan and the state of the state's budget, as well as a great presentation from the state's economist, Dr. Steve Lerch. The main information that city officials wanted to know from Dr. Lerch was the likelihood of another recession. The good news is that one isn't being predicted for the next two years. However, slower economic growth is more likely over the next two years.

This week we are excited to see some of AWC's legislative priorities get introduced and scheduled for hearings. **SB 5564**, which provides a sales tax value capture tool for economic development, was introduced and has a hearing on January 31. Also introduced this week is **HB 1680**, which would end the diversion of REET revenue out of the Public Works Trust Fund (PWTF) so that it could be available for loans for infrastructure projects that help communities with housing development. Infrastructure funding and restoring the PWTF is one of AWC's priorities for 2019.

We will continue to use the *Legislative Bulletin* to keep you posted as these and other bills continue through the legislative process. Again, thanks for your engagement and feedback, we can't do this without you!

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# Affordable housing

## Three bills address barriers to building condos

Contact: Carl Schroeder, Shannon McClelland

Three separate proposals have been introduced that support one of AWC's priority issues for removing barriers to affordable housing – condominium liability laws. Under current law, a developer who chooses to build condos can almost guarantee they will be sued by the future occupants. As such, developers who take on this risk tend to build condos at the higher end of the price scale, in order to make up for the losses that will accompany a suit. Building lower-cost condos just doesn't pencil out, so the market lacks this housing option. Condos are often a desirable way for first-time home buyers to build equity at a lower entrance price point. They are also a great option for retired homeowners to downsize when they no longer need or want a larger, single-family home with yard.

### **SB 5334/HB 1306**

This proposal changes the implied warranties for the construction of a condominium. The requirement the unit, common elements, and improvements be constructed in compliance with all laws then applicable to such improvements is removed. Instead, the building must be constructed in accordance with applicable building codes, generally accepted in the state of Washington at the time of construction. To establish an alleged breach of warranty has an adverse effect on performance, the purchaser must prove the alleged breach:

- Is more than technical;
- Is significant to a reasonable person; and
- Has caused or will cause physical damage to the unit or common elements; has materially impaired the performance of mechanical, electrical, plumbing, elevator, or similar building equipment; or presents an actual unreasonable safety risk to the occupants of the condominium.

These companion bills also provide immunity from liability to the members of the condo's homeowners association board (HOA). **SB 5334** is sponsored by Sen. Jamie Pederson (D-Edmonds); its companion, **HB 1306** is sponsored by Rep. Tana Senn (D-Mercer Island).

This is the proposal AWC has been working on with the realtors, condo developers, and legislators. We will be testifying in support.

### **HB 1576**

Also sponsored by Rep. Senn, **HB 1576** changes the requirements for a HOA to bring a lawsuit. Prior to filing a suit, the HOA must convene the condo homeowners and the construction firm to discuss the alleged defects occurring in two or more of the condos or common areas or elements of the building. The construction firm is allowed to offer to remedy the defects. In order to proceed with a lawsuit, the HOA must have a majority of the homeowners agree to sue.

This is a proposal that we saw last session; AWC continues to support this approach, as well.

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## **SB 5219**

This proposed solution, sponsored by Sen. Mike Padden (R–Spokane Valley), takes a third approach – exempting smaller condo developments from the warranty liability. Condo developments that have less than seven units would not be subject to the warranty provisions in current law. We welcome your feedback on this approach.

### **Dates to remember**

**SB 5334** & **SB 5219** will be heard on Monday, January 28 at 10 am in the Senate Law & Justice Committee. Both are also scheduled for a committee vote on Thursday, January 31 at 10 am.

## **Self-help housing bill has House companion**

Contact: Carl Schroeder, Shannon McClelland

**HB 1168**, sponsored by Rep. Mari Leavitt (D–University Place), is the companion to SB 5025. These bills would exempt materials and services associated with “self-help housing” from sales tax, and the sale of the home from REET. “Self-help housing” is most commonly understood as the Habitat for Humanity model, where a low-income home buyer participates in the construction of their home with a nonprofit agency.

An official fiscal note has not been produced yet, but the advocates advise us that they expect a \$400-\$500k annual hit to local tax revenues as a result of these exemptions being provided to the roughly 150 homes constructed under this model in a normal year.

AWC would appreciate feedback from our cities on this proposal. Please contact Shannon or Carl and share your thoughts.

### **Dates to remember**

**HB 1168** is scheduled for a hearing in the House Finance Committee at 1:30 pm on Thursday, January 31.

## **REET bill introduced in the House**

Contact: Carl Schroeder, Shannon McClelland

Building on temporary authority granted in 2017, **HB 1219** streamlines and makes permanent the authority for cities to use their Real Estate Excise Tax (REET) II revenues. The bill states that revenues can be used for the “planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of facilities for those experiencing homelessness and affordable housing projects.” **HB 1219** is sponsored by Rep. Amy Whalen (D–Kirkland). **SB 5195** is the companion.

AWC and individual cities testified in support of the Senate version. These proposals are one of our priority bills as they provide more flexibility with existing tools to encourage affordable housing.

The current authority for this financing tool is set to expire at the end of 2019. That authority includes more stringent restrictions that require cities to certify that they have met all other unmet capital needs before using these funds for housing and homelessness purposes.

### **Dates to remember**

**HB 1219** will be heard on Friday, February 1 at 10 am before the House Housing, Community Development & Veterans Committee.

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## The House adds more bills expanding property tax exemption for affordable housing

Contact: Carl Schroeder, Shannon McClelland

We reported last week on the bills introduced in the Senate that would expand property tax exemptions for affordable housing. The House has introduced additional bills that aim to provide property tax relief for senior citizens and disabled veterans. None of these are companion bills to the Senate bills.

**HB 1090**, sponsored by Rep. Drew MacEwen (R–Union) and **HB 1044**, sponsored by Rep. Sharon Tomiko Santos (D–Seattle), each provide exemptions for seniors and veterans, but take a different approach. **HB 1044** does it by changing existing law to provide income threshold tiers on percentage of median income. **HB 1090** adds an additional exemption to existing law, capping the assessed value taxed at \$250,000. Notably, **HB 1090** does not apply to local property taxes.

**HB 1181**, sponsored by Rep. Debra Lakanoff (D–Bow), is similar in its approach to **HB 1044** by changing existing law to provide income threshold tiers on percentage of median income. However, unlike **HB 1044**, **HB 1181** removes the statutory income maximums (i.e. \$35-40,000), relying only on the percentage of medium income tiers. **HB 1320**, sponsored by Rep. Sharon Wylie (D–Vancouver) is similar to **HB 1044**, but creates different tier thresholds.

The bills that propose the median income tier structure are very similar to **SB 5160**, that we covered last week. Read our previous article on what this bill does.

### Dates to remember

All the above House bills are scheduled for a hearing in the House Finance Committee at 8 am on Tuesday, January 29.

**SB 5160** passed out of its policy committee and has a hearing before the Senate Ways & Means Committee on Thursday, January 31 at 3:30 pm.

## Bills addressing affordable housing development by religious organizations

Contact: Carl Schroeder, Shannon McClelland

AWC and individual cities have been working with the faith community to try to find common ground on the proposals in **HB 1377** for many years. **HB 1377**, sponsored by Rep. Amy Whalen (D–Kirkland), would require cities to provide a density bonus for affordable housing built on property owned by religious organizations; but would allow the city to determine the scale and scope of that bonus consistent with local needs. **SB 5358**, sponsored by Sen. Rebecca Saldaña (D–Seattle), is its companion.

It is our hope that this proposal is workable for cities who have faith organizations that would like to redevelop their land for affordable housing purposes. Your thoughts on whether this proposal is problematic from your perspective, or if you have ideas on how to improve it, are welcome. Please contact Carl.

### Dates to remember

**HB 1377** will be heard on Friday, February 1 at 10 am in the House Housing, Community Development & Veterans Committee.

**SB 5358** is scheduled for a hearing on Wednesday, January 30 at 1:30 pm in the Senate Housing Stability & Affordability Committee.

## **AWC priority bill encouraging investments in affordable & supportive housing**

Contact: Carl Schroeder, Shannon McClelland

**HB 1406** would create a revenue sharing partnership between the state and cities and counties for affordable housing construction. In addition, for cities under 100,000 in population, this bill allows the monies to provide for rental assistance. **HB 1406** is one of AWC's priority housing bills. We were very supportive of the predecessor bill, **HB 2437** last session, and it has only gotten better for cities this year.

**HB 1406**, sponsored by Rep. June Robinson (D–Everett), would allow a total sales tax share between the state and local governments equivalent to a total of two one-hundredths of a percent – a total of \$31 million per year if every jurisdiction took advantage. The commitment is for 20 years, so these funds can be bonded. The mechanism is a credit against the state sales tax, so there is no effective increase on the consumer. And unlike last year's version, there is no match requirement. Check out this chart (<https://wacities.org/docs/default-source/Legislative/0119statesharedsalestaxaffordablehousing.pdf?sfvrsn=0>) to see the projected share per county. We are working to provide a clear illustration of what that would mean per city, and will share that when it is available.

Initially, any city can claim half of that capacity, while the county can claim the other half. If either party does not elect to utilize those revenues within a year, the other party can claim the unused capacity. For cities who have adopted other authorized housing or mental health levies within one year of passage of this bill, they would instead have the ability to claim the full amount of funds provided by the state.

**SB 5646**, sponsored by Sen. Patty Kuderer (D–Clyde Hill), is the companion bill.

### **Dates to remember**

**HB 1406** is scheduled for public hearing in the House Housing, Community Development & Veterans Committee on Friday, February at 10 am.

**SB 5646** will be heard on Wednesday, January 30 at 1:30 pm in the Senate Committee on Housing Stability & Affordability Committee.

## **Bill proposes changes to mobile home park home siting**

Contact: Carl Schroeder, Shannon McClelland

**HB 1207**, sponsored by Rep. Cindy Ryu (D–Shoreline), would expand the ability of landlords and tenants to site manufactured homes in existing mobile home parks.

The bill authorizes a landlord or tenant to site any size new- or used- mobile/manufactured home on a mobile home lot in accordance with the lot sizes, separation and setback distances, and other requirements in effect at the time the park was approved. If lot sizes, separation and setback distances, or other requirements were nonexistent at the time the park was established, the local jurisdiction may impose reasonable requirements to meet health and safety standards. The bill requires that jurisdiction must act in good faith to avoid the elimination of a viable lot for the siting of a home. The only exception is requirements of any state agency related to siting manufactured homes.

We are working to change the language, so the bill only affects replacement homes – those replacing existing homes or sited on sites used within recent years. We appreciate the need to retain sites at these parks as an affordable housing option. Our concern is that sites that were approved decades ago, but never used, would be grandfathered in and may no longer meet requirements.

### **Dates to remember**

**HB 1207** is scheduled for a hearing on Friday, February 1 at 10 am in the House Housing, Community Development & Veterans Committee.

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# Budget & finance

## Treasurer's proposal to provide enhanced investment services

Contact: Candice Bock or Andrew Pittelkau

**HB 1284**, requested by the State Treasurer, would allow local governments to enter into a contract with the Office of the State Treasurer (OST) for longer-term fixed income investment services. The local government's account would be a separate managed portfolio. As a separate trust account, all monies would remain under local control. The Treasurer or designee may authorize use of the account and the account is not subject to appropriation by the Legislature.

According to OST, this would allow participating local governments the opportunity to take advantage of OST's full-time investment expertise and capacity in the management of their longer-term public funds investments.

### Dates to remember

The bill is scheduled for a public hearing on Tuesday, January 29 at 1:30 pm in the House State Government and Tribal Relations Committee.

## Creation of parks benefit districts provides new revenue options

Contact: Candice Bock or Andrew Pittelkau

**HB 1371**, sponsored by Rep. Carolyn Eslick (R-Sultan), would grant additional revenue options for parks funding. Metropolitan parks and park and recreation districts are currently limited in the types of taxes that they can impose. Their primary funding source comes from property taxes and fees for use of facilities or programs.

The bill would allow the legislative authority of a city, county, or existing parks district to establish a parks benefit district that could impose a voter approved sales and use tax, not to exceed one-tenth of one percent, to acquire, construct, improve, and maintain parks.

Additionally, the bill allows a district to form a parks improvement district that can impose a special assessment on properties that benefit for funding maintenance and improvements. The special assessments are similar to other local improvement district assessments under RCW 35.43.

### Dates to remember

A public hearing is scheduled on Tuesday, January 29 at 10 am in the House Local Government Committee.

## Bill allows certain cities to directly impose lodging tax

Contact: Candice Bock or Andrew Pittelkau

**SB 5228** is sponsored by Sen. Dean Takko (D–Longview) at the request of some of the cities in his district to address local lodging taxes. The bill would allow cities or towns in a county with a population of less than 400,000 to directly adopt a lodging excise tax.

Currently in the impacted jurisdictions, the county has authority to first impose the tax, and if the county chooses to impose the tax, then the city is prevented from instituting the same tax. In a number of smaller counties, the counties have imposed the maximum rate allowed by law preventing cities with lodging from collecting lodging tax dollars directly to promote specific local interests. In those counties, there is usually a process where cities and other eligible entities can request lodging tax funding from the county for a local proposal.

This bill would allow cities to impose the lodging tax directly to promote local interests. The tax collections would still be subject to the same restrictions as other lodging tax revenue.

Lodging tax revenue is used to promote tourism through marketing, operations of special events and festivals, and/or the operations and capital expenditures of tourism-related facilities.

### Dates to remember

The Senate Local Government Committee will hear the bill on Tuesday, January 29 at 8 am.

## Cannabis

### Cannabis home grow and delivery bills to be heard

Contact: Sharon Swanson, Shannon McClelland

**SB 5155**, sponsored by Sen. Maureen Walsh (R–Walla Walla), is the companion home grow bill to **HB 1131**. Both bills allow a person, who is at least 21 years of age, to have no more than six cannabis plants at their residence. The bills also establish a 15-plant limit per housing unit. Finally, the bills provide that a landlord would be allowed to prohibit home grow by a tenant.

For the non-gardeners out there, **HB 1358** would allow cannabis delivery to your door. **HB 1358**, sponsored by Rep. Steve Kirby (D–Tacoma), would allow a delivery endorsement to a cannabis retailer’s license. Only persons at least 21 years old could place or receive a delivery order for personal use. Delivery locations would be limited to residences or lodging businesses. Delivery vehicles could not contain any retailer or cannabis-related advertising. The bill directs the Liquor and Cannabis Board to adopt a delivery fee by rule.

### Dates to remember

**SB 5155** is scheduled for a hearing on Thursday, January 31 in the Senate Labor & Commerce Committee at 8 am.

**HB 1358** will be heard in the House Commerce & Gaming Committee on Thursday, January 31 at 9 am.

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# Economic development

## Rural development and opportunity zone act scheduled for hearing

Contact: Candice Bock, Brandon Anderson

**HB 1324** creates the “Washington Rural Development and Opportunity Zone Act.”

The act establishes an insurance premium tax credit and a B&O tax credit for taxpayers that make a capital contribution to a rural development and opportunity zone fund. The bill requires the Joint Legislative and Audit Review Committee (JLARC) to determine the number of jobs created or retained, and whether that matches or exceeds the predicted job growth after a 6-year period. This bill also extends the preferential tax rates to 2056 for persons engaging in the business of extracting timber, extracting timber for hire, manufacturing timber, manufacturing timber for hire, wholesaling timber, or selling standing timber. The specific policy objective stated in the bill is to create and retain jobs in rural development and opportunity zones.

### Dates to remember

The bill is scheduled for a public hearing on Wednesday, January 30 in the House Rural Development, Agriculture, & Natural Resources Committee at 8 am. A live feed or an archived video of the hearing can be found on the TVW website (<https://www.tvw.org/watch/?eventID=2019011310>).

## Committee will hold hearing on broadband expansion bill

Contact: Candice Bock, Brandon Anderson

**HB 1498**, establishes the Governor’s statewide broadband office to encourage and improve access to affordable, quality broadband across the state. The legislation also creates a \$25 million competitive grant and loan program managed by the Public Works Board to help promote expanded access. Cities support the efforts to increase access to broadband to help drive job creation and assist the underserved parts of our state.

However, AWC has concerns that the bill will divert resources from the Public Works Assistance Account to pay for the new programs. The Governor’s proposal includes diverting \$7.5 million from the Public Works Trust Fund (PWTF) to the new broadband grants and loans. Additionally, the new program is open to additional applicants including ports, tribes, and private parties.

AWC has recommended that money not be diverted away from traditional infrastructure funding efforts and that any funding that is diverted should be dedicated to the entities currently eligible to use the PWTF instead of the expanded eligible entities.

### Dates to remember

**HB 1498** is scheduled for a public hearing in the House Innovation, Technology & Economic Development Committee on Wednesday, January 30 at 8:30 am. A live feed or an archived video of the hearing can be found on the TVW website (<https://www.tvw.org/watch/?eventID=2019011316>).

## **AWC economic development priority bill set for public hearing**

Contact: Candice Bock, Brandon Anderson

**SB 5564**, introduced by Sen. Sharon Brown (R–Kennewick), is scheduled for a public hearing on Thursday, January 31 in the Senate Financial Institutions, Economic Development & Trade Committee at 8 am. This AWC priority bill allows local governments to compete for state sales tax credits to finance infrastructure improvements that spur private investments.

In AWC's 2018 survey of Washington cities and towns, respondents named economic development as their number one priority. **SB 5564** is a needed tool to help cities and towns encourage local economic development.

We encourage cities to contact your Senators and ask them to support this proposal.

For more information on **SB 5564**, please visit AWC's legislative priority webpage (<https://wacities.org/advocacy/City-Legislative-Priorities>). A live feed of the public hearing or an archived video will be available for viewing on the TVW website (<https://www.tvw.org/watch/?eventID=2019011335>).

### **Dates to remember**

**SB 5564** is scheduled for a public hearing on Thursday, January 31 in the Senate Financial Institutions, Economic Development & Trade Committee at 8 am.

## **Environment & natural resources**

### **Orca task force recommendation bill on HPA and bulkheads**

Contact: Carl Schroeder, Shannon McClelland

**HB 1579** implements recommendations of the Southern Resident Killer Whale Task Force that makes changes to the Hydraulic Project Approval (HPA) statutes and the single-family bulkhead policies. The bill is sponsored by Rep. Joe Fitzgibbon (D–Burien).

On HPAs, which are required state permits for work that will affect the bed or flow of waters of the state, AWC's approach for the last few years has been to support reasonable civil enforcement and stop work order authority for the agency – as we do not believe that cities are likely offenders. Our desire has been for clarity around the types of activities that need a permit. We believe that there may be a conversation on that front within this bill, which we would participate in; but, as of right now, the bill does not provide that clarity.

**HB 1579** also proposes to eliminate the streamlined permitting provided for protective bulkheads or rock walls that benefit single family homes. The bill would repeal RCW 77.55.151, leaving those bulkheads to go through traditional HPA permitting processes. We would like feedback from cities on whether that is something we should support. Please contact Carl Schroeder with your feedback.

### **Dates to remember**

**HB 1579** is scheduled for a hearing on Tuesday, January 29 at 10 am in the House Rural Development, Agriculture, & Natural Resources Committee.

*continued*

## **Bills address voluntary cleanup of contaminated properties**

Contact: Carl Schroeder, Shannon McClelland

**HB 1290**, sponsored by Rep. Strom Peterson (D–Edmonds), is a request bill from the Department of Ecology (Ecology) to provide a pathway for voluntary toxic cleanup projects to have a cost-sharing arrangement that would produce faster permitting decisions from Ecology by allowing applicants to pay for agency staffing costs. In general terms, this could be a helpful tool to move forward urban restoration projects that are currently held up by limited staffing capacity at the agency to review cleanup plans. **SB 5285** is the companion, sponsored by Sen. Guy Palumbo (D-Maltby). **SB 5285** passed out of the Senate Environment & Energy Committee during the second week of session. The bill was referred to the Senate Ways & Means Committee.

In addition to the paid permitting pathway, the bills authorize Ecology to waive remediation costs of contaminated properties for development of affordable housing. In doing so, Ecology must consider the requestor's ability to pay and the potential public benefit of the development. The bills also direct Ecology to file a lien against the property to ensure the property is being used for affordable housing.

Please let us know if you see any concerns with this proposal.

### **Dates to remember**

**HB 1290** is scheduled for a hearing on Monday, January 28 at 1:30 pm in the House Environment & Energy Committee.

## **General government**

### **Food truck bill gets a hearing**

Contact: Sharon Swanson, Shannon McClelland

A bill to standardize fire safety codes and permits for food trucks is scheduled for a hearing. **HB 1134**, sponsored by Rep. Strom Peterson (D–Edmonds), makes a number of changes to existing law:

- Establishes an annual fire permit fee to be charged by the local entity.
- Permits would be issued if the mobile food unit (aka, food truck) passed an inspection.
- Cities would be required to allow a permitted mobile food unit to operate in its jurisdiction as long as the vendor can show a copy of the statewide fire permit.
- If a city is unable to provide inspections for the fire permit, the bill requires they must contract out that duty.
- If passed, this bill would preempt any existing codes or regulations that conflict.

Please let us know if you have feedback.

### **Dates to remember**

**HB 1134** will be heard in the House Local Government Committee on Wednesday, January 30 at 8 am.

## Senate version of wrongful death bill advances

Contact: Sharon Swanson, Shannon McClelland

A substitute version of **SB 5163** passed out of committee and is now in the Senate Ways & Means Committee. The substitute's main substantive change was that it allows claims to be tried by a judge or jury. **HB 1135** is scheduled for a committee vote on Friday, February 1.

Both bills, as currently drafted, would significantly expand city tort liability associated with wrongful death claims.

AWC opposes this legislation.

## Homelessness & human services

### Legislators introduce Governor's behavioral health bills

Contact: Sharon Swanson, Brandon Anderson

Several behavioral health bills requested by the Governor were recently introduced to help Washington's communities address the state's behavioral health and opioid crises.

**SB 5432** was heard on Friday, January 25 in the Senate Behavioral Health Subcommittee. This bill continues the Legislature's work to fully implement behavioral health integration in our state by establishing managed care and behavioral health organizations to coordinate community behavioral health systems. This bill is a key behavioral health priority for the Governor's Office. AWC supports this legislation.

**HB 1394** establishes intensive behavioral health treatment facilities and mental health drop-in centers to help address the need for increased access to behavioral health care in Washington's communities. This bill recognizes that community placement requires multiple housing and treatment options. A public hearing is scheduled for Tuesday, January 29 in the House Health Care & Wellness Committee at 1:30 pm.

**HB 1331** declares that opioid use in Washington State is a public health crisis and requires state agencies to increase access to opioid treatment services. It also strengthens the state's commitment to preventative services including an expansion of the state prescription drug monitoring program. The bill is scheduled for a public hearing on Tuesday, January 29 in the House Health Care & Wellness Committee at 1:30 pm.

**SB 5444**, heard Friday, January 25 in the Senate Behavioral Health Subcommittee, aims to address the Trueblood litigation where the state was found liable for imposing excessive wait times on in-custody defendants waiting to receive competency evaluations and restoration services. **SB 5444:**

- Establishes forensic navigators to aide with treatment and competency restoration;
- Expands police authority to divert an individual to treatment instead of criminal prosecution; and
- Restricts nonfelony competency restorations.

### Dates to remember

**HB 1394** and **HB 1331** are scheduled for public hearing on Tuesday, January 29 in the House Health Care & Wellness Committee at 1:30 pm.

*continued*

# Land use & planning

## Governor's request energy efficiency bill up for a hearing

Contact: Carl Schroeder, Shannon McClelland

The Governor's request energy efficiency bill, **HB 1257**, sponsored by Rep. Beth Doglio (D–Olympia), makes a number of significant changes. For cities in particular, below are the highlights of changes to the building codes.

### Residential energy code changes

The bill authorizes a city, town, or county to adopt additional residential energy code requirements as developed by the State Building Code Council (SBCC). By December 1, 2019, the SBCC must adopt the following optional efficiency appendices and include them in the code for residential buildings:

- An optional appendix providing energy code provisions that will reduce energy use by an additional 8 to 10 percent compared to the minimum code; and
- An optional appendix providing energy code provisions that will reduce energy use by an additional 16 to 20 percent compared to the minimum code.

The SBCC must amend the two optional appendices whenever it amends the minimum code requirements in order to achieve the incremental savings required by 2031.

### Commercial energy code changes

By July 1, 2020, the Department of Commerce (Commerce) must establish by rule a State Energy Performance Standard (Standard) for covered commercial buildings.

- "Covered commercial building" means a building where the sum of nonresidential, hotel, motel, and dormitory floor areas exceeds 50,000 gross square feet, excluding the parking garage area.
- Owners of covered buildings must receive notification of compliance requirements no later than July 1, 2021.
- In developing the Standard, Commerce must seek to maximize reductions in greenhouse gas (GHG) emissions from the building sector. The Standard must include energy use intensity targets by building type and methods of conditional compliance that include an energy management plan, operations and maintenance program, energy efficiency audits, and investments in energy efficiency measures designed to meet the targets.
- Commerce must update the Standard by July 1, 2029, and every five years thereafter.
- Commerce may impose an administrative penalty upon a building owner for failing to submit documentation demonstrating compliance with the requirements of the Standard.

A building owner of a covered commercial building must meet the following compliance schedule:

- June 1, 2026, for a building with more than 220,000 gross square feet;
- June 1, 2027, for a building with more than 90,000 gross square feet but less than 220,001 gross square feet; and
- June 1, 2028, for a building with more than 50,000 gross square feet but less than 90,001 gross square feet.

A covered commercial building is exempt from the Standard if it meets at least one of several listed criteria, including:

- The building did not have a certificate of occupancy or temporary certificate of occupancy for all 12 months of the calendar year prior to the building owner compliance schedule;
- The building is an agricultural structure; or
- The primary use of the building is manufacturing or other industrial purposes.

### **Building requirements for electric vehicle infrastructure**

The SBCC must develop rules for electric vehicle infrastructure that require electric vehicle charging capability at all new buildings.

Please let us know if you have any feedback.

### **Dates to remember**

**HB 1257** will be heard Tuesday, January 29 at 3:30 am in the House Environment & Energy Committee.

### **Bill streamlines annexations of unincorporated islands**

Contact: Carl Schroeder, Shannon McClelland

**HB 1357**, sponsored by Rep. Beth Doglio (D–Olympia), would eliminate the referendum provision on the irregular island method of annexation.

These provisions stymie the long-range growth management plans that anticipate urban growth area annexations into cities. An annexation referendum allows a narrow subset of residents to “veto” community growth needs – outweighing the rights of city residents to not subsidize services for the county residents who live within the island.

This bill is from the City of Lacey and AWC will testify in support.

### **Dates to remember**

**HB 1357** will be heard on Tuesday, January 29 at 10 am in the House Local Government Committee.

### **“Best available science” for critical area planning bill is heard**

Contact: Carl Schroeder, Shannon McClelland

A bill providing a great deal of new language around how cities and counties develop a record of their utilization of “best available science” concerning critical area planning was heard in the Senate Local Government Committee on January 24.

**SB 5245**, sponsored by Sen. Shelly Short (R–Addy), provides a definition for “best available science.” The bill also modifies the best available science to be used, and considerations to be made, in designating and protecting critical areas. We would appreciate a review of this proposal and your thoughts on areas that are problematic or helpful.

The bill also provides that cities may retain and examine scientific experts in front of the growth management hearings boards, as well as providing that authority to other parties. We would also appreciate your perspective on that change. AWC testified that we wanted a close consideration of unintended consequences with this bill.

*continued*

# Open government

## Bill authorizes regulation of the open carrying of firearms in public meetings

Contact: Candice Bock, Brandon Anderson

**HB 1319**, sponsored by Rep. Sharon Wylie (D–Vancouver) authorizes cities, towns, counties, and other municipalities to enact laws and ordinances that restrict the open carrying of firearms at any local government public meeting.

### Dates to remember

**HB 1319** is scheduled for a hearing in the House Civil Rights & Judiciary Committee on Friday, February 1 at 10 am.

## AWC seeking city feedback on facial recognition privacy bill

Contact: Candice Bock, Brandon Anderson

Introduced by Sen. Reuven Carlyle (D–Seattle), **SB 5376** establishes the Washington Privacy Act

To protect the privacy of citizens, the act restricts how private companies can use data and facial recognition technology. The bill prohibits state and local government agencies from using facial recognition technology to engage in surveillance of individuals in public spaces, unless it is in support of law enforcement activities and obtained via a warrant unless in an emergency situation.

At the public hearing on the bill, both AWC and law enforcement expressed concerns about the approach to facial recognition evidence. Additionally, we had concerns about the potential implications on our ability to work with private sector contractors on data gathering and management.

AWC would like the input of city attorneys, law enforcement, and technology experts on Section 15 (<http://lawfilesexternal.wa.gov/biennium/2019-20/Pdf/Bills/Senate%20Bills/5376.pdf#page=15>) of this bill. Contact Candice or Brandon to weigh in.

# Pensions

## Two pension bills scheduled for public hearings

Contact: Logan Bahr, Brandon Anderson

Two public pension bills are scheduled for public hearings in the Senate Ways & Means Committee.

**SB 5360** changes the retirement plan default for new hires in the Public Employees' Retirement System (PERS) from Plan 3 to Plan 2. If the bill passes, the Office of the State Actuary (OSA) predicts a 25-year total employer savings of \$80.3 million dollars. OSA also expects that the bill could worsen the plan's solvency risk because increasing the number of future 2 members increases the amount of guaranteed benefits under PERS 2.

**SB 5350** authorizes members of the PERS Plans 1, 2, & 3; the Public Safety Employees' Retirement System Plan; and the School Employees' Retirement System (SERS) to purchase an annuity benefit at time of retirement.

### Dates to remember

The bills are scheduled for public hearings on Wednesday, January 30 at 3:30 pm in the Senate Ways & Means Committee. A live feed or archived video of the hearing can be found on the TVW website (<https://www.tvw.org/watch/?eventID=2019011328>).

# Public safety & criminal justice

## Smoke alarm bill may create unfunded mandate

Contact: Shannon McClelland

In the interest of ensuring working smoke detectors in homes, SB 5284 creates a new requirement that working smoke alarms be installed in a dwelling unit prior to transfer of ownership. **SB 5284**, sponsored by Sen. Marko Lias (D-Edmonds), has a companion, **HB 1103**, sponsored by Rep. Carolyn Eslick (R-Sultan). **SB 5284** was heard on January 24.

Although the bills require the seller to install the smoke detectors prior to occupancy, this provision is to be enforced by either the state or county fire marshal, or city or town fire chief. These bills appear to create an unfunded requirement that cities and counties inspect homes pre-sale to ensure that new smoke alarms have been installed. We believe this may be problematic and would welcome feedback.

## I-940 "fix" bill passes the House

Contact: Sharon Swanson, Shannon McClelland

**HB 1064**, which modifies several provisions of **I-940**, was heard on the first day of session and passed out of its policy committee the next day.

During the second week of session, **HB 1064** unanimously passed out of the House.

**HB 1064** will now be referred to the Senate Committee on Law & Justice for a hearing. **SB 5029**, its companion, is awaiting a floor vote in the Senate.

For more details on the substantive changes these bills make to existing law, see our previous article (<https://wacities.org/advocacy/News/advocacy-news/2019/01/11/initiative-940-fix-bills-scheduled-for-a-hearing>).

*continued*

# Public works

## Work underway to address “unintended consequences” of prevailing wage changes

Contact: Candice Bock or Andrew Pittelkau

Legislation adopted in 2018 changed how prevailing wages are determined – and resulted in dramatic increases to some job classes subject to prevailing wage rates. In particular, AWC heard from cities about spikes in landscape service costs. A number of stakeholders have indicated that these and other changes in prevailing wage were “unintended consequences” of the bill that weren’t expected and that could be readdressed during this legislative session.

Last fall, cities and AWC asked the Department of Labor & Industries (L&I) to take another look at the new rate. In a response at the beginning of January, L&I stood by the new rates and suggested other action such as legislation would be necessary to make changes.

**SB 5493** passed during the 2018 session and took effect this summer. The bill requires L&I to establish the prevailing wage rate based on collective bargaining agreements (CBAs), where possible. For trades with more than one collective bargaining agreement, the higher rate controls. For trades that do not have collective bargaining agreements, the prevailing wage must be established by wage and hour surveys.

The new method has created significant spikes in prevailing wages for landscape laborers because they are lumped into the job classification for landscape construction (WAC 269-127-01346). AWC has been talking to other stakeholders and L&I about possible solutions, including creating a new scope of work specific to landscape maintenance that is distinct from landscape construction. The separation would allow L&I to relook at the wage rates for the new classification separately from construction work which would likely result in a lower rate. AWC is working with L&I to determine if these changes can be made quickly via the rulemaking process and without legislative action.

In addition to cities’ concerns about the impact on landscape work, others have also expressed concerns about the impacts of the changes to prevailing wage on affordable housing providers. The construction industry also has expressed concerns about how L&I has determined which CBA in a county is the prevailing CBA. We are still expecting legislation to be introduced that will address these concerns.

AWC will continue to work with other stakeholders and L&I to find a solution that will mitigate the impacts created by the “unintended consequences” of the 2018 legislation.

# Transportation

## Prohibition on local governments' toll authority

Contact: Logan Bahr or Andrew Pittelkau

**SB 5104** would prohibit local governments from imposing tolls on roads. The bill would prohibit or remove current language in current law that grants toll authority for cities, counties, and some special districts.

AWC opposes the bill.

### Dates to remember

The bill will be heard Wednesday, January 30 at 3:30 in the Senate Transportation Committee.

## Military surplus vehicle bill to be heard

Contact: Logan Bahr or Andrew Pittelkau

**SB 5417** would allow surplus military vehicles to travel on the public highway system. The vehicles would be able to be used for occasional transportation, exhibitions, veterans' events, club activities, parades, and tours. The vehicles would need to be maintained in good working order and would be required to have motor vehicle liability insurance, certification of title, and a safety inspection.

### Dates to remember

The bill will be heard on Monday, January 28 at 3:30 pm in the Senate Transportation Committee.

## Hearings on sidewalk delivery devices

Contact: Logan Bahr or Andrew Pittelkau

Companion bills **SB 5378** and **HB 1325** would permit the use of personal delivery devices (PDDs). A PDD is defined as an electrically-powered device which:

- Is intended primarily to transport property on a sidewalk or crosswalk;
- Weighs less than one hundred twenty pounds, excluding any property being carried in the device, except that a jurisdiction that governs the right-of-way may allow a device to exceed this weight limit through a local permit or local ordinance;
- Has a maximum speed of ten miles per hour; and
- Is equipped with automated driving technology, including software and hardware, enabling the operation of the device with the support and supervision of a remote personal delivery device operator.

The bill proposes that PDDs may operate on a sidewalk or crosswalk so long as all of the following requirements are met:

- A PDD is operated in accordance with the laws or ordinances, if any, established by the jurisdiction governing the right-of-way containing the sidewalk or crosswalk;
- A PDD operator is actively controlling or monitoring the navigation and operation of the personal delivery device;
- A PDD owner maintains an insurance policy that includes general liability coverage of not less than one hundred thousand dollars for damages arising from the operation of the personal delivery device by the eligible entity and any agent of the eligible entity; and
- A PDD is equipped with certain safety features.

AWC has some concerns with the bill and what it could mean for right-of-way management.

### Dates to remember

The bills will be heard on Monday, January 28 at 3:30 pm in the Senate Transportation Committee and the House Transportation Committee.

*continued*

## **AWC Legislative Contacts**

During the legislative session, AWC's lobbyists often are unable to return your phone calls immediately. If you have a legislative or specific issue question, please request AWC's analyst staff, or send them an email.

Call AWC at (360) 753-4137 or 1-800-562-8981

### **Candice Bock**

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Issue areas: Economic development, finance, open government, public works, telecommunications

### **Logan Bahr**

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Issue areas: Emergency management & cybersecurity, energy, human resources, labor relations & pensions, transportation

### **Carl Schroeder**

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Issue areas: Building codes, environment & natural resources, housing & homelessness, land use & planning

### **Sharon Swanson**

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Issue areas: Cannabis, human services & behavioral health, liability, public safety & criminal justice

### **Brandon Anderson**

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### **Andrew Pittelkau**

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Government Relations Coordinator  
reginaa@awcnet.org  
Issue areas: Building codes, Federal

### **AWC CEO**

Peter B. King, peterk@awcnet.org

## **AWC Officers**

President Don Britain, Mayor, Kennewick

Vice President Ed Stern, Councilmember, Poulsbo

Secretary Soo Ing-Moody, Mayor, Twisp

Immediate Past President Pat Johnson, Mayor, Buckley

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Large City Representative Sally Bagshaw, Councilmember, Seattle

For a complete list of AWC Board of Directors, visit [wacities.org/boardofdirectors](http://wacities.org/boardofdirectors).

**Backup material for agenda item:**

2. The 2019 Council "Getaway" is scheduled for March 16, 2019. This item is continued from the January 26 regular meeting.

# **A PROPOSED “TENINO CITY COUNCIL SHARED VISION”**

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## **WHO ARE WE AS A COMMUNITY?**

Tenino is a friendly, authentic small town that is quickly evolving as a growing, healthy, sustainable, rural community.

We recognize that Tenino is best known for the quarry pool and our sandstone heritage and products.

We value Tenino’s

- Authentic small-town atmosphere
- Affordable housing options
- Emphasis on family and a family friendly environment

## **WHAT IS OUR SHARED VISION FOR THE FUTURE?**

We envision a future with:

- More living wage jobs in our community
- Enhanced transportation and pedestrian investments
- More local consumers that are buying from more local businesses

Our biggest challenges to our shared vision are:

- Balancing expenditures (needs) and revenue (ability)
- An aging infrastructure
- Community resistance to change

We envision a local economy that is based on:

- Agricultural resources
- Clean/green energy
- Small scale industry and service and retail

## **HOW WILL WE ACT?**

We are mindful that actions today shall not have negative impacts on

- Our small-town atmosphere
- Affordable housing and choices
- The ability to sustain our infrastructure requirements

## **PROPOSED “TENINO CITY COUNCIL NEXT STEPS”**

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### **HOW WILL WE ACHIEVE OUR SHARED VISION?**

We recognize the need to immediately address:

- Water issues – usage and quality goals
- City Infrastructure –planning and replacement for aging items
- The Police Department – sustainable operations and employee opportunities

To achieve our vision for the future, we will work to increase investments in:

- The Police Department
- Our roads and sidewalks
- The water and sewer system
- The park in accordance with the master plan
- The Agricultural Innovation Park

We recognize the need to immediately plan for an Agricultural Innovation Park that does not include:

- Big box retailers
- Polluting industries or the use of toxic materials
- High noise levels or noxious odors
- Large scope and scale transportation impacts
- Low wage jobs or automated facilities

We will create an Agricultural Innovation Park that enables and includes:

- Educational opportunities and partnership with colleges
- Versatile, flexible, reconfigurable tenant space
- Test/lab facilities and gardens
- Food study/research center
- Agricultural processing facilities
- Businesses that provide living wage jobs
- Curbside appeal that contributes to local tourism activities
- Support local agriculture producers
- Stabilize agricultural land values in the face of development

**PROPOSED AGENDA ITEMS  
TENINO CITY COUNCIL  
YEARLY VISIONING SEMINAR**

**March 16, 2019**

**City Legislative Agenda**

Economic Development  
Affordable Housing/Homelessness  
Behavioral Health System  
Environment  
Public Works Trust Fund

**Capital Budget Requests**

Ag Park  
City Hall  
Streets/Sidewalks/Parking

**City Hall Hours of Operation**

**Habitat Conservation Plan**

**Pursuit of Grants**

RCO  
CDBG  
Heritage  
Small Cities  
CERB

Strong cities make a great state. Cities house 65 percent of the state's residents, drive its economy, and provide the most accessible government. The continued success of cities depends on adequate resources and community-based decision-making to best meet the needs of our residents. Preserving local decision-making continues to be one of our core principles.



### Support economic development tools to encourage job creation and economic growth

Washington's cities need additional economic development tools that assist in maintaining, expanding, and modernizing local infrastructure to help spur local private sector investment. By supporting value capture financing, the Legislature can partner with cities and towns to advance our shared goals of building a robust and diverse economy for communities around the state.



### Keep the Public Works Trust Fund in working order

Cities support ongoing investment in the various infrastructure funding programs sponsored by the state. In particular, the Public Works Trust Fund (PWTF) is a crucial funding partner in our efforts to provide the necessary infrastructure for our communities. We seek full funding for the Public Works Board's \$217 million budget, funded from the current stream of loan repayments and the 2 percent of REET dedicated to the account. Additionally, we look to strengthen the program by ending REET fund diversions from the account now instead of waiting until 2023.



### Invest in affordable housing

Communities around the state are facing a housing affordability crisis. Cities support an ongoing \$200 million capital budget investment in the Housing Trust Fund, a \$20 million per year local government revenue sharing proposal, and \$1.5 million per year for reinvestment of the sales tax from the construction of multifamily development. In addition, cities support proposals that remove barriers to affordable housing, including voluntary density and infill development solutions, opportunities for creating shared housing, and addressing condominium liability to expand housing choices.



### Fund a systems approach to correct fish-blocking culverts

AWC and state agency partners are focused on developing and funding a comprehensive statewide approach to fix salmon-blocking culverts. In order to achieve meaningful salmon and orca recovery, cities need ongoing and significant funding to upgrade city culverts. This critical investment will support fish passage by maximizing collaboration with the state's legal obligation to upgrade its culverts, while also addressing other critical needs like stormwater and water quality. Cities support creating a permanent framework to fund systemwide corrections that begins with fully funding the Fish Barrier Removal Board this biennium, including capacity for a grant program in the second half of the biennium. An effective framework also includes a commitment to future investment.



### Provide responsive funding for the Criminal Justice Training Commission (CJTC)

Cities need a responsive funding model for the CJTC to ensure that newly-hired law enforcement officers and corrections officers have timely access to basic training. Cities seek funding for at least 19 Basic Law Enforcement Academy (BLEA) classes per year and at least seven Corrections Officer Academy classes per year in order to meet our public safety needs.



### Address a failing behavioral health system

Cities are experiencing the ramifications of an overwhelmed mental health and drug abuse response system. The state needs to make investments sufficient to improve access to these systems and their success across the state. Cities will work with the state to pursue enhancements and reforms to the behavioral health delivery systems including engaging with mental health transformation proposals, the *Trueblood* settlement, making permanent the mental health co-responder program, and supporting comprehensive opioid response legislation.

Contact:

**Candice Bock**

Director of Government Relations  
candiceb@awcnet.org • 360.753.4137

**Backup material for agenda item:**

3. The Department of Commerce has announced workshops in preparation for this year's round of CDBG grants. The mayors of all the cities met with representatives from Thurston County regarding the distribution of this years' grant funds. The Administration would like to engage the Council regarding CDBG grant options and priorities.

## **CDBG Grant Proposals**

### **Fund Homeless Backpacks for 3 Years**

Provides weekend food for students in Thurston County who are considered homeless per federal regulations. It is a non profit run by a small board and volunteers. Funding comes from donations and fundraisers put on by Homeless Backpacks.

Total students served in Yelm, Rainier and Tenino School Districts this year is 182 per week. Yelm has 123, Rainier 28 and Tenino 31. The cost each week at this level is \$1456.00 per week. Total for the school year is \$60,000 for South County and \$10,400 for Tenino alone.

I propose funding Homeless Backpacks for all of South County for 3 years which would total \$180,000. This could be separated into 3 payments of \$60,000.

If Tenino only the cost is \$30,200 for 3 years at todays levels.

### **Fund a Renewable Energy Project to Reduce Utility Cost for Low Income Residents of South Thurston County**

- 25 Plus year benefit to low income residents of South Thurston County and is flexible as residents move or are no longer in need of this type of assistance.
  - Frees up Low Income Heating Assistance Money
  - Job Creator
  - Model for other communities
  - Possibly can leverage this money as match for other grants
  - Can be assigned to jurisdictions no matter where actual project is placed
  - Environmental Benefits
  - Regional and National Attention
- Relief for low Income who struggle to stay in housing, provide food, medicine and other essential needs

This project would require some planning for implementation. If funded I would suggest having backup projects identified if some difficulty is encountered. Considering what we have been doing with partners for the Tenino Energy Project I believe we can put together a good project and leverage this money to create a bigger project to serve more people.

Ask for funding is \$500,000 to allow for a size that can serve a meaningful number of people and will drive down the cost of development.

A smaller size project could be developed for Tenino only if all South County jurisdictions are not interested.

**Backup material for agenda item:**

4. The Port of Olympia has notified the City of the 2019 Small City Economic Development Fund (formerly, the Small Cities Grant Program) criteria.

Application deadline is March 14, 2019, and the Cities will present their proposals to the Board of Commissioners during their March 21, 2019 Work Session beginning at 2:30 pm.

The Administration seeks Council input regarding what project the City would seek to undertake this year.

January 23, 2019

Mayor Wayne Fournier  
City of Tenino  
PO Box 4019  
Tenino, Washington 98589

RE: Small City Economic Development Fund Program

The Port of Olympia (the Port) invites the Cities of Bucoda, Rainier, Tenino, and Yelm to participate in its Small City Economic Development Fund Program.

This Port program offers matching funds for use in economic development projects. The Port's 2019 budget provides for a total of \$40,000 in program funds to assist partnership communities with small economic development projects. Each City is eligible for up to \$10,000 for proposals that meet the program requirements.


Please begin the 2019 application process by completing the enclosed form. Information about the program is enclosed as well. We suggest the following timeline for this year's Program:

- February 1: Application process opens
- March 14: Deadline for proposals
- March 21: Commission work session
- March 25: Awards made
- December 31: Deadline for submitting all costs from awards

Please plan to attend the Commission work session on March 21 at 2:30 pm to discuss your proposal with the Commission. To access the Small Cities Program Application, please visit the following link.  
<http://www.portolympia.com/91/Port-Economic-Development-Corporation>

If you have any questions, please call Sean Hoffert at 360-528-8021 or email [Seanh@portolympia.com](mailto:Seanh@portolympia.com).

Regards,

  
Sam Gibboney  
Executive Director

CC: City Clerk and Treasurer, John Millard

## Port of Olympia Small City Economic Development Program Summary

The Port of Olympia Port Commission ("Commission") has created a Small City Economic Development Program (the "Program"). This Program, for cities in Thurston County with a population of less than 15,000, offers funds for use in local economic development projects. The Port of Olympia Port Commission ("Commission") determines the total funds for the program available in any calendar year during the Port's annual budget process. Eligible cities may submit one or more proposals during January and February of each calendar year to the Port Executive Director ("Executive Director"), or his or her designee, for screening. Following the January through February solicitation period, the Executive Director, or his or her designee, forwards all screened proposals to the Port of Olympia Economic Development Corporation ("Port EDC"), prior to May 1, for consideration and prioritization. The Port Commission then awards funds to the most worthy proposals no later than May 15. The number and value of individual awards may vary from year to year depending on the desires of the Port Commission, available Program funds, and the proposals submitted.

## SMALL CITY ECONOMIC DEVELOPMENT PROGRAM PROJECT APPLICATION

### 1. Applicant Information

City:		
Address:		
Phone:	Contact:	
Date:	Amount Requested:	\$

### 2. Project Information

Title:
Description:
Use of Funds: (e.g. professional services, site readiness, feasibility)

### 3. Benefits / Needs of Project

<p>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?</p>
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### 4. Budget

Total cost:	\$	Dollars committed from own/other sources (attach evidence):	\$
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### 5. Schedule

Attach a timeline for the project.
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### 6. Small City Economic Development Program Agreement

Project Application approval is contingent on execution of the Small City Economic Development Program Agreement.
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**Backup material for agenda item:**

5. Ordinance 698, Creating and Adding Chapter 5.15 of the Tenino Municipal Code Relating to Parades and Special Events, was adopted on September 14, 2004, but was never codified.

Given that Special Events Permits serve a number of purposes, it is right that the City should address the issue of Special Events and Parades by adoption of a standard process. Also given that the Tenino Municipal Code has undergone a number of codification efforts since 2004, it will be easier, from an administrative perspective, to revoke Ordinance 698 and publish a similar ordinance that can be codified in accordance with our current numbering scheme.

## **Chapter 16.50, Tenino Municipal Code**

### **SPECIAL EVENTS PERMITS**

#### **16.50.001 - Definitions.**

When used in this Chapter, the City defines the words and phrases listed below as follows:

“Applicant” means any person or organization who seeks a Special Event Permit from the City to conduct or sponsor an event governed by this chapter.

“Athletic event” means an occasion in which a group of persons gather to engage in or watch a sport or form of physical exercise on a City street, sidewalk, alley, or other street right-of-way or park which obstructs, delays, or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws and controls. Athletic events include, but are not limited to, bicycle or foot races.

“City” means the Mayor of the City of Tenino, or the Mayor’s designee.

“City Street” means every way, lane, road, street, boulevard, and every way or place in the City open as a matter of right to public vehicular traffic inside the City limits.

“In-kind contributions” means any physical donation and/or labor provided directly to the City that benefits the citizens of the City.

“Other special event” means a street fair, arts and craft show, carnival, rally, dance, or other event that occurs on a City street, sidewalk, alley, or other street right-of-way or park which obstructs, delays, or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws and controls.

“Parade” means a march, walk, or procession consisting of any number of persons, animals, vehicles, or a combination thereof, on any City street, sidewalk, alley, or other street right-of-way or park which obstructs, delays, or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws and controls.

“Permit application fee” means the fee to be paid by the Applicant at the time the application is filed with the City. The fee shall be set by the City Council, published in the City’s Consolidated Fee Schedule, and shall cover the actual costs of processing Special Event Applications and administering the provisions of this chapter.

“Permittee” means any person or organization that has been issued a Special Event Permit by the City. The permittee shall have authority, subject to approval by the City, to determine participation in commercial activities during a Special Event.

“Refundable deposit” means the amount of money required of a Permittee to be held by the City as a deposit in order to assure adequate cleanup of the special event site. The

Permittee shall forfeit any such deposit if the City's streets, sidewalks, alleys, or other street rights-of-way or park have not been restored to their pre-event condition, less normal wear and tear.

"Sidewalk" means that property between the curb lines or the lateral lines of a City street and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a City street and dedicated to use by pedestrians.

"Special Event Permit" means the permit issued by the City after the Applicant has met all applicable reviews and requirements as set forth in this Chapter.

### **16.50.005 – Permit required.**

No person or organization may conduct or sponsor a parade, athletic event, or other special event in the City of Tenino which will necessitate the use of a street, sidewalk, alley, or other public right-of-way or park, unless they shall first obtain a Special Event Permit from the City.

### **16.50.010 – Permit Applications – how made.**

A. Any person desiring to conduct or sponsor a parade, athletic event, or other Special Event shall apply for a Special Event Permit by making application on a form provided by the City.

B. The application shall set forth the following information:

1. The name, address, telephone number, and e-mail address of the person or organization seeking to conduct or sponsor the event.
2. The name, address, and telephone number of an emergency contact.
3. The type of activity planned.
4. The date(s) when the event will take place, including start and end times.
5. Any route to be travelled, the starting and ending points, and any rest stop locations. A map of such route must be included.
6. The approximate number of participants and staff or volunteers.
7. The number and type of animals or vehicles taking part in the event.
8. A statement as to whether the parade will occupy all or only a portion of the width of streets proposed to be traversed.

9. The location by streets of any assembly areas.
10. Whether food and/or beverages will be sold.
11. Although not required, a copy of any brochure, poster, flyer, or mailing advertising the event is often very helpful.

C. The application must be signed by either the person who is actually making the request, or by the authorized agent of the organization making the request. By signing the application, the person is agreeing to comply with the terms and conditions of the permit.

### **16.50.015 – Permit Applications – timelines for submission.**

A. Sussex Avenue or Wichman Street. Applications for a Special Event Permit involving Sussex Ave or Wichman Street must be submitted a minimum of four (4) months in advance, with six (6) months being preferable. These permits must be coordinated with the Washington State Department of Transportation and the City may not issue any permit until permission is received from WSDOT.

B. All other public ways and places. Applications for a Special Event Permit involving any other public way or place within the City limits must be submitted not less than 20 working days prior to the date of the event. Applications may be submitted up to six months prior to the date of the event.

C. Applications are date/time stamped when received and shall be processed solely on a “first come, first served” basis.

### **16.50.020 – Permit - issuance.**

A. Within 10 City working days of receipt of the application, the City shall approve, conditionally approve, or deny an application based on the recommendations of the City Department(s) involved in the review process of the application. Grounds for denial are shown in § 16.50.025, below. If the application is denied or conditionally approved, the City shall inform the Applicant of the ground for denial, or the reason for a change in the date, time, route, or location of the event. The Applicant shall also be notified of any conditions contained in the permit at the time the application is approved.

B. Immediately upon issuance or denial of a permit, the City shall send a copy thereof to the members of the City Council, Police Department, Fire Department, and Public Works Department.

C. The City shall only issue a Special Event Permit after the application has been approved and all required documentation has been provided. The permit shall only be approved after a review by the appropriate City Department, which may include any, or

all, of the following: Building Official, City Hall, Department of Public Works, Fire Department, Police Department

**16.50.025 – Permit – denial.**

A Special Event Permit shall be denied based upon a determination that:

- A. The event would seriously endanger public safety.
- B. The event would seriously inconvenience the general public.
- C. There is not sufficient public safety personnel or other necessary City staff to accommodate the event.
- D. The Applicant failed to complete the application form after having been notified of additional information or documents being required.
- E. Information contained in the application, or supplemental information provided by the Applicant, is found to be false in any material detail.
- F. The event would conflict with a previously-scheduled event.

**16.50.030 Permit - conditions.**

The City may condition the issuance of a Special Event Permit by imposing reasonable requirements concerning the time, place, and manner of the event, and such requirements as are necessary to protect the safety and rights of persons and property, and the control of traffic. Such conditions may include, but are not limited to:

- A. Alteration of the date, time, route, or location of the event proposed on the event application.
- B. Conditions concerning the area of assembly and disbursal of an event occurring along a route.
- C. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of the street.
- D. Requirements for the use of traffic cones or barricades.
- E. Requirements for the provision of first aid or sanitary facilities.
- F. Requirements for use of event monitors and providing notice of permit conditions to event participants.
- G. Restrictions on the number and/or type of vehicles, animals, or structures at the event.

- H. Compliance with animal protection ordinances and laws.
- I. Requirements for the use of garbage containers and the cleanup and restoration of City property.
- J. Restrictions on the use of amplified sound.
- K. Twenty-four (24) hour advance notice to residents and/or businesses regarding any activity which would require a street closure.
- L. Pre-event signage regarding street closure, detours, and routing plan.

**16.50.035 – Indemnification.**

- A. Prior to the issuance of a Special Event Permit, the Applicant or authorized officer of the sponsoring organization must agree to reimburse the City for any costs incurred by the City in repairing damage to City property occurring in connection with the permitted event that exceed the damage deposit.
- B. Permittee must agree to defend, indemnify, save and hold harmless the City, its appointed and elective officers, agents and employees from and against all loss or expense, including, but not limited to judgements, settlements, attorney’s fees, and costs by reason of any and all claims and demands upon the City, its elected or appointed officials or employees for damages because of personal or bodily injury, including death at an time resulting therefrom, sustained by any person or persons and on account of damage to property including loss of use therefrom, arising out of any activity under or in connection with this event, except only such injury as shall have been occasioned solely by the negligence of the City, its appointed or elected officers or employees.

**16.50.040 – Insurance required.**

- A. Applicant shall provide the City with proof of commercial general liability insurance in the amount of \$1,000,000.00 combined single limit per occurrence, and an endorsement naming the City of Tenino as an additional insured. The insurance coverage shall extend at least one day before and one day after the event with the certificate of insurance provided to the City before any permit shall issue.
- B. In the case of any special event activity on City-owned property that has been leased, the lessee shall also be named as an additional insured, and written approval from the lessee for the requested activity shall be provided to the City before any permit shall issue.

**16.50.045 – Exemptions.**

- A. No provision of this Chapter shall apply to funeral processions or to groups required by law to be so assembled.

B. Because experience has shown that there are benefits to the City such that certain events should be exempted from the requirement to pay deposits, deposits shall not be required for the following events when sponsored by the organizations indicated:

1. Any event sponsored by the Tenino Branch, Timberland Regional Library
2. Bible Boot Camp (Heritage Baptist Church)
3. Four Square Mile Music Festival (Adam Craig Foundation)
4. Mary Bridge Children’s Courage Ride (Precision Sport Consulting)
5. Mayfaire (Barony of Glymm Mere)
6. Oregon Trail Days (Tenino Chamber of Commerce)
7. Raise for Rowyn Bike/Foot Race (Raise for Rowyn Foundation)
8. Seattle-to-Portland Bicycle Race (Cascade Bicycle Club)
9. Other events that, in the discretion of the Mayor, provide similar benefits to the City.

**16.50.050 – Grievance procedure.**

Any person aggrieved by the determination of the City in denying an application for a permit, conditions imposed upon approval of an application for a permit, or revoking a permit, may lodge a grievance regarding such determination with the Clerk/Treasurer for hearing in front of the City Council. The City Council shall have full discretion in determining whether and how to hear and resolve such grievance, and such determination shall be final.

**16.50.055 – Violation – penalty.**

Any violation of this chapter by any promoter, sponsor, or organizer of an event subject to this chapter, or by any participant in an event subject to this chapter shall be a misdemeanor and shall be punished in accordance with the “General Penalty” provisions of TMC 1.16.01

**16.50.060 Severability.**

Each separate provision of this chapter is independent of all other provisions. If any provision of this chapter, or any part thereof, is declared invalid, all other provisions, or parts thereof, remain valid and enforceable.

**Backup material for agenda item:**

6. Experience Olympia & Beyond (a.k.a. the Visitor & Convention Bureau of Thurston County) hopes to attract more visitors to the Tenino area by highlighting the Yelm-Tenino Trail at an "Open House" type event during the last week of February.

The wish to utilize the Quarry House and the Administration desires to waive all fees and deposits.



## **City of Tenino**

### **Special Events/Parade Application**

149 Hodgden St. South – P O Box 4019  
Tenino, WA 98589  
(360) 264-2368  
[www.ci.tenino.wa.us](http://www.ci.tenino.wa.us)

### **Special Events/Parade Permit**

A Special Events/Parade permit must be obtained from the City of Tenino by any individual, organization or group that wishes to host an event that may impact City roadways or properties in Tenino.

### **Instructions for obtaining a permit**

- Allow a minimum of forty-five (45) days for processing.
- Complete the Special Events/Parade Application form and mail or deliver with all necessary information and attachments.
  - Include a map of the route
  - Attach the event traffic control plan, or identify if City Services are needed.
  - Identify any specific services requested from the City.
- Fees for a permit are based on the level of service required for the City of Tenino during the event. Charges may include traffic control (Tenino Police), setting up cones (Tenino Public Works), etc.
- Submit the form and attachments to:

**Tenino City Hall**  
**149 Hodgden St S**  
**PO Box 4019**  
**Tenino, WA 98589**

- Failure to submit a complete application may result in denial of the use of streets, facilities and/or services.

### **Questions?**

Please contact City Hall Staff at (360) 264-2368 for more information.



## City of Tenino

### Special Events/Parades

149 Hodgden St. South – P O Box 4019  
 Tenino, WA 98589  
 (360) 264-2368  
[www.ci.tenino.wa.us](http://www.ci.tenino.wa.us)

## USER GROUP RESPONSIBILITIES

To hold a special event or parade in the City of Tenino , your Organization is responsible for:	Timeline:
Turning in a completed Special Events/Parade Application to the City of Tenino. (late requests will be considered on a space available basis)	45-60 days before the event
Providing proof of liability insurance to the City of Tenino (specific insurance guidelines are described on the contract page.)	At least two (2) weeks prior to the start of the activity
Notifying the City of Tenino of cancellation or changes.	When event is modified or cancelled

STAFF	TITLE	DEPARTMENT	PHONE	EMIAL
Troy Cannon	Public Works Director	Public Works	(360) 264-2368 (360) 561-1506	<a href="mailto:publicworks1@ci.tenino.wa.us">publicworks1@ci.tenino.wa.us</a>
Denise Nelson Ronna Barnes	Admin Clerk Court Clerk	Administration	(360) 264-2368	<a href="mailto:denise@ci.tenino.wa.us">denise@ci.tenino.wa.us</a> <a href="mailto:ronna@ci.tenino.wa.us">ronna@ci.tenino.wa.us</a>
Don Moody	Chief of Police	Police	(360) 264-2626	<a href="mailto:dmoody@ci.tenino.wa.us">dmoody@ci.tenino.wa.us</a>



# City of Tenino

## Special Events/Parades

149 Hodgden St. South – P O Box 4019  
Tenino, WA 98589  
(360) 264-2368  
www.ci.tenino.wa.us

### SPECIAL EVENTS/PARADE CONTRACT

I have applied for use as legal representative of Experience Olympia & Beyond (VCB)  
(name of organization/group)

I hereby certify, on behalf of my organization, that we understand and agree:

- The User shall procure and maintain for the duration of the agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the use of the premises. The User shall provide a certificate of insurance to the City of Tenino evidencing general liability insurance covering premises, products-completed operations and contractual liability. The City of Tenino shall be named as insured on the Users General Liability insurance policy. The General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence. The insurance policy shall contain, or be endorsed to contain that the User’s insurance coverage shall be primary insurance as respect to the City of Tenino. Any insurance, self-insurance, or insurance pool coverage maintained by the City of Tenino shall be excess of the User’s insurance and shall not contribute with it. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII. This certificate evidencing required insurance shall be provided before using City of Tenino facilities.
- To defend, indemnify and hold harmless the City of Tenino, their officers, officials, employees and volunteers from and against any and all claims, suits, actions, or liabilities for injury or death of any person, or for loss or damage to property, which arises out of the use of premises or from any activity, or thing done, permitted, or suffered by User in or about the premises, except only such injury or damage as shall have been occasioned by the sole negligence of the City of Tenino.
- That permission to use the facilities granted may be revoked or canceled at any time by the City of Tenino and our association will have no claim or right to damages reimbursement for any loss, damage, or expense resulting for revocation or cancellation.
- All parties acknowledge and agree that the City of Tenino reserves the right to revoke this Special Events/Parade Contact for a group/organization at any time.

I have read and understand all conditions, rules, and regulations specified in the Special Events/Parade contract. I am authorized to sign on behalf of the group listed above.

Name (please print) Moira Davin

Address 103 Sid Snyder Avenue SW

City Olympia, Zip 98501 Phone (360) 704-7544

Signature \_\_\_\_\_ Date \_\_\_\_\_

City Approval \_\_\_\_\_ Date 01/24/19



# City of Tenino

## Special Events/Parade Application

149 Hodgden St. South – P O Box 4019  
Tenino, WA 98589  
(360) 264-2368  
www.ci.tenino.wa.us

**Organization:** Experience Olympia & Beyond

**Contact Person:** Ms. Moira Davin

**Address:** 103 Sid Snyder Avenue SW  
Olympia, WA 98501

**Telephone:** (360) 704-7500      **Fax:** ( ) -

**Email:** moira@experienceolympia.com

1. Purpose of the special event/parade is: Highlight the Bountiful Byways route, discuss referrals and all the locations along the way and Tenino's unique relationship
2. Description of organizing group Visitor's & Convention Bureau
3. Date(s) and time(s) of special event/parade TBD (last week of February)
4. There will be an estimated 50 persons, 0 animals, 0 floats and 0 motor vehicles participating or engaging in the special event/parade.
5. Place, area, route or location, as applicable to the special event/parade (please attach a map or describe) The Quarry House
6. What portion of the sidewalks and streets indicated will be occupied by the special event/parade N/A
7. Are any temporary structures going to be erected? **Yes / No** (circle one) If yes, you must attach plans indicating clearly: a) the type of construction, b) seating arrangements, c) aisle arrangements, d) structural details and calculations of the seats and supports and e) location of all exits.

8. Is any open flame going to be used within the structure? **Yes**(**No**)(circle one). If yes, what precautions are to be taken to render it safe? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. What provisions have been made for sanitary facilities for persons using the premises?  
N/A (will use Quarry House restrooms)
10. You will deposit with the City Clerk at the time of application a refundable surety or cash bond of \$500.00.
11. You will furnish evidence to the City Clerk at the time of application of a liability insurance policy as described in the Special Events/Parade Contract.
12. The undersigned has authority to execute this application and the requesting organized group, unincorporated association of persons, partnership or corporation promises and agrees to abide by all the terms and conditions of the special event/parade permit issued, and to abide by all the rules and regulations of the City of Tenino. We agree that the structure shall not be used as a place of assembly until the Fire Marshal of Thurston Co. Fire Dist. 12 has inspected the entire premises.
13. This application shall be accompanied by a proposed Traffic Control Plan to be reviewed and approved by the Public Works Director.
14. The undersigned agrees to abide by the laws of the State of Washington and the Laws and Ordinances of the City of Tenino, and further agrees to hold the City of Tenino, their elected officials and their employees or agents harmless and to indemnify them from any and all claims or causes of action arising by reason of the negligent acts or omissions by the individual stated herein or their agents with respect to their usage of city property and participation in this event. Said individual also assumes all legal responsibility for their own negligence or omissions in regards to other participants in this event.

\_\_\_\_\_  
*Signature of Applicant*

*Please answer all questions above. If they do not apply, put N/A. Thank You.*

## DEPARTMENT USE ONLY:

Department Approval:

Public Works Director: \_\_\_\_\_ Date: \_\_\_\_\_

Fire Marshal: \_\_\_\_\_ Date: \_\_\_\_\_

Chief of Police: \_\_\_\_\_ Date: \_\_\_\_\_

Administration: \_\_\_\_\_ Date: \_\_\_\_\_

Building Official: \_\_\_\_\_ Date: \_\_\_\_\_

Permit  Approved /  Denied (circle one) Date: \_\_\_\_\_

City Official: \_\_\_\_\_ Title: \_\_\_\_\_

**PERMIT # 20** \_\_\_\_\_ - \_\_\_\_\_

Internal Use Only				
Amount	Description	BARS	TR #	Date
\$100.00	Fee	001..322.90.00		
\$500.00	Deposit	001..389.00.00.02		
	Refund	001..586.00.00.02	Ck#	

**Backup material for agenda item:**

7. Ordinance 897 would allow the use of WATV's on City Streets.

**ORDINANCE 897**

**AN ORDINANCE OF THE CITY OF TENINO, WASHINGTON,  
ADDING CHAPTER 18.20, WHEELED ALL-TERRAIN VEHICLES, TO  
THE TENINO MUNICIPAL CODE**

**WHEREAS**, RCW 46.06.455 (Authorized and Prohibited Uses for Off-road Vehicles) authorizes Cities to approve or prohibit the use of Wheeled All-Terrain Vehicles (WATV's) on City Streets; and

**WHEREAS**, the City Council of the City of Tenino deliberated upon the subject of WATV's on City Streets during their regularly scheduled meetings on February 12, 2019 and again on February 26, 2019, wherein public comment was invited on the subject ; and

**WHEREAS**, the City Council of the City of Tenino finds approving the use of Wheeled All-Terrain Vehicles to be in the best interests of the City.

**NOW THEREFORE, the City Council of the City of Tenino, Washington, do ordain as follows:**

**Section I.** It is the intention of the City Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Tenino, Washington, and the section of the code and this ordinance may be renumbered to accomplish that intention.

**Section II.** A new chapter, numbered 18.20, and titled "Wheeled All-Terrain Vehicles," shall be added to the Tenino Municipal Code as described in Exhibit A attached hereto, made part hereof, and incorporated herein by reference.

Adopted by the Tenino City Council this 26<sup>th</sup> day of February, 2019.

\_\_\_\_\_  
Wayne Fournier, Mayor

Attest:

\_\_\_\_\_  
John C. Millard, Clerk/Treasurer

First reading: February 12, 2019  
Second reading: February 26, 2019

Approved as to Form:

\_\_\_\_\_  
Richard L. Hughes, City Attorney

## EXHIBIT A TO ORDINANCE 897

# Chapter 18.20, Tenino Municipal Code WHEELED ALL-TERRAIN VEHICLES

### 18.20.001 - Definitions.

When used in this Chapter, the City defines the words and phrases listed below as follows:

“City” means the City of Tenino, Washington, its elected officials, its employees, and its agents.

“City Street” means every way, lane, road, street, boulevard, and every way or place in the City open as a matter of right to public vehicular traffic inside the City limits. This includes that portion of Old Highway 99 from the westernmost point at which the speed limit is reduced to 35 MPH to the easternmost junction of State Route 507 and also includes those portions of State Route 507 that are also designated as Sussex Avenue and Wichman Street, as follows:

Sussex Avenue from west to east between the intersection of Morningside Drive and Stitham Lane.

Wichman Street from south to north between the intersection of 6<sup>th</sup> Avenue and Morningside Drive.

“Motorcycle helmet” means a protective covering for the head consisting of a hard outer shell, padding adjacent to and inside the outer shell, and a neck or chin strap type retention system, with the manufacturer's certification applied in accordance with 49 C.F.R. Sec. 571.218 indicating that the motorcycle helmet meets standards established by the United States department of transportation.

“Rules of the Road” means all the rules that apply to vehicle or pedestrian traffic as set forth in State statute, rule, or regulation.

“Sidewalk” means that property between the curb lines or the lateral lines of a City street and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a City street and dedicated to use by pedestrians.

“Wheeled All-Terrain Vehicle (WATV)” means:

a. Any motorized nonhighway vehicle with handlebars that is 50 inches or less in width, has a seat height of at least 20 inches, weighs less than 1,500 pounds, and has four tires having a diameter of 30 inches or less; or

b. A utility-type vehicle designed for and capable of travel over designated roads that travels on four or more low-pressure tires of 20 psi or less, has a maximum

## EXHIBIT A TO ORDINANCE 897

width less than 74 inches, has a maximum weight less than 2,000 pounds, has a wheelbase of 110 inches or less, and satisfies at least one of the following:

- i. Has a minimum width of 50 inches; or
  - ii. Has a minimum weight of at least 900 pounds; or
  - iii. Has a wheelbase of over 61 inches.
- c. A wheeled all-terrain vehicle is an off-road vehicle for the purpose of this chapter.

### **18.20.005 – Use of wheeled all-terrain vehicles on City streets.**

Subject to the restrictions and requirements set forth in this Chapter, a person who is at least 18 years of age and who possesses a valid driver's license issued by the state of the person's residence may operate a wheeled all-terrain vehicle upon a City street having a speed limit of 35 miles per hour, or less.

### **18.20.010 – Restrictions on use of wheeled all-terrain vehicles on City streets.**

- A. No person under the age of 18 may operate a WATV on City streets. Such a person may cross a City street while operating a WATV if, at that crossing, signs indicate that wheeled all-terrain or off-road vehicles may be crossing, or on a nonhighway road designated for off-road vehicle use, under the direct supervision of a person eighteen years of age or older possessing a valid license to operate a motor vehicle under RCW 46.20.
- B. Passengers are only allowed in WATV's being operated on City streets if the WATV is designed for two or more passengers. No passengers under the age of five (5) are allowed.
- C. The operator and any passenger in a wheeled all-terrain vehicle must wear a properly fastened motorcycle helmet while the vehicle is in motion.
- D. A person may not operate a wheeled all-terrain vehicle upon any City street with a speed limit in excess of 35 MPH.
- E. Any person may operate a wheeled all-terrain vehicle upon any City street while being used under the authority or direction of an appropriate agency that engages in emergency management as defined in RCW 38.52.010, or a law enforcement agency as defined in RCW 16.52.011 within the scope of the agency's official duties

## EXHIBIT A TO ORDINANCE 897

### 18.20.010 – Equipment requirements of a wheeled all-terrain vehicle.

A. A person may operate a WATV on the City's streets only if the WATV meets the following criteria:

1. Headlights meeting the requirements of RCW 46.37.030 and 46.37.040 and used at all times when the vehicle is in motion upon a highway;
2. At least one tail lamp meeting the requirements of RCW 46.37.525 and used at all times when the vehicle is in motion upon a highway; however, a utility-type vehicle, as described under RCW 46.09.310, must have two tail lamps meeting the requirements of RCW 46.37.070(1) and to be used at all times when the vehicle is in motion upon a highway;
3. A stop lamp meeting the requirements of RCW 46.37.200;
4. Reflectors meeting the requirements of RCW 46.37.060;
5. During hours of darkness, as defined in RCW 46.04.200, turn signals meeting the requirements of RCW 46.37.200. Outside of hours of darkness, the operator must comply with RCW 46.37.200 or 46.61.310;
6. A mirror attached to either the right or left handlebar, which must be located to give the operator a complete view of the highway for a distance of at least two hundred feet to the rear of the vehicle; however, a utility-type vehicle, as described under RCW 46.09.310(19), must have two mirrors meeting the requirements of RCW 46.37.400;
7. A windshield meeting the requirements of RCW 46.37.430, unless the operator wears glasses, goggles, or a face shield while operating the vehicle, of a type conforming to rules adopted by the Washington state patrol;
8. A horn or warning device meeting the requirements of RCW 46.37.380;
9. Brakes in working order;
10. A spark arrester and muffling device meeting the requirements of RCW 46.09.470; and
11. For utility-type vehicles, as described under RCW 46.09.310(19), seat belts meeting the requirements of RCW 46.37.510.

B. A person who operates a wheeled all-terrain vehicle upon a public roadway must provide a declaration that includes the following:

## EXHIBIT A TO ORDINANCE 897

1. Documentation of a safety inspection to be completed by a licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop in the state of Washington that must outline the vehicle information and certify under oath that all wheeled all-terrain vehicle equipment as required under this section meets the requirements outlined in state and federal law. A person who makes a false statement regarding the inspection of equipment required under this section is guilty of false swearing, a gross misdemeanor, under RCW 9A.72.040;
2. Documentation that the licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop did not charge more than fifty dollars per safety inspection and that the entire safety inspection fee is paid directly and only to the licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop;
3. A statement that the licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop is entitled to the full amount charged for the safety inspection;
4. A vehicle identification number verification that must be completed by a licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop in the state of Washington;
5. A release, on a form to be supplied by the department, signed by the owner of the wheeled all-terrain vehicle and verified by the department, county auditor or other agent, or subagent appointed by the director that releases the state, counties, cities, and towns from any liability; and
6. A statement that outlines that the owner understands that the original wheeled all-terrain vehicle was not manufactured for on-road use and that it has been modified for use on public roadways.

C. This section does not apply to emergency services vehicles, vehicles used for emergency management purposes, or vehicles used in the production of agricultural and timber products on and across lands owned, leased, or managed by the owner or operator of the wheeled all-terrain vehicle or the operator's employer.

### **18.20.015 – Registration requirements of a wheeled all-terrain vehicle.**

A wheeled all-terrain vehicle operated on a City street must comply with all licensing and registration requirements of RCW 49.06.

### **18.20.020 – Duty to obey traffic-control devices and rules of the road.**

Unless a Police Officer directs otherwise, a person operating a WATV must obey all rules of the road that apply to vehicle or pedestrian traffic and must obey the instructions of all official traffic-control signals, signs, or other devices. A person operating a WATV upon a City street is subject to all of the duties RCW 46.61, *et seq*, imposes on an operator of a vehicle, except as to those provisions thereof which, by their nature, can have no application.

## EXHIBIT A TO ORDINANCE 897

### **18.20.030 Prohibited uses.**

- A. No person may operate or ride as a passenger in a wheeled all-terrain vehicle in a negligent or unsafe manner but must do so with reasonable regard for his or her own safety and for the safety of others.
- B. Only one person may occupy any seat on a wheeled all-terrain vehicle while the vehicle is in motion.
- C. No WATV may tow other vehicles or devices while on City streets.
- D. No person may operate a WATV side-by-side in a single lane of traffic.

### **18.20.040 – Prohibited areas.**

- A. It is unlawful to operate a wheeled all-terrain vehicle on a sidewalk.
- B. It is unlawful to operate a wheeled all-terrain vehicle in a park, unless a Special Event Permit has been granted by the City and such permit specifically provides for the operation of WATV's within a City park, except that wheeled all-terrain vehicles may use the City Park's paved parking lot or the gravel parking lot adjacent to the Quarry House.
- C. It is unlawful to operate a wheeled all-terrain vehicle on the Yelm-Tenino Trail. It is lawful to cross the Yelm-Tenino Trail where signs designate such a crossing.

### **18.20.045 – Violation – penalty.**

A person who violates a provision of this chapter is guilty of a traffic infraction and will be punished by the imposition of a monetary penalty not to exceed \$250.00 for the first offense, exclusive of statutory assessments; provide, that conduct that constitutes a criminal traffic offense may be charged as such and is subject to the maximum penalties allowed for such offenses. Repeat offenses under this chapter shall be punished in accordance with the "General Penalty" provisions of TMC 1.16.01

### **18.20.050 Severability.**

Each separate provision of this chapter is independent of all other provisions. If any provision of this chapter, or any part thereof, is declared invalid, all other provisions, or parts thereof, remain valid and enforceable.

### **18.20.100 - Statutes adopted by reference.**

The following sections of Chapter 46.09 of the RCW, are adopted by reference: 46.09.440, 46.09.442, 46.09.444, 46.09.455, 46.09.457, 46.09.460.

**Backup material for agenda item:**

9. Minutes from the January 22, 2019 Regular Meeting

**City Council Meeting**  
**Tuesday, January 22, 2019**

**Minutes**

**WORK SESSION**

Convened at 7:02 pm.

Adjourned at 7:25 pm.

1. In addition to proposing changing the name of the publication from the "City of Tenino Personnel Policy Manual" to the "City of Tenino City Official Handbook," the attached document has been reviewed by the Mayor, the City Attorney, and several members of the City Staff. In each case, the input was evaluated and either included, or held in abeyance pending an opportunity to discuss the proposed changes with the Mayor, City Council, or both.

Major changes to this document include: Updated and expanded definitions; updated and expanded section regarding personnel records; addition of an Employee ID Card requirement; major revisions of Chapter 2 (Hours and Attendance) and Chapter 4 (Compensation); major revisions to the Training and Travel policies; major revisions to Chapters 6 (Benefits) and 7 (Leaves of Absence and Time Off); major revisions to Chapter 8 (Employee Responsibilities & Conduct) including the addition of an Acceptable Use Policy, Social Media Policy, and E-Mail management and retention; minor revisions throughout.

Council handed a draft of the personnel policy update and advised to review for discussion by next meeting.

2. The Administration would like to discuss possible topics of discussion for the March 16, 2019 Special City Council Meeting at Tumwater Fire Department. Attached for your consideration are the results of last year's session and a suggested list of topics for this year's session.

Discussed items of topic they would like to see happen during the meeting.

3. The City has had a vacancy on its Planning Commission since the departure of Commissioner Darla Kolbas in April of 2018.

Ms. Erin Konrady, who resides at 173 Howard Street North, has applied for the position and Mayor Fournier desires to appoint her as Planning Commissioner to the vacant #3 position to fill the term that expires on February 6, 2023.

Mayor Fournier went over the application from Erin Konrady for possible appointment to the Planning Commission.

4. Late in 2018, the Clerk/Treasurer's computer was infected by a virus distributed via email. During the process of cleaning the computer, the City's IT service provider, Ategan Technologies, discovered that the computer hard drive is failing. Ategan also noted the computer is well over six (6) years old and should be replaced to keep pace with current technology. Additionally, the laptop computer used by both the Clerk/Treasurer and other

members of the Administration is also aged and, while no hardware component is failing, should also be upgraded to keep pace with current technology.

After some discussion regarding the technical aspects of computer's in general, the subject of portability was also raised. In the end, Ategan recommended the C/T's desktop computer be replaced with a laptop computer and docking station that would allow the C/T to use a single computer whether in the office or while travelling, and the older laptop be retained for use by the Public as a "Pay Station" workstation that could be used to make credit card payments at City Hall.

Attached for your consideration is a Hardware & Software Quote in the amount of \$1961.87, which would include the proper disposal of the existing computer.

Mayor Fournier discussed the need for a new computer for the Clerk/Treasurer and cost.

### **CALL TO ORDER**

Convened at 7:30 pm with Mayor Fournier.

#### **PRESENT**

Councilmember Linda Gotovac  
Councilmember Dave Watterson  
Councilmember John O'Callahan  
Councilmember Jason Lawton  
Councilmember Rachel Davidson

### **AGENDA APPROVAL**

Motion made by Councilmember O'Callahan, Seconded by Councilmember Gotovac.  
Voting Yea: Councilmember Gotovac, Councilmember Watterson, Councilmember O'Callahan, Councilmember Lawton, Councilmember Davidson.

### **APPROVAL OF MINUTES**

5. Regular Meeting Minutes from January 8, 2019

Motion made by Councilmember Watterson, Seconded by Councilmember Gotovac.  
Voting Yea: Councilmember Gotovac, Councilmember Watterson, Councilmember O'Callahan, Councilmember Lawton, Councilmember Davidson.

### **CONSENT CALENDAR**

6. Vouchers

Claims Checks for the 13th Month period ending January 20, 2019 consisting of Vouchers #27920 and #27921 in the amount of \$5738.49

EFT's and Claim Checks for the period January 9, 2019 through January 22, 2019 consisting of EFT's in the amount of \$40,474.64 and Claims Checks #27922 through #27955 in the amount of \$27,263.39, for a combined total of \$67,738.03

**Recommended Action:** Move to approve vouchers and EFT's as presented above in the combined amount of \$73,476.52.

Motion made by Councilmember Watterson, Seconded by Councilmember Lawton.  
Voting Yea: Councilmember Gotovac, Councilmember Watterson, Councilmember O'Callahan, Councilmember Lawton, Councilmember Davidson.

7. Liquor and Cannabis Licenses.

New Applications: None.

Renewals: None.

**EXECUTIVE SESSION - None**

**PRESENTATIONS**

8. The Administration would like to present Ms. Erin Konrady, the Administrations nominee for Appointment to the vacant #3 position on the City's Planning Commission.

**Recommended Action:** Move to confirm the appointment of Ms. Erin Konrady to the position of City of Tenino Planning Commissioner, Position #3.

Mayor Fournier welcomed Ms. Konrady to the podium and introduced her to the Council for any questions they may have of her. Ms. Konrady gave a little background of herself and how she would like to commit to help Tenino.

Motion made by Councilmember O'Callahan, Seconded by Councilmember Watterson to appoint Erin Konrady to the Planning Commission position #3.

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

Mayor Fournier then gave the oath of office to Ms. Konrady.

**PUBLIC COMMENTS**

Barbara Roderick provided information to council on the 2019 Rodeo Queen Hannah Leib. Miss Leib is from Tenino and it has been almost 30 years since someone has held this title in Thurston County. Barbara would like to see the City of Tenino promote her in some way here either by a road sign or bench of some sort.

**PUBLIC HEARING**

9. 2nd Public Hearing for City of Tenino Text Amendment TA 2019-001

Mayor Fournier read into record the rules and procedures of the public hearing and introduced to Clerk/Treasurer Millard to explain the update. The public hearing was then opened to the public for any comments at 7:40 pm. Hearing no comments from the public the hearing was closed at 7:41 pm. Councilmember Watterson again stated he would like to see his request from the last meeting stay in place.

Councilmembers Gotovac and Watterson expressed a desire to see the eligibility to request a Lot Split be expanded to include any owner in due course, rather than limiting such eligibility to only the immediately succeeding owner in due course.

## **PROCLAMATIONS**

### **OLD BUSINESS**

10. In the Spring of 2018, the Administration first raised the issue of amending the Tenino Municipal Code to allow Wheeled All-Terrain Vehicles on City Streets. The Administration would like to take this issue up for adoption by the end of February and is requesting City Council input.

Mayor Fournier discussed with Council this request and asked that council bring forth their input at the next meeting.

### **NEW BUSINESS**

11. Ordinance 896 would amend Tenino's Land Use Regulations to allow certain actions pertaining to lot combinations and the table of allowed uses.

**Recommended Action:** Move to approve Ordinance 896 as a first reading.

Because two Councilmembers would prefer that all succeeding owners in due course be eligible to request a Lot Split, the decision to accept as a first reading has the caveat that the language in the proposed ordinance will be changed to include all succeeding landowners in due course.

Motion made by Councilmember Watterson, Seconded by Councilmember Gotovac, to approve the first reading, pending an amended proposal.

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

12. The Administration requests approval to purchase a Dell Latitude 5590 Notebook Computer and a Dell Universal Dock, along with associated software and recycle support in order to replace the computer currently used by the Clerk/Treasurer.

**Recommended action:** Move to approve the purchase of a new notebook-based computer workstation to replace that currently used by the City's Clerk/Treasurer in an amount not exceed \$1,961.87

Motion made by Councilmember Watterson, Seconded by Councilmember Gotovac, to approve the purchase as quoted.

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

### **RESOLUTIONS - None**

### **ORDINANCES - None**

## REPORTS

13. 1) Chamber of Commerce. Councilmember O'Callahan stated that current Chamber president Tyler is stepping down at the end of 2019.
  - 2) Economic Development Council (EDC)
  - 3) Experience Olympia & Beyond (VCB)
  - 4) South Thurston Fire & EMS
  - 5) Library
  - 6) Museum. Councilmember O'Callahan stated that the new President for the museum is Loren Ackerman. John will continue to keep up the facebook account. They have had 5 tours so far this year.
14. 1) Chief of Police. Chief they had a access audit and passed with very little changes to be made. the reserve academy still starts on 4/2 and will end 5/26/19. Home Depot is donating some lumber to them for use during mock scenes. He will have his yearend report by the next meeting. He will be having exams in the morning for the Sargent's position. They have two new reserves which will bring up their man power to 10 total. All full-time officers are now FTO certified. He has joined the Centralia College Criminal Justice Advisory Board and is very honored to have this position. He would like to thank Troy and his crew for installing the speed sign on 99 N. He also handed to everyone their Mission Statement they will be using.
  - 2) Director of Public Works. Troy reported the McClellan St project is moving along. Lindsey with 3D imaging has filmed the QH and museum. The crew had a meeting in the old Park and have found that many trees are dying which is a priority maintenance issue. Sewer pump replacements are up this year and they have gone to a different company for the pumps. Ty has been changing out the street signs. The new way signs have been received and they will start hanging them soon.
  - 3) City Planner / Building Official
  - 4) City Attorney
  - 5) Clerk/Treasurer. C/T Millard went over his attached report with Mayor and Council.
  - 6) Mayor. Mayor Fournier reported he read his state of the City address to the Chamber of Commerce. He will be attending a meeting on 1/23/19 @6:30 pm with George Sharp. He had a discussion with Bob Droll regarding the bike pavilion and hopes to have it up by Spring.
15. 1) Civil Service Commission
  - 2) Park Commission
  - 3) Planning Commission
  - 4) Facade Improvement Grant Review Committee (FIGR)
  - 5) Finance Committee

- 6) Public Safety Committee
16. 1) Bucoda/Tenino Healthy Action Team (BTHAT)
  - 2) Community Investment Partnership (CIP/HHSC). Councilmember O'Callahan reported the meeting included much discussion on the homelessness.
  - 3) Solid Waste Advisory Board
  - 4) South Thurston Economic Development Initiative (STEDI). The Arts Committee 2nd stake holders meeting is on 1/23/19. Rainier C/T Garrison is working with George Sharp to change the Yelm Tenino Trail to read as "TRY" Tenino Rainier Yelm Trail.
  - 5) TCOMM/911
  - 6) Tenino School Board
  - 7) Thurston Regional Planning Council (TRPC). Councilmember Watterson reported they will be having a retreat in April some time and would like to discuss topics during the City's retreat in March.
  - 8) Transportation Policy Board. They meet next month and will be electing new officers.

**PUBLIC COMMENTS 2 - None**

**ANNOUNCEMENTS - None**

**ADJOURNMENT**

Adjourned at 8:20 pm.

**Backup material for agenda item:**

10. Vouchers for the period February 13, 2019 through February 26, 2019.

**Recommended Action:** Move to approve payroll EFT's in the amount of \$23,111.29 and Claims Checks #28023 through #28047 in the amount of \$18,259.39, for a grand total of \$41,370.68.

**Consent Calendar consisting of February 13, 2019 through February 26, 2019:**

**Payroll EFT's in the amount of \$23,111.29**

- **Claims Checks #28023 through #28047 in the amount of \$18,259.39**

•  
**for a grand total of \$41,370.68**

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

**Raise for Rowyn  
(special occasion 4/27/2019)**

**Backup material for agenda item:**

11. New Applications: Raise for Rowyn (Special Occasion April 27, 2019)

Renewals: Casa Ramos

**Recommended Action:** Move to approve all liquor and cannabis licenses applications and renewals.

C091080-2

WASHINGTON STATE LIQUOR AND CANNABIS BOARD

DATE: 02/06/2019

LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF TENINO  
(BY ZIP CODE) FOR EXPIRATION DATE OF 20190531

LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	PRIVILEGES
1. LOS COMPADRES MEXICAN RESTAURA	LOS COMPADRES MEXICAN RESTAURANT 312 SUSSEX AVE TENINO WA 98548 9262	082636	SPIRITS/BR/WN REST SERVICE BAR

**Backup material for agenda item:**

13. For the past two years, Mr. Doug Mah has facilitated the City's Strategic Planning Workshop, more commonly known as the "Council Getaway."

Mr. Mah's unique perspective, as a former Olympia Mayor, and his intimate familiarity with the City due to his previous work with our Mayor and Council to produce a workable Municipal Budget, in addition to the fact that he has facilitated the previous two sessions, makes him particularly well-suited to facilitate this year's event.

The Administration, therefore, requests approval to enter into a Consultant Agreement with Mr. Mah again this year.

**Recommended action:** Move to approve Mayor Fournier entering the agreement with Doug Mah and Associates to facilitate this year's Council Getaway on March 16, 2019.

**Tenino City Council**  
**2018 City Council Strategic Visioning and Planning Retreat**  
**March 16, 2019**

**PROPOSED Statement of Work for Doug Mah & Associates, LLC**

**General description of work:** Doug Mah & Associates, in consultation with the Mayor and the Clerk /Treasure for the City of Tenino, will assist in the retreat planning and provide small group facilitation services for a half day City Council strategic visioning, investing, budgeting, and planning retreat scheduled on March 16, 2019. High level deliverables and outcomes include; 1) reaffirm the city’s shared vision; 2) organizational self-assessment based on the Oklahoma Municipal Assurance Group Recognition Program; 3) reaffirm the set of shared investment principles; and 4) the framework for an annual work plan. The City agrees to provide equipment and physical space to conduct the in-person retreat. Specific work items and tasks include:

**Task 1. Participating in retreat planning meetings with Mayor and Clerk/Treasure.**

*Activities:* Set facilitator expectations and anticipated outcomes and deliverables for the retreat. Assumes one meeting prior to the board retreat.

*Deliverables:* Establishing the retreat agenda, activities, and methods for achieving expected deliverables and outcomes.

**Task 2. Conducting phone interviews with individual councilmembers.**

*Activities:* Interview Councilmembers to identify individual areas of strategic focus, investment and financial concerns, and aspirations for the retreat and planning efforts.

*Deliverables:* Gather and document insights and observation about Council expectations.

**Task 3. Attend and facilitate Council and stakeholder discussions during the retreat.**

*Activities:* Create an environment where respectful, creative, and meaningful dialog and decision making can occur, provide a forum for the group to exchange insights and information.

*Deliverables:* Establish a shared understanding regarding the strategic visioning and planning for the City, City Council, and other stakeholders. Facilitate the Council’s organizational self-assessment, reaffirm of the shared vision and shared investment principles, and formulate an annual work plan.

**Task 4. Participating in post-retreat assessment meeting with Mayor and Clerk/Treasure.**

*Activities:* Review comments and insights obtained from the retreat. Assumes one meeting following the retreat.

*Deliverables:* Provide final documentation and discuss next steps to implement the retreat outcomes.

**Doug Mah & Associates' fee to provide the above work items: \$1,600.00**

<b>Task / Item</b>	<b>Quantity</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
Task 1 – Meet w/ Mayor & Clerk	1	1.5	\$160 / hr	240.00
Task 2 – Phone interviews w/ city council	5	0.5	\$160 / hr	400.00
Task 3 – Facilitate planning retreat.	1	6	\$160 / hr	960.00
Task 3a – Document retreat outcomes	1	1	\$160 / hr	160.00
Task 4 – Meet w/ Mayor & Clerk	1	1.5	\$160 / hr	240.00
In-kind community discount for the City of Tenino				- 400.00
<b>TOTAL</b>				<b>\$1,600.00</b>

*Submitted: February 21, 2018*

## CITY OF TENINO AGREEMENT FOR CONSULTATIVE SERVICES

This Agreement is entered into by and between the City of Tenino, Washington, a municipal corporation organized under the laws of the State of Washington (“City”) and Doug Mah & Associates, LLC, a Washington Limited Liability Company, whose address is P.O. Box 2814, Olympia, WA 98507-2814 (“Consultant”).

**WHEREAS**, the City desires to continue hosting an annual leadership workshop for the purpose of developing and/or updating its goals and priorities for each new upcoming fiscal year; and

**WHEREAS**, Consultant has over 25 years of related city management experience and represents it has the professional expertise needed to perform the services a workshop of this nature typically requires; and

**WHEREAS**, Consultant and City wish to enter into this Agreement to completely set forth the terms and conditions upon which the Consultant is retained to provide the services requested by the City;

**WHEREAS**, Consultant shall perform all of the services, duties and obligations described at Exhibit A, attached hereto, made part hereof, and is incorporated herein by reference, in a good faith, professional, and diligent manner so as to cause the workshop to be completed in an expeditious, reasonable, economical, and workmanlike fashion;

**NOW, THEREFORE**, in consideration of the mutual benefits and considerations set forth below, the parties agree as follows:

1. **Scope of Services.** See *Exhibit A*.
2. **Compensation and Payment.** The Consultant shall receive the total sum not to exceed \$1,600.00 for services rendered under this agreement.
3. **Federal Income Taxes and Payment.** Consultant shall complete and return Federal Tax Form W-9 upon execution of this Agreement. Consultant shall send his invoice upon conclusion of the Post-Retreat Assessment. City shall remit payment within 21 days of receipt of invoice.
4. **Business License and B&O Tax.** In consideration for the “In-Kind Community Discount for the City of Tenino,” the City shall not require Consultant to obtain a Business License in accordance with Tenino Municipal Code (TMC) § 6.24.020, nor to file a City B&O Tax Return in accordance with TMC § 6.60 or 6.61.
5. **Duration of Agreement.** This Agreement shall be in effect upon signing by both parties and will expire at the sooner of the conclusion of the Post-Retreat Assessment or April 30, 2019.
6. **Ownership and Use of documents.**
  - a. **Ownership.** Any and all data, reports, analyses, documents, photographs, pamphlets, plans, specifications, surveys, films or any other materials created, prepared, produced, constructed, assembled, made, performed or otherwise produced by the Consultant or the Consultant’s subcontractors or consultants for delivery to the City under this Agreement shall be the sole and absolute property of the City. Such property shall constitute “work

## CITY OF TENINO AGREEMENT FOR CONSULTATIVE SERVICES

- made for hire” as defined by the U.S. Copyright Act of 1976, 17 U.S.C. § 101, and the ownership of the copyright and any other intellectual property rights in such property shall vest in the City at the time of its creation. Ownership of the intellectual property includes the right to copyright, patent, and register, and the ability to transfer these rights. Material which the Consultant uses to perform this Agreement but is not created, prepared, constructed, assembled, made, performed or otherwise produced for or paid for by the City is owned by the Consultant and is not “work made for hire” within the terms of this Agreement.
- b. **Public Records Act.** This Agreement and all public records associated with this Agreement shall be available from the City for inspection and copying by the public where required by the Public Records Act, Chapter 42.56 RCW (the “Act”).
- i. To the extent that public records then in the custody of the Consultant are needed for the City to respond to a request under the Act, as determined by the City, the Consultant agrees to make them promptly available to the City.
  - ii. If the Consultant considers any portion of any record provided to the City under this Agreement, whether in electronic or hard copy form, to be protected from disclosure under law, the Consultant shall clearly identify any specific information that it claims to be confidential or proprietary. If the City receives a request under the Act to inspect or copy the information so identified by the Consultant and the City determines that release of the information is required by the Act or otherwise appropriate, the City’s sole obligations shall be to notify the Consultant (a) of the request and (b) of the date that such information will be released to the requester unless the Consultant obtains a court order to enjoin that disclosure pursuant to RCW 42.56.540. If the Consultant fails to timely obtain a court order enjoining disclosure, the City will release the requested information on the date specified.
  - iii. The City has, and by this section assumes, no obligation on behalf of the Consultant to claim any exemption from disclosure under the Act. The City shall not be liable to the Consultant for releasing records not clearly identified by the Consultant as confidential or proprietary. The City shall not be liable to the Consultant for any records that the City releases in compliance with this section or in compliance with an order of a court of competent jurisdiction.
7. **Independent Consultant.** The Consultant and the City agree that the Consultant is an independent contractor with respect to the services provided. Nothing in this Agreement shall be considered to create any employer and employee relationship between the parties. The City further recognizes that the Consultant has, and will continue to have, an independent business and other clients. The Consultant recognizes that the City has, and will continue to have, contracts with other contractors for the provision of services.
8. **Insurance.** The Consultant shall obtain and maintain insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of work per this Agreement with a minimum of \$500,000 Automobile coverage and \$1,000,000 General Liability. Any City insurance shall be in excess of Consultant’s insurance.

**CITY OF TENINO AGREEMENT FOR CONSULTATIVE SERVICES**

**9. Termination.**

- a. Both parties retain the right to terminate or suspend this Agreement at any time, with or without cause, upon seven (7) days written notice. In the event of termination or suspension by the City, all finished or unfinished work products shall be submitted to the City and reimbursement paid to the Consultant *in quantum meruit*.
- b. Provided, however, prior to litigation of any dispute arising out of this Agreement, the Parties will submit the matter to mediation on terms and conditions to be agreed upon or, failing such agreement, to the Washington Arbitration and Mediation Service in Seattle. Each party will be responsible for their own costs of mediation, including attorney’s fees, and share the mediation service fee equally.

**10. Entire Agreement.** This Agreement contains the entire agreement between the parties, and no other agreements, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or bind either of the parties.

**11. Changes.** Either party may request changes to the Agreement or Scope of Services at any time. Any such change, or amendment, must be accorded the same degree of formality as this agreement and no change or amendment shall be valid unless agreed to by both parties in writing.

**12. Notices.**

CITY OF TENINO  
Clerk/Treasurer  
P.O. Box 4019  
Tenino, WA 98589

DOUG MAH & ASSOCIATES, LLC  
Doug Mah  
P.O. Box 2814  
Olympia, WA 98507-2814

**13. Applicable Law and Severability.** This agreement shall be governed by, and construed in accordance with, the laws of the State of Washington. Any provision or part of this agreement held to be void or unenforceable under any law or regulation shall be deemed stricken and all other remaining provisions shall continue to be valid and binding.

**CITY OF TENINO**

**CONSULTANT**

Mayor \_\_\_\_\_

Doug Mah \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Backup material for agenda item:**

15. Ordinance 896 would:

- 1) Amend the Table of Uses to allow agricultural use of land currently zoned P/SP.
- 2) Amend the Tenino Municipal Code to allow for the vacation of a "Lot Combination," resulting in a "Lot Split."

During the first reading of the Ordinance, Councilmembers Gotovac and Watterson requested the Administration investigate the possibility of making the Lot Split procedure available to any succeeding owner in due course. The Ordinance, as written, would limit the availability to only the immediately succeeding owner to the owner who performed a Lot Combination. City Attorney Rick Hughes provided the attached input regarding the proposed change.

**Recommended Action:** Move to approve as the second reading and to adopt Ordinance 896, as currently written, with an effective date of March 1, 2019.

**ORDINANCE 896**

**AN ORDINANCE OF THE CITY OF TENINO, WASHINGTON  
APPROVING TEXT AMENDMENT TA2019-001, AMENDING TITLES  
100 AND 114 OF THE TENINO MUNICIPAL CODE**

**WHEREAS**, the City of Tenino has received requests to vacate previous lot combinations made per Title 114.100 of the Tenino Municipal Code; and

**WHEREAS**, updates to the City's Schedule of Uses are also required; and

**WHEREAS**, the city issued a State Environmental Policy Act (SEPA) Determination of Nonsignificance (DNS) for the contemplated changes on December 26, 2018; and

**WHEREAS**, the City of Tenino notified Tribal Governments, State Agencies, and other Interested Parties on December 27, 2018; and

**WHEREAS**, the City of Tenino considered any comments received with respect to its December 27, 2018 notifications; and

**WHEREAS**, the City held Public Hearings before the City Council on January 9, 2019 and January 22, 2019; and

**WHEREAS**, the Public Hearings were properly noticed pursuant to the provisions of TMC Section 100.40.190.

**NOW THEREFORE, the City Council of the City of Tenino, Washington, do ordain as follows:**

**Section I.** It is the intention of the City Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Tenino, Washington, and the section of the code and this ordinance may be renumbered to accomplish that intention.

**Section II.** The Use Schedule, TMC 108.40.010, is amended as follows:

Open Space Uses, Agriculture, in Special Purpose Zones is changed from “-“ (not allowed) to “A” (Administrative Use Permit required)

**Section III.** A new section, numbered 114.100.040 and titled “Lot Split,” shall be added to the Tenino Municipal Code as follows:

114.100.040 – Lot Split

A. Whenever a lot has been combined using the procedure authorized in this Chapter, the action may be vacated, and the boundaries restored according to the previously defined legal descriptions, subject to any conditions required by the City, including payment by the property owner of any costs associated with boundary restoration, only when:

1. The request for a lot split is made by the immediately succeeding owner in due course; and
2. There has been no substantive changes respecting use or modification of the environment on the lot that had been previously combined; and
3. For the zone in which the resulting parcels would be located, the contemplated split will not result in any parcel unable to be used according to any Land Use provision contained in the Tenino Municipal Code (Titles 100 through 114) at the time such request is made; and
4. The City has determined that restoration of the previous boundaries meets all legal requirements existing at the time of the proposed vacation

B. Applications for a Lot Split shall be submitted to the Community Development Department and presented to the City Planning Commission for a decision.

C. The Planning Commission shall be the approval authority for a Lot Split, subject to appeal pursuant to TMC 100.40.070.

D. If approved, a Lot Split Form shall be completed and submitted to the City for processing through the County Auditor. When the form has been recorded by the County Auditor, the lot split shall be considered complete.

Adopted by the Tenino City Council this 12<sup>th</sup> day of February 2019. This Ordinance will become effective after publication as required by law, but not before March 1, 2019.

\_\_\_\_\_  
Wayne Fournier, Mayor

Attest:

\_\_\_\_\_  
John C. Millard, Clerk/Treasurer

First reading: January 22, 2019  
Second reading: February 12, 2019

Approved as to Form:

\_\_\_\_\_  
Richard L. Hughes, City Attorney

**Commented [RH1]:** Under WAC 197-11-305, there are exceptions to the Part 9 categorical exemptions for things like critical areas. Therefore, there will still need to be a legal analysis anytime a lot boundary is restored.

**Commented [RH2]:** I assume your ordinance allows appeal to the city council.

**EXTRACT OF CITY ATTORNEY ANALYSIS AND ADVICE**  
**Proposed Changes to Text Amendment TA 2019-001**  
**(opening availability of Lot Split to any subsequent owner in due course)**

I am not comfortable with this approach. The GMA at RCW 36.70A.040 (3)-(5) discusses development regulations be consistent with, and implement, the comprehensive plan. I have not reviewed the comp plan recently but I am fairly certain it would require a more comprehensive process for urban density under WAC 365-196-300. *At the least the City would probably need to go through the notification process described in the “whereas” section again.* In the prior version of the ordinance I thought it was sufficiently limited to comply with GMA requirements, or at least you could make a reasonable argument in this regard. Sections of the GMA below seem to be circumvented by the proposed ordinance:

**RCW 58.17.060**

**Short plats and short subdivisions—Summary approval—Regulations—Requirements.**

(1) The legislative body of a city, town, or county shall adopt regulations and procedures, and appoint administrative personnel for the summary approval of short plats and short subdivisions or alteration or vacation thereof. When an alteration or vacation involves a public dedication, the alteration or vacation shall be processed as provided in RCW 58.17.212 or 58.17.215. Such regulations shall be adopted by ordinance and shall provide that a short plat and short subdivision may be approved **only if written findings that are appropriate, as provided in RCW 58.17.110**, are made by the administrative personnel, and may contain wholly different requirements than those governing the approval of preliminary and final plats of subdivisions and may require surveys and monumentations and shall require filing of a short plat, or alteration or vacation thereof, for record in the office of the county auditor: PROVIDED, That such regulations must contain a requirement that land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries: PROVIDED FURTHER, That such regulations are not required to contain a penalty clause as provided in RCW 36.32.120 and may provide for wholly injunctive relief.

An ordinance requiring a survey shall require that the survey be completed and filed with the application for approval of the short subdivision.

(2) Cities, towns, and counties shall include in their short plat regulations and procedures pursuant to subsection (1) of this section provisions for considering sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.

**RCW 58.17.110**

**Approval or disapproval of subdivision and dedication—Factors to be considered—Conditions for approval—Finding—Release from damages.**

(1) The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine: (a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking

**EXTRACT OF CITY ATTORNEY ANALYSIS AND ADVICE**  
**Proposed Changes to Text Amendment TA 2019-001**  
**(opening availability of Lot Split to any subsequent owner in due course)**

conditions for students who only walk to and from school; and (b) whether the public interest will be served by the subdivision and dedication.

(2) A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the legislative body shall approve the proposed subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under RCW [82.02.050](#) through [82.02.090](#) may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees imposed under RCW [82.02.050](#) through [82.02.090](#) shall be allowed that constitutes an unconstitutional taking of private property. The legislative body shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.

(3) If the preliminary plat includes a dedication of a public park with an area of less than two acres and the donor has designated that the park be named in honor of a deceased individual of good character, the city, town, or county legislative body must adopt the designated name.

(4) If water supply is to be provided by a groundwater withdrawal exempt from permitting under RCW [90.44.050](#), the applicant's compliance with RCW [90.44.050](#) and with applicable rules adopted pursuant to chapters [90.22](#) and [90.54](#) RCW is sufficient in determining appropriate provisions for water supply for a subdivision, dedication, or short subdivision under this chapter.

***In conclusion, I think the risk to the city outweighs the additional convenience that the proposed ordinance would provide.***

**Backup material for agenda item:**

16. Ordinance 897 would allow the use of WATV's on City Streets.

**Recommended action:** Move to approve the first reading of Ordinance 897, authorizing the use of WATV's on the City Streets of Tenino.

**ORDINANCE 897**

**AN ORDINANCE OF THE CITY OF TENINO, WASHINGTON,  
ADDING CHAPTER 18.20, WHEELED ALL-TERRAIN VEHICLES, TO  
THE TENINO MUNICIPAL CODE**

**WHEREAS**, RCW 46.06.455 (Authorized and Prohibited Uses for Off-road Vehicles) authorizes Cities to approve or prohibit the use of Wheeled All-Terrain Vehicles (WATV's) on City Streets; and

**WHEREAS**, the City Council of the City of Tenino deliberated upon the subject of WATV's on City Streets during their regularly scheduled meetings on February 12, 2019 and again on February 26, 2019, wherein public comment was invited on the subject ; and

**WHEREAS**, the City Council of the City of Tenino finds approving the use of Wheeled All-Terrain Vehicles to be in the best interests of the City.

**NOW THEREFORE, the City Council of the City of Tenino, Washington, do ordain as follows:**

**Section I.** It is the intention of the City Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Tenino, Washington, and the section of the code and this ordinance may be renumbered to accomplish that intention.

**Section II.** A new chapter, numbered 18.20, and titled "Wheeled All-Terrain Vehicles," shall be added to the Tenino Municipal Code as described in Exhibit A attached hereto, made part hereof, and incorporated herein by reference.

Adopted by the Tenino City Council this 26<sup>th</sup> day of February, 2019.

\_\_\_\_\_  
Wayne Fournier, Mayor

Attest:

\_\_\_\_\_  
John C. Millard, Clerk/Treasurer

First reading: February 12, 2019  
Second reading: February 26, 2019

Approved as to Form:

\_\_\_\_\_  
Richard L. Hughes, City Attorney

EXHIBIT A TO ORDINANCE 897

**Chapter 18.20, Tenino Municipal Code**  
**WHEELED ALL-TERRAIN VEHICLES**

**18.20.001 - Definitions.**

When used in this Chapter, the City defines the words and phrases listed below as follows:

“City” means the City of Tenino, Washington, its elected officials, its employees, and its agents.

“City Street” means every way, lane, road, street, boulevard, and every way or place in the City open as a matter of right to public vehicular traffic inside the City limits. This includes that portion of Old Highway 99 from the westernmost point at which the speed limit is reduced to 35 MPH to the easternmost junction of State Route 507 and also includes those portions of State Route 507 that are also designated as Sussex Avenue and Wichman Street, as follows:

Sussex Avenue from west to east between the intersection of Morningside Drive and Stitham Lane.

Wichman Street from south to north between the intersection of 6<sup>th</sup> Avenue and Morningside Drive.

“Motorcycle helmet” means a protective covering for the head consisting of a hard outer shell, padding adjacent to and inside the outer shell, and a neck or chin strap type retention system, with the manufacturer's certification applied in accordance with 49 C.F.R. Sec. 571.218 indicating that the motorcycle helmet meets standards established by the United States department of transportation.

“Rules of the Road” means all the rules that apply to vehicle or pedestrian traffic as set forth in State statute, rule, or regulation.

“Sidewalk” means that property between the curb lines or the lateral lines of a City street and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a City street and dedicated to use by pedestrians.

“Wheeled All-Terrain Vehicle (WATV)” means:

a. Any motorized nonhighway vehicle with handlebars that is 50 inches or less in width, has a seat height of at least 20 inches, weighs less than 1,500 pounds, and has four tires having a diameter of 30 inches or less; or

b. A utility-type vehicle designed for and capable of travel over designated roads that travels on four or more low-pressure tires of 20 psi or less, has a maximum

## EXHIBIT A TO ORDINANCE 897

width less than 74 inches, has a maximum weight less than 2,000 pounds, has a wheelbase of 110 inches or less, and satisfies at least one of the following:

- i. Has a minimum width of 50 inches; or
  - ii. Has a minimum weight of at least 900 pounds; or
  - iii. Has a wheelbase of over 61 inches.
- c. A wheeled all-terrain vehicle is an off-road vehicle for the purpose of this chapter.

### **18.20.005 – Use of wheeled all-terrain vehicles on City streets.**

Subject to the restrictions and requirements set forth in this Chapter, a person who is at least 18 years of age and who possesses a valid driver's license issued by the state of the person's residence may operate a wheeled all-terrain vehicle upon a City street having a speed limit of 35 miles per hour, or less.

### **18.20.010 – Restrictions on use of wheeled all-terrain vehicles on City streets.**

- A. No person under the age of 18 may operate a WATV on City streets. Such a person may cross a City street while operating a WATV if, at that crossing, signs indicate that wheeled all-terrain or off-road vehicles may be crossing, or on a nonhighway road designated for off-road vehicle use, under the direct supervision of a person eighteen years of age or older possessing a valid license to operate a motor vehicle under RCW 46.20.
- B. Passengers are only allowed in WATV's being operated on City streets if the WATV is designed for two or more passengers. No passengers under the age of five (5) are allowed.
- C. The operator and any passenger in a wheeled all-terrain vehicle must wear a properly fastened motorcycle helmet while the vehicle is in motion.
- D. A person may not operate a wheeled all-terrain vehicle upon any City street with a speed limit in excess of 35 MPH.
- E. Any person may operate a wheeled all-terrain vehicle upon any City street while being used under the authority or direction of an appropriate agency that engages in emergency management as defined in RCW 38.52.010, or a law enforcement agency as defined in RCW 16.52.011 within the scope of the agency's official duties

## EXHIBIT A TO ORDINANCE 897

### 18.20.010 – Equipment requirements of a wheeled all-terrain vehicle.

A. A person may operate a WATV on the City's streets only if the WATV meets the following criteria:

1. Headlights meeting the requirements of RCW 46.37.030 and 46.37.040 and used at all times when the vehicle is in motion upon a highway;
2. At least one tail lamp meeting the requirements of RCW 46.37.525 and used at all times when the vehicle is in motion upon a highway; however, a utility-type vehicle, as described under RCW 46.09.310, must have two tail lamps meeting the requirements of RCW 46.37.070(1) and to be used at all times when the vehicle is in motion upon a highway;
3. A stop lamp meeting the requirements of RCW 46.37.200;
4. Reflectors meeting the requirements of RCW 46.37.060;
5. During hours of darkness, as defined in RCW 46.04.200, turn signals meeting the requirements of RCW 46.37.200. Outside of hours of darkness, the operator must comply with RCW 46.37.200 or 46.61.310;
6. A mirror attached to either the right or left handlebar, which must be located to give the operator a complete view of the highway for a distance of at least two hundred feet to the rear of the vehicle; however, a utility-type vehicle, as described under RCW 46.09.310(19), must have two mirrors meeting the requirements of RCW 46.37.400;
7. A windshield meeting the requirements of RCW 46.37.430, unless the operator wears glasses, goggles, or a face shield while operating the vehicle, of a type conforming to rules adopted by the Washington state patrol;
8. A horn or warning device meeting the requirements of RCW 46.37.380;
9. Brakes in working order;
10. A spark arrester and muffling device meeting the requirements of RCW 46.09.470; and
11. For utility-type vehicles, as described under RCW 46.09.310(19), seat belts meeting the requirements of RCW 46.37.510.

B. A person who operates a wheeled all-terrain vehicle upon a public roadway must provide a declaration that includes the following:

## EXHIBIT A TO ORDINANCE 897

1. Documentation of a safety inspection to be completed by a licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop in the state of Washington that must outline the vehicle information and certify under oath that all wheeled all-terrain vehicle equipment as required under this section meets the requirements outlined in state and federal law. A person who makes a false statement regarding the inspection of equipment required under this section is guilty of false swearing, a gross misdemeanor, under RCW 9A.72.040;
2. Documentation that the licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop did not charge more than fifty dollars per safety inspection and that the entire safety inspection fee is paid directly and only to the licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop;
3. A statement that the licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop is entitled to the full amount charged for the safety inspection;
4. A vehicle identification number verification that must be completed by a licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop in the state of Washington;
5. A release, on a form to be supplied by the department, signed by the owner of the wheeled all-terrain vehicle and verified by the department, county auditor or other agent, or subagent appointed by the director that releases the state, counties, cities, and towns from any liability; and
6. A statement that outlines that the owner understands that the original wheeled all-terrain vehicle was not manufactured for on-road use and that it has been modified for use on public roadways.

C. This section does not apply to emergency services vehicles, vehicles used for emergency management purposes, or vehicles used in the production of agricultural and timber products on and across lands owned, leased, or managed by the owner or operator of the wheeled all-terrain vehicle or the operator's employer.

### **18.20.015 – Registration requirements of a wheeled all-terrain vehicle.**

A wheeled all-terrain vehicle operated on a City street must comply with all licensing and registration requirements of RCW 49.06.

### **18.20.020 – Duty to obey traffic-control devices and rules of the road.**

Unless a Police Officer directs otherwise, a person operating a WATV must obey all rules of the road that apply to vehicle or pedestrian traffic and must obey the instructions of all official traffic-control signals, signs, or other devices. A person operating a WATV upon a City street is subject to all of the duties RCW 46.61, *et seq*, imposes on an operator of a vehicle, except as to those provisions thereof which, by their nature, can have no application.

## EXHIBIT A TO ORDINANCE 897

### **18.20.030 Prohibited uses.**

- A. No person may operate or ride as a passenger in a wheeled all-terrain vehicle in a negligent or unsafe manner but must do so with reasonable regard for his or her own safety and for the safety of others.
- B. Only one person may occupy any seat on a wheeled all-terrain vehicle while the vehicle is in motion.
- C. No WATV may tow other vehicles or devices while on City streets.
- D. No person may operate a WATV side-by-side in a single lane of traffic.

### **18.20.040 – Prohibited areas.**

- A. It is unlawful to operate a wheeled all-terrain vehicle on a sidewalk.
- B. It is unlawful to operate a wheeled all-terrain vehicle in a park, unless a Special Event Permit has been granted by the City and such permit specifically provides for the operation of WATV's within a City park, except that wheeled all-terrain vehicles may use the City Park's paved parking lot or the gravel parking lot adjacent to the Quarry House.
- C. It is unlawful to operate a wheeled all-terrain vehicle on the Yelm-Tenino Trail. It is lawful to cross the Yelm-Tenino Trail where signs designate such a crossing.

### **18.20.045 – Violation – penalty.**

A person who violates a provision of this chapter is guilty of a traffic infraction and will be punished by the imposition of a monetary penalty not to exceed \$250.00 for the first offense, exclusive of statutory assessments; provide, that conduct that constitutes a criminal traffic offense may be charged as such and is subject to the maximum penalties allowed for such offenses. Repeat offenses under this chapter shall be punished in accordance with the "General Penalty" provisions of TMC 1.16.01

### **18.20.050 Severability.**

Each separate provision of this chapter is independent of all other provisions. If any provision of this chapter, or any part thereof, is declared invalid, all other provisions, or parts thereof, remain valid and enforceable.

### **18.20.100 - Statutes adopted by reference.**

The following sections of Chapter 46.09 of the RCW, are adopted by reference: 46.09.440, 46.09.442, 46.09.444, 46.09.455, 46.09.457, 46.09.460.

**Backup material for agenda item:**

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

## Clerk/Treasurer Council Meeting Report February 26, 2019

### Budget:

- **Current status is:**
  - Total revenues are 7.7% of projections (+ 4.3%)
  - Total expenditures are 11.7% of projections (+4.2%)
  - Target: **7.7%**
  
  - General Fund revenues: 7.0% of projections
  - General Fund expenditures: 18% of projections
  - 2019 SAO FiT: <https://portal.sao.wa.gov/FIT/>
  
- **Grants and Other Funding:**
  - **Y-T Trail Extension Feasibility Study** – No change from last report
  - **Wayfinding Signs** – Signs have been installed along Sussex Avenue
  - **CDBG/Quarry Pool Renovation:** RFP published; bids due March 18
  - **PoO Small Cities Grant** – Plan has been provided; Bid documents being prepared
  - **Veterans’ Memorial and Wall:** Approximately 99% complete.
  - **LEXIPOL reimbursement** received on February 5, 2019
  - **Enquiron reimbursement request submitted:** February 26, 2019

### Other business:

- **City & EDC agreement to provide “Project Management” services to extend water and sewer utilities to the Ag Park property**
- **Attended “BIAS Rally,” February 19-21**
  - **One 2019 Audit focus area will be “Small & Attractive Assets”**
  - **New FiT tool unveiled**
- **Cold call by “GovPayNet;” web bill pay at no cost to the City? Presentation on March 13**



**mwa** architects

# Architectural Report

**Project:** Tenino City Hall Renovation  
**Project No:** 201906.00

**Distribution:** Michael Marshall, PE, Gibbs and Olson Civil Engineers  
John Millard, Clerk/Treasurer, City of Tenino

## Intent

The purpose of this report is to document the structural, aesthetic, and finish deficiencies and offer possible solutions. This information can then be used to prioritize the solutions and provide background documentation for the development of a renovation budget.

## History

The Tenino City Hall was the office/headquarters of the Hercules Sandstone Company that was in operation from the late 1800s to 1921. When the quarry went out of business the headquarters building was carefully dismantled and rebuilt at its present location in downtown Tenino. It has also been used as the Tenino Library. An addition constructed of concrete masonry block was added sometime in the past (1940s?).



## Documentation

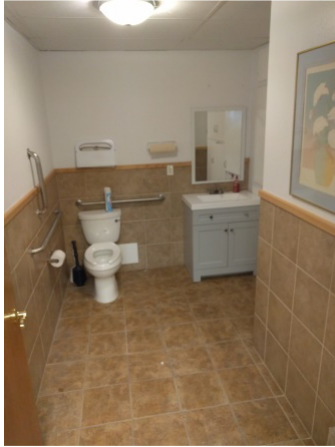


Image 1

Both women's and men's restroom located in the addition have been upgraded to accessibility standards. The men's restroom has had a lavatory replacement that is not code compliant. The base cabinet does not allow for the required knee space.

Some bathroom accessories may need to be relocated to comply with reach restrictions. Finishes are in good order.



Image 2

The electrical/server/telephone room is small but there is enough room to upgrade the servers.

There is very little CAT 5 cabling in the building and the network needs to be upgraded. Existing cables are routed behind the suspended ceilings. It may not be difficult to route new cables.

It has been reported that the cameras in the visual security system don't communicate with the recording device. This system needs to be upgraded.



Image 3

The existing mechanical room has been converted to storage. Patching and painting are required. Storage shelves should be added if this room remains as a storage room.

The air intakes at the heat exchanger need to be sealed better at the existing window infill. The existing HVAC system was converted to a variable refrigerant flow (VRF) system. The system is undersized and needs to run continuously to maintain comfort levels.



Image 4

Existing ducts, telephone lines, and some power are routed above the suspended ceiling. Codes should be reviewed to verify if conductors can be routed without conduit. The suspended ceilings are not seismically braced.



Image 5

The break area counter needs to be ADA accessible. Painting and floor replacement could be done as part of the ADA upgrade.



Image 6

The reception area outside of the Mayor's office is not used. A conference room does not exist in the City Hall and the existing reception area could easily be converted to a conference room. The upstairs Council Chambers can be used for meeting but it is not convenient for small group use. All carpets located on the first floor will need to be replaced soon.



Image 7

The existing storage areas that are under the second floor have had water intrusion problems. The entry deck above has been coated with an elastomeric coating which has helped.

Patching, painting and shelving additions should be considered.

The existing door to the exterior is unusable due to an electrical conduit was routed at the bottom of the door (see image #24). A travel distance analysis should be conducted to verify that egress isn't in code violation.



Image 8

The existing storage areas have had window openings simply filled in. The exterior walls lack insulation.

Window openings could be insulated with an interior gypsum board finish applied.



Image 9

Second Floor Council Chambers:  
There is only one ductless HVAC unit for the whole floor and it is not adequate for comfort.

Carpet, painting, and suspended ceilings should be upgraded.



Image 10

#### Second Floor Council Chambers:

One of the few features of the original building is the fireplace which is not used.

This image also shows a computer projector and intrusion protection cameras. As noted previously, the cabling in the building needs to be upgraded. CAT 6 cabling is the industry standard.



Image 11

The original fireplace has been stained over the years from water intrusion. If it can't be used the flue should be capped to prevent heat escaping and water intrusion from the interior of the chimney. The new roof installation has stopped the water intrusion from the exterior of the chimney.

See image #19 for the exterior view of the chimney.



Image 12

The suspended ceiling has been installed just below the existing ceiling. The suspended ceiling has not been seismically braced. It also conceals newer power and cabling runs. It may also conceal an attic access but further investigation is required to verify.



Image 13

The existing restroom adjacent to the Council Chambers is not ADA accessible. A review of the accessibility code would help to determine if this needs to be accessible. To enlarge this restroom it would remove more of the character of the original building. There are three restrooms in the building and two have been upgraded.

**Exterior**



Image 14

This is the concrete masonry unit (CMU) addition. This image was taken from the southeast direction.

The parapet wall is simple plywood and has a great deal of algae under the tree.

Due to the date that this addition was added it is assumed that it is of minimal or non-reinforced CMU construction.

Refer to image#25.



Image 15

This is an image of the CMU addition taken from the southwest direction.



This image was taken from the west. It shows the handicapped ramp to the second floor. Budget should be looked at to remove the ramp and replace it with a more compact ADA lift. This would free up area for future expansion or alternate use.

The roof at the addition appears to be newer and it is probably not the original which required the plywood parapet walls.

Image 16



The existing ADA ramp could hinder needed upgrades to the electrical system, the HVAC system, and repointing the sandstone joints

Image 17



Please see image # 17 for identical comments.

Image 18



Image 19

The existing sandstone chimney has vegetation growing from the top. Since the fireplace is not being used it would be advisable to cap the chimney.

The roof hip behind the chimney has a visible sag. Although unable to look into the attic this has been reported to the City as a rotting hip beam. The fact that this structure was a library proves that the floor loading can handle short term loads for the shoring to replace the hip beam.

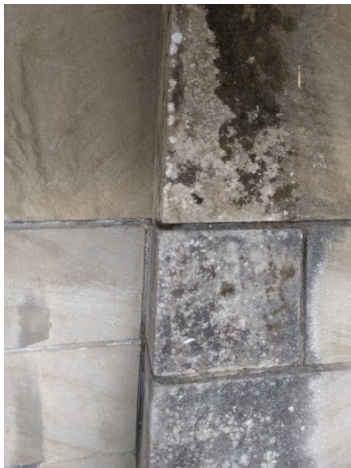


Image 20

Grout between the sandstone blocks is in various conditions depending on the amount of moisture that is consistently present.

It appears as if some of the grout has been repointed previously. A thorough inspection of all conditions is strongly advised.



Image 21

The entry walkway has been coated in an elastomeric product. This seems to have reduced the water infiltration to the storage below.

Further investigation is warranted to verify that water is not being directed towards the building and is being directed away. There are methods to "float" this walkway surface for proper drainage.

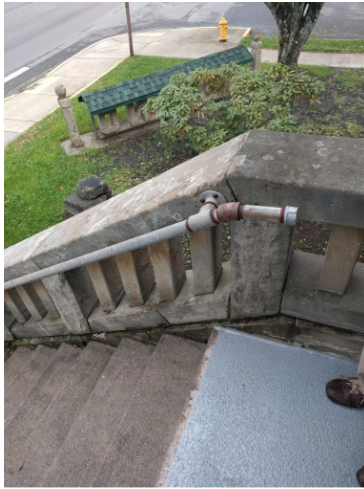


Image 22

The handrails on the stairs are not code compliant. The height is only 29 ½” above the stair nosing (34” to 38” required). A new railing connection can be designed to fit where the existing connections are present.



Image 23

Image taken of the northwest side of the building. Image documents the condition of the sandstone blocks and the plywood window infill.

As reported, all sandstone joints need to be examined for failing mortar.



Image 24

Image taken of the northeast side of the building. Image documents the condition of the sandstone blocks and the plywood window infill.

As reported, all sandstone joints need to be examined for failing mortar.

This view documents the difference between the dry block area and the wet block area.



Image 25

The CMU building addition needs to be repointed. It is assumed that the block is minimally reinforced. It is recommended to verify the reinforcing with a metal detector and to verify if a seismic strengthening process can be accomplished.

Rain water is likely collecting on top of the pilasters after running off of the face of the plywood parapet.



Image 26

At some time in the past the sandstone has been removed for the entry to the Mayor's office and reception.

It is advised that the sealant be removed and replaced at the sandstone. Sandstone "holes" should be grouted full to prevent freeze/thaw degradation.



Image 27

Please see image #26 for identical comments.

If the reception area is converted to a conference room then the door could be removed. A study of the egress distance would be required to verify the removal of the door.