

White Salmon City Council Meeting

A G E N D A

June 16, 2021 – 6:00 PM

Via Zoom Teleconference

Meeting ID: 811 5779 4040 Passcode: 725326

Call in Numbers:

669-900-6833

929-205-6099

301-715-8592

346-248-7799

253-215-8782

312-626-6799



We ask that the audience call in instead of videoing in or turn off your camera, so video does not show during the meeting to prevent disruption. Thank you.

I. Call to Order, Presentation of the Flag and Roll Call

II. Changes to the Agenda

III. Consent Agenda

A. Task Order, Bell Design - Pool Demolition

B. Authorization to Accept COVID-19 American Rescue Plan Act Funds (\$751,187)

C. Committee and Board Appointments

D. Change Order No. 1 - Garfield Water Line Project (\$1720 increase in contract price)

E. Authorization to Submit Local Records Grant/Technology Tools Grant (up to \$30,000)

F. Farmer's Market Request, Hang Banners for Season

G. Approval of Meeting Minutes - June 2, 2021

H. Approval of Vouchers

IV. Public Comment

Public comment will not be taken during the teleconference. Public comment submitted by email to Jan Brending at janb@ci.white-salmon.wa.us by 5:00 p.m. on Wednesday, June 16, 2021 will be read during the city council meeting and forwarded to all city council members. Please include in the subject line "Public Comment – June 16, 2021 Council Meeting." ***Please indicate in your comments whether you live in or outside of the city limits of White Salmon.***

V. Presentations

A. Pride Heritage Month

VI. Business Items

A. Right-of-Way Permit, Margaret Richmond, 173 NE Wauna

1. Presentation

2. Discussion

3. Action

B. Employment Agreement Amendment, Bill Hunsaker, Building Inspector/Code Enforcement Officer

1. Presentation

2. Discussion

3. Action

C. Employment Agreement Amendment, Russ Avery, Public Works Operations Manager

1. Presentation

2. Discussion

3. Action

VII. Reports and Communications

VIII. Executive Session (if needed)

IX. Adjournment

File Attachments for Item:

A. Task Order, Bell Design - Pool Demolition



CONSENT AGENDA MEMO

Needs Legal Review: No
Meeting Date: June 16, 2021
Agenda Item: Task Order, Bell Design – Pool Demolition
Presented By: Jan Brending, Clerk Treasurer and Pat Munyan, City Administrator

Action Required

Authorization for approval through consent agenda.

Proposed Motion

None unless pulled from consent agenda. If pulled from the consent agenda then proposed motion is as follows:

Move to authorize the Mayor to sign task order amendment for Bell Design for engineering services for the demolition of pool.

Explanation of Issue

The City has a master contract with Bell Design for general civil engineering. The city needs services from Bell Design for developing the specifications for the removal of the pool in order to prepare the small works roster bid documents. Attached is the scope of work and cost estimate for Bell Design's services. The cost for services is not to exceed \$4,310.

Staff Recommendation

Staff recommends approval of task order for Bell Design for engineering services related to the pool demolition.

Swimming Pool Demolition

Scope of Work

DESCRIPTION: The method by which to demolish an existing concrete swimming pool and reestablish final grade in affected area.

General requirements for a swimming pool demolition:

- Obtain required demolition permit by submitting an application to City of White Salmon.
- Submit scaled plot plan showing dimensions from pool perimeter to all structures and property lines according to official property survey.
- Remove from pool area all material including concrete, steel, coping, decking, plumbing, pool equipment pumps, heaters, and electrical conduit. All gas, water and drain lines to the pool shall be securely capped off with an approved fitting. All electrical pool equipment, including the breaker in the electrical panel, shall be removed.
- Identify the type of haul-off materials and the location's acceptance by the refuge site that is handling its disposal.
- Demolish sides of pool around entire structure, taking the concrete and any steel down to 3 feet or more in some areas to meet the appropriate final grade.
- If the pool shell is to remain, a minimum of 4 - 1' diameter minimum holes shall be drilled or broken in the bottom of the pool. The holes shall be equally spaced across the deep end of the pool shell.
- A minimum 15" depth of 3/4" to 1 1/2" class II permeable free draining rock shall be placed over the bottom of the shell prior to backfilling.
- The upper 3' below final finished grade of the pool shell shall be demolished and spoils from the shell may be placed above the drainage rock and shall not be placed within the upper 36" of fill.
- The upper 24" of fill shall be well graded and compacted, organic fill sufficient for landscaping, and not containing rocks or cobbles greater than 3" in diameter.
- The top 12" of fill shall be well graded, organic fill sufficient for landscaping.

Outbuildings

All outbuildings shall be demolished and/or removed. This includes, but is not limited to, utility buildings, doghouses, pump houses, screened enclosures, workshops.

All parts of the structure shall be removed, including all attachments and supporting structures. Slabs and footers should be removed.

Inspections

Three inspections are required for pool removals. A pre-construction/erosion control inspection shall be scheduled prior to equipment and materials mobilization. The in-progress inspection should be scheduled when the holes along the pool floor have been drilled and before the pool is filled. The final inspection should be scheduled after all work is completed.

CITY OF WHITE SALMON POOL DEMOLITION CONTRACT SERVICES

Cost Estimate

Task # and Description	Engineer	Project	Surveyor	Engineering	Licensed	Technical	Survey	Office	Total Labor	Outside	Non-Labor	Total Task	
	Manager	Engineer	Manager	Tec (EIT)	Surveyor	Field Staff	Technician	Personnel	hrs	Services	Expenses	Cost	
	\$177/hr	\$109/hr	\$130/hr	\$99/hr	\$110/hr	\$91/hr	\$77/hr	\$88/hr		\$	\$	\$	
1 Generate Construction Bid Sets													
1.01	Incorporate City Supplied plans to bid set	2			4					\$ -	\$ -		
1.02	Generate Bid Specifications for Demo and Restoration	3			10					\$ -	\$ -		
1.03	Generate Contract Documents (1.)	2			4			2		\$ -	\$ -		
Total Task Hours		7	0	0	18	0	0	0	2	27			
Total Task Costs		\$ 1,239	\$ -	\$ -	\$ 1,782	\$ -	\$ -	\$ -	\$ 176	\$ 3,200	\$ -	\$ -	\$ 3,200
2 Advertisement, Bidding Assistance, and Services During Construction													
2.01	Supply Plans to Interested Bidders (2.)	AS REQUESTED AT STANDARD RATES										\$ -	\$ -
2.02	Pre-Bid Meeting/Walk Through	2			2						\$ -	\$ -	
2.03	Answer perspective Bidders questions (2.)	AS REQUESTED AT STANDARD RATES										\$ -	\$ -
2.04	Create Addendums to Contract	AS REQUESTED AT STANDARD RATES										\$ -	\$ -
2.05	Assist in Bid Opening	AS REQUESTED AT STANDARD RATES										\$ -	\$ -
2.06	Evaluation of Bidders	AS REQUESTED AT STANDARD RATES										\$ -	\$ -
2.07	Recommend Award	AS REQUESTED AT STANDARD RATES										\$ -	\$ -
2.08	Assist in Contract Execution	AS REQUESTED AT STANDARD RATES										\$ -	\$ -
2.09	Preconstruction Conference	2			2						\$ -	\$ -	
2.10	Submittal Review	AS REQUESTED AT STANDARD RATES										\$ -	\$ -
2.11	Construction Staking	AS REQUESTED AT STANDARD RATES										\$ -	\$ -
2.12	Technical Assistance during Construction/Inspection	AS REQUESTED AT STANDARD RATES										\$ -	\$ -
2.13	Testing	AS REQUESTED AT STANDARD RATES										\$ -	\$ -
2.14	Contract Close Out	AS REQUESTED AT STANDARD RATES										\$ -	\$ -
Total Task Hours		4	0	0	4	0	0	0	0	8			
Total Task Costs		\$ 708	\$ -	\$ -	\$ 396	\$ -	\$ -	\$ -	\$ -	\$ 1,110	\$ -	\$ -	\$ 1,110
Total Labor Costs (All Services)											\$	4,310	
Total Outside Services (All Services) + 5% No mark up added											\$	-	
Total Non-Labor Expenses (all Services)											\$	-	
TOTAL COST											\$	4,310	

File Attachments for Item:

B. Authorization to Accept COVID-19 American Rescue Plan Act Funds (\$751,187)



CONSENT AGENDA MEMO

Needs Legal Review: No
Meeting Date: June 16, 2021
Agenda Item: Authorization to Accept COVID-19 American Rescue Plan Act Funds (\$751,187)
Presented By: Jan Brending, Clerk Treasurer and Marla Keethler, Mayor

Action Required

Authorization for approval through consent agenda.

Proposed Motion

None unless pulled from consent agenda. If pulled from the consent agenda then proposed motion is as follows:

Move to authorize the Mayor to sign acceptance of COVID-19 American Rescue Plan Act Funds in the amount of \$751,187.

Explanation of Issue

As part of the American Rescue Plan Act (ARPA) grant funds are provided to city's through the State of Washington. The city has been identified to receive \$751,187 in two installments. The first installment of \$375,594 should be received in June, if the City accepts the funds. The second installment will be paid one year later. The funds must be expended by December 31, 2024.

The funds can be used for the following purposes:

1. Support public health expenditures
2. Address negative economic impacts caused by COVID-19
3. Replace lost public sector revenue
4. Provide premium pay for essential workers
5. Invest in water, wastewater and broadband infrastructure

The mayor will be working with staff and making a presentation initially to the ~~Personnel and Finance~~ Committee on recommendations for spending the money per the guidelines issued by the Department of Treasury.

Staff Recommendation

Staff recommends authorizing the Mayor to sign acceptance of the COVID-19 American Rescue Plan Act funds.



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

Insurance Building, PO Box 43113 • Olympia, Washington 98504-3113 • (360) 902-0555

June 7, 2021

Dear Mayor:

I am writing to inform you that your city or town is eligible to receive Coronavirus Local Fiscal Recovery Funds from the federal American Rescue Plan Act (ARPA). Please see the U.S. Treasury's web page for background and guidance on the Local Fiscal Recovery Funds at <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds>.

Some cities will receive funds directly from the U.S. Treasury. Smaller cities and towns (called nonentitlement units (NEUs)) will not receive their funds directly from the U.S. Treasury. Treasury will send these funds to the Washington State Office of Financial Management (OFM) for distribution. Award amounts are based on the population of the non-entitlement unit. You will find your award amount in the attached file.

For information specific to Local Fiscal Recovery Funds for NEUs, visit <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-fund/non-entitlement-units>.

As required by the U.S. Treasury to facilitate the transfer of funds to NEUs, each NEU must provide the following information to OFM. Please complete the attached form and have your authorized representative sign it.

1. DUNS number: If you do not have a valid DUNS number, visit <https://fedgov.dnb.com/webform> or call 1-866-705-5711 to begin the registration process.
2. Federal Tax Identification Number.
3. Address.
4. Annual budget: The law requires OFM to cap the distributions to NEUs to 75% of the city's annual operating budget as of January 27, 2020. Provide the total operating budget amount and certify that the amount is true and correct. ***See the Treasury's definition of budget at the end of this letter.***
5. Financial information for transfer of funds: OFM will coordinate with the Office of the State Treasurer to distribute the funds. Please include the account number into which you want the funds deposited. Half will be distributed this year and the other half about one year from now. Please indicate whether you wish to accept or decline the funds.
6. Signed copy of U.S. Treasury Coronavirus Local Fiscal Recovery Fund Award Terms and Conditions agreement.
7. Signed copy of Assurances of Compliance with Title VI of the Civil Rights Act of 1964.

Treasury has given OFM 30 days after receipt of the funds to make payments to the NEUs. If we receive your response by **June 18**, we will try to transfer the funds by June 27. We expect to ask Treasury for an extension so that all jurisdictions have time to make decisions and email us their paperwork.

NEUs will be treated as prime recipients of these funds and will not report to OFM on expenditures. NEUs are required to submit a project and expenditure report annually to the U.S. Treasury. The initial project and expenditure report for NEUs will cover activity from the date of award to September 30, 2021, and must be submitted by October 31, 2021. Please retain a copy of your award agreements for uploading with your report. If your city is not already registered with SAM.gov, please do so as soon as possible after receiving the award. Subsequent annual reports must be submitted by October 31 each year.

The attached file also has a “NEU Recipient Number” for each city and town. It starts with WA and is followed by four numeric digits (e.g., WA0005 for Aberdeen). Please retain this NEU recipient number as an identifying number for the lifecycle of the program, including for reporting purposes.

If a NEU wants to decline its funding allocation, it may transfer those funds to the State. Treasury will consider this action as a cancellation of the award on the part of the eligible NEU and a modification of the award to the State. The NEU must provide a signed notice to the State, which the State will transmit to Treasury. Treasury will provide a standard notice form that will be required for this use.

Treasury has posted information on the Local Fiscal Recovery Funds on its website. The information includes the Interim Final Rule (comments on the rule are open until July 16, 2021), fact sheets, and regularly updated FAQs.

The American Rescue Plan Act can be found at <https://www.congress.gov/bill/117th-congress/house-bill/1319/text?q=%7B%22search%22%3A%5B%221319%22%5D%7D&r=6&s=4#toc-HA2014788068F45DFB8DF03D5E72AFEE7>. The Local Fiscal Recovery Funds are discussed in Section 9901 (Coronavirus State and Local Recovery Funds).

If you have questions or need more information, please contact OFM staff at ofmbudget@ofm.wa.gov or (360) 902-0560.

Sincerely,



David Schumacher
Director

U.S. Treasury definition of budget (from FAQs):

7.3. What is the definition of “budget” for the purpose of the 75 percent cap on NEU payments, and who is responsible for enforcing this cap?

States are responsible for enforcing the “75 percent cap” on NEU payments, which is a statutory requirement that distributions to NEUs not exceed 75 percent of the NEU’s most recent budget. Treasury interprets the most recent budget as the NEU’s most recent annual total operating budget, including its general fund and other funds, as of January 27, 2020. States may rely for this determination on a certified top-line budget total from the NEU. Funding amounts in excess of such cap must be returned to Treasury.

<https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>

Local Fiscal Recovery Funds for Nonentitlement Units of Local Government (NEUs)

To facilitate the transfer of funds, each NEU must provide the following information to the Washington State Office of Financial Management (OFM). Please complete and submit this form to ofmbudget@ofm.wa.gov.

Name of city: _____

Address: _____

Taxpayer Identification Number: _____

DUNS number: _____

NEU recipient number: _____

Statewide vendor number (if the city has one): _____

City's annual operating budget as of 1/27/2020: _____

Account number into which you want the funds deposited: _____

I hereby certify that this information is correct and the city of _____ wishes to accept the ARPA funds designated for NEUs.

I hereby certify that the city of _____ declines ARPA funds designated for NEUs.

Signature

Name and title of official

Date

Washington State NEU Distribution

Population Estimates provided by U.S. Treasury from the most recent Bureau of the Census data

If you have questions or need more information, please contact OFM staff at ofmbudget@ofm.wa.gov or (360) 902-0560.

NEU Recipient Number	Name	State	Population Estimate 2019	Allocation %	Total Payment	2021 Payment	2022 Payment
WA0005	Aberdeen city	Washington	16,756	1.06%	4,677,403	2,338,702	2,338,702
WA0010	Airway Heights city	Washington	9,485	0.60%	2,647,719	1,323,859	1,323,859
WA0015	Albion town	Washington	604	0.04%	168,605	84,303	84,303
WA0020	Algona city	Washington	3,208	0.20%	895,507	447,753	447,753
WA0025	Almira town	Washington	280	0.02%	78,161	39,081	39,081
WA0045	Arlington city	Washington	20,523	1.29%	5,728,954	2,864,477	2,864,477
WA0050	Asotin city	Washington	1,289	0.08%	359,822	179,911	179,911
WA0058	Bainbridge Island city	Washington	25,298	1.59%	7,061,885	3,530,943	3,530,943
WA0060	Battle Ground city	Washington	21,252	1.34%	5,932,453	2,966,226	2,966,226
WA0070	Beaux Arts Village town	Washington	324	0.02%	90,444	45,222	45,222
WA0085	Benton City city	Washington	3,495	0.22%	975,622	487,811	487,811
WA0090	Bingen city	Washington	742	0.05%	207,128	103,564	103,564
WA0095	Black Diamond city	Washington	4,781	0.30%	1,334,606	667,303	667,303
WA0100	Blaine city	Washington	5,607	0.35%	1,565,183	782,591	782,591
WA0105	Bonney Lake city	Washington	21,148	1.33%	5,903,421	2,951,711	2,951,711
WA0110	Bothell city	Washington	47,415	2.99%	13,235,801	6,617,901	6,617,901
WA0120	Brewster city	Washington	2,357	0.15%	657,952	328,976	328,976
WA0125	Bridgeport city	Washington	2,613	0.16%	729,414	364,707	364,707
WA0127	Brier city	Washington	6,970	0.44%	1,945,661	972,831	972,831
WA0130	Buckley city	Washington	5,058	0.32%	1,411,930	705,965	705,965
WA0135	Bucoda town	Washington	592	0.04%	165,256	82,628	82,628
WA0140	Burlington city	Washington	9,224	0.58%	2,574,861	1,287,430	1,287,430
WA0145	Camas city	Washington	24,418	1.54%	6,816,235	3,408,118	3,408,118
WA0150	Carbonado town	Washington	735	0.05%	205,174	102,587	102,587
WA0155	Carnation city	Washington	2,282	0.14%	637,016	318,508	318,508
WA0165	Cashmere city	Washington	3,172	0.20%	885,457	442,729	442,729
WA0170	Castle Rock city	Washington	2,298	0.14%	641,482	320,741	320,741
WA0175	Cathlamet town	Washington	572	0.04%	159,673	79,836	79,836
WA0180	Centralia city	Washington	17,745	1.12%	4,953,481	2,476,740	2,476,740
WA0190	Chehalis city	Washington	7,654	0.48%	2,136,599	1,068,299	1,068,299
WA0195	Chelan city	Washington	4,237	0.27%	1,182,750	591,375	591,375
WA0200	Cheney city	Washington	12,522	0.79%	3,495,491	1,747,745	1,747,745
WA0205	Chewelah city	Washington	2,676	0.17%	747,000	373,500	373,500
WA0215	Clarkston city	Washington	7,375	0.46%	2,058,716	1,029,358	1,029,358
WA0220	Cle Elum city	Washington	2,037	0.13%	568,624	284,312	284,312
WA0225	Clyde Hill city	Washington	3,386	0.21%	945,195	472,598	472,598
WA0230	Colfax city	Washington	2,872	0.18%	801,713	400,856	400,856
WA0235	College Place city	Washington	9,317	0.59%	2,600,822	1,300,411	1,300,411
WA0240	Colton town	Washington	458	0.03%	127,850	63,925	63,925
WA0250	Colville city	Washington	4,832	0.30%	1,348,843	674,421	674,421
WA0255	Conconully town	Washington	208	0.01%	58,063	29,031	29,031
WA0260	Concrete town	Washington	738	0.05%	206,011	103,006	103,006
WA0265	Connell city	Washington	5,545	0.35%	1,547,875	773,938	773,938

Washington State NEU Distribution

Population Estimates provided by U.S. Treasury from the most recent Bureau of the Census data

If you have questions or need more information, please contact OFM staff at ofmbudget@ofm.wa.gov or (360) 902-0560.

NEU Recipient Number	Name	State	Population Estimate 2019	Allocation %	Total Payment	2021 Payment	2022 Payment
WA0270	Cosmopolis city	Washington	1,662	0.10%	463,944	231,972	231,972
WA0275	Coulee City town	Washington	564	0.04%	157,439	78,720	78,720
WA0280	Coulee Dam town	Washington	1,080	0.07%	301,480	150,740	150,740
WA0290	Coupeville town	Washington	1,972	0.12%	550,480	275,240	275,240
WA0293	Covington city	Washington	21,175	1.33%	5,910,958	2,955,479	2,955,479
WA0295	Creston town	Washington	229	0.01%	63,925	31,962	31,962
WA0300	Cusick town	Washington	217	0.01%	60,575	30,288	30,288
WA0305	Darrington town	Washington	1,421	0.09%	396,669	198,335	198,335
WA0310	Davenport city	Washington	1,744	0.11%	486,834	243,417	243,417
WA0315	Dayton city	Washington	2,442	0.15%	681,679	340,840	340,840
WA0320	Deer Park city	Washington	4,364	0.28%	1,218,202	609,101	609,101
WA0325	Des Moines city	Washington	32,348	2.04%	9,029,879	4,514,939	4,514,939
WA0330	DuPont city	Washington	9,516	0.60%	2,656,372	1,328,186	1,328,186
WA0335	Duvall city	Washington	8,107	0.51%	2,263,053	1,131,526	1,131,526
WA0360	Eatonville town	Washington	3,026	0.19%	844,702	422,351	422,351
WA0362	Edgewood city	Washington	13,053	0.82%	3,643,718	1,821,859	1,821,859
WA0365	Edmonds city	Washington	42,605	2.69%	11,893,099	5,946,550	5,946,550
WA0375	Electric City city	Washington	1,002	0.06%	279,706	139,853	139,853
WA0380	Ellensburg city	Washington	21,111	1.33%	5,893,093	2,946,546	2,946,546
WA0385	Elma city	Washington	3,351	0.21%	935,425	467,712	467,712
WA0390	Elmer City town	Washington	248	0.02%	69,229	34,614	34,614
WA0395	Endicott town	Washington	305	0.02%	85,140	42,570	42,570
WA0405	Entiat city	Washington	1,280	0.08%	357,309	178,655	178,655
WA0410	Enumclaw city	Washington	12,190	0.77%	3,402,814	1,701,407	1,701,407
WA0415	Ephrata city	Washington	8,136	0.51%	2,271,148	1,135,574	1,135,574
WA0425	Everson city	Washington	2,841	0.18%	793,059	396,530	396,530
WA0430	Fairfield town	Washington	626	0.04%	174,747	87,373	87,373
WA0440	Farmington town	Washington	152	0.01%	42,430	21,215	21,215
WA0445	Ferndale city	Washington	14,897	0.94%	4,158,467	2,079,234	2,079,234
WA0450	Fife city	Washington	10,184	0.64%	2,842,843	1,421,421	1,421,421
WA0455	Fircrest city	Washington	6,835	0.43%	1,907,976	953,988	953,988
WA0465	Forks city	Washington	3,880	0.24%	1,083,094	541,547	541,547
WA0470	Friday Harbor town	Washington	2,562	0.16%	715,177	357,589	357,589
WA0480	Garfield town	Washington	609	0.04%	170,001	85,001	85,001
WA0489	George city	Washington	516	0.03%	144,040	72,020	72,020
WA0490	Gig Harbor city	Washington	10,717	0.68%	2,991,629	1,495,814	1,495,814
WA0495	Gold Bar city	Washington	2,352	0.15%	656,556	328,278	328,278
WA0500	Goldendale city	Washington	3,505	0.22%	978,414	489,207	489,207
WA0510	Grand Coulee city	Washington	1,048	0.07%	292,547	146,274	146,274
WA0515	Grandview city	Washington	11,078	0.70%	3,092,401	1,546,201	1,546,201
WA0520	Granger city	Washington	3,830	0.24%	1,069,137	534,568	534,568
WA0525	Granite Falls city	Washington	4,234	0.27%	1,181,913	590,956	590,956
WA0535	Hamilton town	Washington	310	0.02%	86,536	43,268	43,268

Washington State NEU Distribution

Population Estimates provided by U.S. Treasury from the most recent Bureau of the Census data

If you have questions or need more information, please contact OFM staff at ofmbudget@ofm.wa.gov or (360) 902-0560.

NEU Recipient Number	Name	State	Population Estimate 2019	Allocation %	Total Payment	2021 Payment	2022 Payment
WA0540	Harrah town	Washington	640	0.04%	178,655	89,327	89,327
WA0545	Harrington city	Washington	418	0.03%	116,684	58,342	58,342
WA0550	Hartline town	Washington	154	0.01%	42,989	21,494	21,494
WA0555	Hatton town	Washington	104	0.01%	29,031	14,516	14,516
WA0560	Hoquiam city	Washington	8,655	0.55%	2,416,026	1,208,013	1,208,013
WA0570	Hunts Point town	Washington	435	0.03%	121,429	60,715	60,715
WA0575	Ilwaco city	Washington	991	0.06%	276,636	138,318	138,318
WA0580	Index town	Washington	211	0.01%	58,900	29,450	29,450
WA0585	lone town	Washington	472	0.03%	131,758	65,879	65,879
WA0590	Issaquah city	Washington	39,509	2.49%	11,028,857	5,514,429	5,514,429
WA0595	Kahlotus city	Washington	193	0.01%	53,876	26,938	26,938
WA0600	Kalama city	Washington	2,798	0.18%	781,056	390,528	390,528
WA0605	Kelso city	Washington	12,417	0.78%	3,466,180	1,733,090	1,733,090
WA0609	Kenmore city	Washington	23,097	1.46%	6,447,481	3,223,740	3,223,740
WA0620	Kettle Falls city	Washington	1,635	0.10%	456,407	228,203	228,203
WA0630	Kittitas city	Washington	1,497	0.09%	417,885	208,942	208,942
WA0635	Krupp (Marlin) town	Washington	52	0.00%	14,516	7,258	7,258
WA0640	La Center city	Washington	3,404	0.21%	950,220	475,110	475,110
WA0650	La Conner town	Washington	949	0.06%	264,911	132,456	132,456
WA0655	LaCrosse town	Washington	319	0.02%	89,048	44,524	44,524
WA0657	Lake Forest Park city	Washington	13,504	0.85%	3,769,614	1,884,807	1,884,807
WA0664	Lake Stevens city	Washington	33,911	2.14%	9,466,187	4,733,093	4,733,093
WA0668	Lamont town	Washington	74	0.00%	20,657	10,328	10,328
WA0670	Langley city	Washington	1,140	0.07%	318,229	159,114	159,114
WA0675	Latah town	Washington	187	0.01%	52,201	26,100	26,100
WA0680	Leavenworth city	Washington	2,029	0.13%	566,391	283,196	283,196
WA0684	Liberty Lake city	Washington	10,956	0.69%	3,058,345	1,529,173	1,529,173
WA0685	Lind town	Washington	563	0.04%	157,160	78,580	78,580
WA0690	Long Beach city	Washington	1,496	0.09%	417,605	208,803	208,803
WA0705	Lyman town	Washington	473	0.03%	132,037	66,018	66,018
WA0710	Lynden city	Washington	15,223	0.96%	4,249,470	2,124,735	2,124,735
WA0715	Lynnwood city	Washington	39,141	2.47%	10,926,131	5,463,065	5,463,065
WA0725	Mabton city	Washington	2,268	0.14%	633,108	316,554	316,554
WA0728	McCleary city	Washington	1,764	0.11%	492,417	246,209	246,209
WA0730	Malden town	Washington	206	0.01%	57,504	28,752	28,752
WA0735	Mansfield town	Washington	343	0.02%	95,748	47,874	47,874
WA0739	Maple Valley city	Washington	27,202	1.71%	7,593,383	3,796,692	3,796,692
WA0740	Marcus town	Washington	172	0.01%	48,013	24,007	24,007
WA0750	Mattawa city	Washington	4,758	0.30%	1,328,186	664,093	664,093
WA0755	Medical Lake city	Washington	4,966	0.31%	1,386,249	693,124	693,124
WA0760	Medina city	Washington	3,288	0.21%	917,839	458,919	458,919
WA0763	Mercer Island city	Washington	25,894	1.63%	7,228,258	3,614,129	3,614,129
WA0765	Mesa city	Washington	508	0.03%	141,807	70,904	70,904

Washington State NEU Distribution

Population Estimates provided by U.S. Treasury from the most recent Bureau of the Census data

If you have questions or need more information, please contact OFM staff at ofmbudget@ofm.wa.gov or (360) 902-0560.

NEU Recipient Number	Name	State	Population Estimate 2019	Allocation %	Total Payment	2021 Payment	2022 Payment
WA0770	Metaline town	Washington	183	0.01%	51,084	25,542	25,542
WA0775	Metaline Falls town	Washington	251	0.02%	70,066	35,033	35,033
WA0778	Mill Creek city	Washington	20,897	1.32%	5,833,355	2,916,678	2,916,678
WA0780	Millwood city	Washington	1,800	0.11%	502,466	251,233	251,233
WA0785	Milton city	Washington	8,299	0.52%	2,316,649	1,158,325	1,158,325
WA0790	Monroe city	Washington	19,776	1.25%	5,520,430	2,760,215	2,760,215
WA0795	Montesano city	Washington	4,052	0.26%	1,131,108	565,554	565,554
WA0800	Morton city	Washington	1,199	0.08%	334,698	167,349	167,349
WA0805	Moses Lake city	Washington	24,086	1.52%	6,723,558	3,361,779	3,361,779
WA0810	Mossyrock city	Washington	820	0.05%	228,901	114,451	114,451
WA0815	Mountlake Terrace city	Washington	21,338	1.35%	5,956,459	2,978,230	2,978,230
WA0825	Moxee city	Washington	4,104	0.26%	1,145,623	572,812	572,812
WA0830	Mukilteo city	Washington	21,441	1.35%	5,985,212	2,992,606	2,992,606
WA0835	Naches town	Washington	847	0.05%	236,438	118,219	118,219
WA0840	Napavine city	Washington	2,001	0.13%	558,575	279,288	279,288
WA0855	Nespelem town	Washington	392	0.02%	109,426	54,713	54,713
WA0858	Newcastle city	Washington	12,292	0.77%	3,431,287	1,715,643	1,715,643
WA0860	Newport city	Washington	2,199	0.14%	613,846	306,923	306,923
WA0865	Nooksack city	Washington	1,631	0.10%	455,290	227,645	227,645
WA0870	Normandy Park city	Washington	6,604	0.42%	1,843,493	921,747	921,747
WA0875	North Bend city	Washington	7,423	0.47%	2,072,115	1,036,058	1,036,058
WA0877	North Bonneville city	Washington	1,007	0.06%	281,102	140,551	140,551
WA0885	Northport town	Washington	301	0.02%	84,024	42,012	42,012
WA0890	Oakesdale town	Washington	439	0.03%	122,546	61,273	61,273
WA0895	Oak Harbor city	Washington	23,565	1.49%	6,578,122	3,289,061	3,289,061
WA0900	Oakville city	Washington	692	0.04%	193,170	96,585	96,585
WA0907	Ocean Shores city	Washington	6,494	0.41%	1,812,787	906,393	906,393
WA0910	Odessa town	Washington	894	0.06%	249,558	124,779	124,779
WA0915	Okanogan city	Washington	2,588	0.16%	722,435	361,217	361,217
WA0925	Omak city	Washington	4,778	0.30%	1,333,769	666,885	666,885
WA0935	Oroville city	Washington	1,675	0.11%	467,573	233,786	233,786
WA0940	Orting city	Washington	8,610	0.54%	2,403,464	1,201,732	1,201,732
WA0945	Othello city	Washington	8,386	0.53%	2,340,935	1,170,467	1,170,467
WA0950	Pacific city	Washington	7,178	0.45%	2,003,724	1,001,862	1,001,862
WA0955	Palouse city	Washington	1,075	0.07%	300,084	150,042	150,042
WA0970	Pateros city	Washington	714	0.05%	199,312	99,656	99,656
WA0975	Pe Ell town	Washington	675	0.04%	188,425	94,212	94,212
WA0985	Pomeroy city	Washington	1,395	0.09%	389,411	194,706	194,706
WA0990	Port Angeles city	Washington	20,229	1.28%	5,646,884	2,823,442	2,823,442
WA1005	Port Townsend city	Washington	9,831	0.62%	2,744,304	1,372,152	1,372,152
WA1010	Poulsbo city	Washington	11,168	0.70%	3,117,525	1,558,762	1,558,762
WA1015	Prescott city	Washington	305	0.02%	85,140	42,570	42,570
WA1020	Prosser city	Washington	6,380	0.40%	1,780,964	890,482	890,482

Washington State NEU Distribution

Population Estimates provided by U.S. Treasury from the most recent Bureau of the Census data

If you have questions or need more information, please contact OFM staff at ofmbudget@ofm.wa.gov or (360) 902-0560.

NEU Recipient Number	Name	State	Population Estimate 2019	Allocation %	Total Payment	2021 Payment	2022 Payment
WA1025	Pullman city	Washington	34,506	2.18%	9,632,280	4,816,140	4,816,140
WA1030	Puyallup city	Washington	42,361	2.67%	11,824,987	5,912,494	5,912,494
WA1040	Quincy city	Washington	8,033	0.51%	2,242,396	1,121,198	1,121,198
WA1050	Rainier city	Washington	2,287	0.14%	638,411	319,206	319,206
WA1055	Raymond city	Washington	2,994	0.19%	835,769	417,885	417,885
WA1060	Rearadan town	Washington	610	0.04%	170,280	85,140	85,140
WA1075	Republic city	Washington	1,066	0.07%	297,572	148,786	148,786
WA1085	Ridgefield city	Washington	9,153	0.58%	2,555,041	1,277,521	1,277,521
WA1090	Ritzville city	Washington	1,654	0.10%	461,711	230,855	230,855
WA1095	Riverside town	Washington	273	0.02%	76,207	38,104	38,104
WA1100	Rockford town	Washington	486	0.03%	135,666	67,833	67,833
WA1105	Rock Island city	Washington	1,124	0.07%	313,762	156,881	156,881
WA1115	Rosalia town	Washington	558	0.04%	155,765	77,882	77,882
WA1120	Roslyn city	Washington	958	0.06%	267,424	133,712	133,712
WA1125	Roy city	Washington	822	0.05%	229,460	114,730	114,730
WA1127	Royal City city	Washington	2,237	0.14%	624,454	312,227	312,227
WA1130	Ruston town	Washington	845	0.05%	235,880	117,940	117,940
WA1135	St. John town	Washington	559	0.04%	156,044	78,022	78,022
WA1139	SeaTac city	Washington	29,044	1.83%	8,107,574	4,053,787	4,053,787
WA1150	Sedro-Woolley city	Washington	12,072	0.76%	3,369,874	1,684,937	1,684,937
WA1155	Selah city	Washington	8,087	0.51%	2,257,470	1,128,735	1,128,735
WA1160	Sequim city	Washington	7,640	0.48%	2,132,690	1,066,345	1,066,345
WA1165	Shelton city	Washington	10,655	0.67%	2,974,322	1,487,161	1,487,161
WA1175	Skykomish town	Washington	220	0.01%	61,413	30,706	30,706
WA1180	Snohomish city	Washington	10,154	0.64%	2,834,468	1,417,234	1,417,234
WA1185	Snoqualmie city	Washington	13,622	0.86%	3,802,554	1,901,277	1,901,277
WA1190	Soap Lake city	Washington	1,603	0.10%	447,474	223,737	223,737
WA1195	South Bend city	Washington	1,698	0.11%	473,993	236,997	236,997
WA1205	South Cle Elum town	Washington	559	0.04%	156,044	78,022	78,022
WA1210	South Prairie town	Washington	443	0.03%	123,663	61,831	61,831
WA1215	Spangle city	Washington	319	0.02%	89,048	44,524	44,524
WA1225	Sprague city	Washington	460	0.03%	128,408	64,204	64,204
WA1230	Springdale town	Washington	300	0.02%	83,744	41,872	41,872
WA1235	Stanwood city	Washington	7,287	0.46%	2,034,151	1,017,076	1,017,076
WA1240	Starbuck town	Washington	128	0.01%	35,731	17,865	17,865
WA1245	Steilacoom town	Washington	6,390	0.40%	1,783,756	891,878	891,878
WA1250	Stevenson city	Washington	1,601	0.10%	446,916	223,458	223,458
WA1255	Sultan city	Washington	5,388	0.34%	1,504,049	752,025	752,025
WA1265	Sumas city	Washington	1,534	0.10%	428,213	214,106	214,106
WA1270	Sumner city	Washington	10,427	0.66%	2,910,676	1,455,338	1,455,338
WA1275	Sunnyside city	Washington	16,796	1.06%	4,688,569	2,344,285	2,344,285
WA1285	Tekoa city	Washington	799	0.05%	223,039	111,520	111,520
WA1290	Tenino city	Washington	1,865	0.12%	520,611	260,305	260,305

Washington State NEU Distribution

Population Estimates provided by U.S. Treasury from the most recent Bureau of the Census data

If you have questions or need more information, please contact OFM staff at ofmbudget@ofm.wa.gov or (360) 902-0560.

NEU Recipient Number	Name	State	Population Estimate 2019	Allocation %	Total Payment	2021 Payment	2022 Payment
WA1295	Tieton city	Washington	1,308	0.08%	365,126	182,563	182,563
WA1300	Toledo city	Washington	771	0.05%	215,223	107,612	107,612
WA1305	Tonasket city	Washington	1,121	0.07%	312,925	156,462	156,462
WA1310	Toppenish city	Washington	8,809	0.56%	2,459,014	1,229,507	1,229,507
WA1320	Tukwila city	Washington	20,347	1.28%	5,679,824	2,839,912	2,839,912
WA1330	Twisp town	Washington	963	0.06%	268,819	134,410	134,410
WA1335	Union Gap city	Washington	6,200	0.39%	1,730,717	865,359	865,359
WA1340	Uniontown town	Washington	344	0.02%	96,027	48,013	48,013
WA1343	University Place city	Washington	34,001	2.14%	9,491,310	4,745,655	4,745,655
WA1345	Vader city	Washington	670	0.04%	187,029	93,515	93,515
WA1360	Waitsburg city	Washington	1,231	0.08%	343,631	171,816	171,816
WA1375	Wapato city	Washington	5,010	0.32%	1,398,531	699,266	699,266
WA1380	Warden city	Washington	2,812	0.18%	784,964	392,482	392,482
WA1385	Washougal city	Washington	16,107	1.02%	4,496,236	2,248,118	2,248,118
WA1390	Washtucna town	Washington	208	0.01%	58,063	29,031	29,031
WA1395	Waterville town	Washington	1,213	0.08%	338,606	169,303	169,303
WA1400	Waverly town	Washington	109	0.01%	30,427	15,214	15,214
WA1420	Westport city	Washington	2,100	0.13%	586,211	293,105	293,105
WA1425	West Richland city	Washington	15,075	0.95%	4,208,156	2,104,078	2,104,078
WA1435	White Salmon city	Washington	2,691	0.17%	751,187	375,594	375,594
WA1440	Wilbur town	Washington	861	0.05%	240,346	120,173	120,173
WA1445	Wilkeson town	Washington	514	0.03%	143,482	71,741	71,741
WA1450	Wilson Creek town	Washington	215	0.01%	60,017	30,008	30,008
WA1455	Winlock city	Washington	1,428	0.09%	398,623	199,312	199,312
WA1465	Winthrop town	Washington	472	0.03%	131,758	65,879	65,879
WA1469	Woodinville city	Washington	13,263	0.84%	3,702,340	1,851,170	1,851,170
WA1470	Woodland city	Washington	6,495	0.41%	1,813,066	906,533	906,533
WA1475	Woodway city	Washington	1,391	0.09%	388,295	194,147	194,147
WA1480	Yacolt town	Washington	1,796	0.11%	501,350	250,675	250,675
WA1490	Yarrow Point town	Washington	1,149	0.07%	320,741	160,371	160,371
WA1495	Yelm city	Washington	9,456	0.60%	2,639,623	1,319,812	1,319,812
WA1500	Zillah city	Washington	3,140	0.20%	876,525	438,262	438,262
	Total		1,586,341	100%	442,823,871	221,411,936	221,411,936

U.S. DEPARTMENT OF THE TREASURY
CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

Recipient name and address: [Recipient to provide]	DUNS Number: [Recipient to provide] Taxpayer Identification Number: [Recipient to provide] Assistance Listing Number: 21.019
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Sections 602(b) and 603(b) of the Social Security Act (the Act) as added by section 9901 of the American Rescue Plan Act, Pub. L. No. 117-2 (March 11, 2021) authorize the Department of the Treasury (Treasury) to make payments to certain recipients from the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund.

Recipient hereby agrees, as a condition to receiving such payment from Treasury, to the terms attached hereto.

Recipient:

Authorized Representative:

Title:

Date signed:

U.S. Department of the Treasury:

Authorized Representative:

Title:

Date:

PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden associated with this collection of information is 15 minutes per response. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

U.S. DEPARTMENT OF THE TREASURY
CORONAVIRUS LOCAL FISCAL RECOVERY FUND
AWARD TERMS AND CONDITIONS

1. Use of Funds.
 - a. Recipient understands and agrees that the funds disbursed under this award may only be used in compliance with section 603(c) of the Social Security Act (the Act), Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
 - b. Recipient will determine prior to engaging in any project using this assistance that it has the institutional, managerial, and financial capability to ensure proper planning, management, and completion of such project.
2. Period of Performance. The period of performance for this award begins on the date hereof and ends on December 31, 2026. As set forth in Treasury's implementing regulations, Recipient may use award funds to cover eligible costs incurred during the period that begins on March 3, 2021, and ends on December 31, 2024.
3. Reporting. Recipient agrees to comply with any reporting obligations established by Treasury as they relate to this award.
4. Maintenance of and Access to Records
 - a. Recipient shall maintain records and financial documents sufficient to evidence compliance with section 603(c) of the Act, Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
 - b. The Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, shall have the right of access to records (electronic and otherwise) of Recipient in order to conduct audits or other investigations.
 - c. Records shall be maintained by Recipient for a period of five (5) years after all funds have been expended or returned to Treasury, whichever is later.
5. Pre-award Costs. Pre-award costs, as defined in 2 C.F.R. § 200.458, may not be paid with funding from this award.
6. Administrative Costs. Recipient may use funds provided under this award to cover both direct and indirect costs.
7. Cost Sharing. Cost sharing or matching funds are not required to be provided by Recipient.
8. Conflicts of Interest. Recipient understands and agrees it must maintain a conflict of interest policy consistent with 2 C.F.R. § 200.318(c) and that such conflict of interest policy is applicable to each activity funded under this award. Recipient and subrecipients must disclose in writing to Treasury or the pass-through entity, as appropriate, any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112.

9. Compliance with Applicable Law and Regulations.

- a. Recipient agrees to comply with the requirements of section 603 of the Act, regulations adopted by Treasury pursuant to section 603(f) of the Act, and guidance issued by Treasury regarding the foregoing. Recipient also agrees to comply with all other applicable federal statutes, regulations, and executive orders, and Recipient shall provide for such compliance by other parties in any agreements it enters into with other parties relating to this award.
- b. Federal regulations applicable to this award include, without limitation, the following:
 - i. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.
 - ii. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
 - iii. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.
 - iv. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury’s implementing regulation at 31 C.F.R. Part 19.
 - v. Recipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
 - vi. Governmentwide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
 - vii. New Restrictions on Lobbying, 31 C.F.R. Part 21.
 - viii. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655) and implementing regulations.
 - ix. Generally applicable federal environmental laws and regulations.
- c. Statutes and regulations prohibiting discrimination applicable to this award include, without limitation, the following:
 - i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury’s implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;

- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
 - iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
 - iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
 - v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.
10. Remedial Actions. In the event of Recipient's noncompliance with section 603 of the Act, other applicable laws, Treasury's implementing regulations, guidance, or any reporting or other program requirements, Treasury may impose additional conditions on the receipt of a subsequent tranche of future award funds, if any, or take other available remedies as set forth in 2 C.F.R. § 200.339. In the case of a violation of section 603(c) of the Act regarding the use of funds, previous payments shall be subject to recoupment as provided in section 603(e) of the Act.
11. Hatch Act. Recipient agrees to comply, as applicable, with requirements of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.
12. False Statements. Recipient understands that making false statements or claims in connection with this award is a violation of federal law and may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in federal awards or contracts, and/or any other remedy available by law.
13. Publications. Any publications produced with funds from this award must display the following language: "This project [is being] [was] supported, in whole or in part, by federal award number [enter project FAIN] awarded to [name of Recipient] by the U.S. Department of the Treasury."
14. Debts Owed the Federal Government.
- a. Any funds paid to Recipient (1) in excess of the amount to which Recipient is finally determined to be authorized to retain under the terms of this award; (2) that are determined by the Treasury Office of Inspector General to have been misused; or (3) that are determined by Treasury to be subject to a repayment obligation pursuant to section 603(e) of the Act and have not been repaid by Recipient shall constitute a debt to the federal government.
 - b. Any debts determined to be owed the federal government must be paid promptly by

Recipient. A debt is delinquent if it has not been paid by the date specified in Treasury's initial written demand for payment, unless other satisfactory arrangements have been made or if the Recipient knowingly or improperly retains funds that are a debt as defined in paragraph 14(a). Treasury will take any actions available to it to collect such a debt.

15. Disclaimer.

- a. The United States expressly disclaims any and all responsibility or liability to Recipient or third persons for the actions of Recipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any contract, or subcontract under this award.
- b. The acceptance of this award by Recipient does not in any way establish an agency relationship between the United States and Recipient.

16. Protections for Whistleblowers.

- a. In accordance with 41 U.S.C. § 4712, Recipient may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.
- b. The list of persons and entities referenced in the paragraph above includes the following:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Treasury employee responsible for contract or grant oversight or management;
 - v. An authorized official of the Department of Justice or other law enforcement agency;
 - vi. A court or grand jury; or
 - vii. A management official or other employee of Recipient, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.
- c. Recipient shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

17. Increasing Seat Belt Use in the United States. Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 18, 1997), Recipient should encourage its contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.

18. Reducing Text Messaging While Driving. Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), Recipient should encourage its employees, subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving, and Recipient should establish workplace safety policies to decrease accidents caused by distracted drivers.

ASSURANCES OF COMPLIANCE WITH CIVIL RIGHTS REQUIREMENTS

ASSURANCES OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

As a condition of receipt of federal financial assistance from the Department of the Treasury, the recipient named below (hereinafter referred to as the “Recipient”) provides the assurances stated herein. The federal financial assistance may include federal grants, loans and contracts to provide assistance to the Recipient’s beneficiaries, the use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and other arrangements with the intention of providing assistance. Federal financial assistance does not encompass contracts of guarantee or insurance, regulated programs, licenses, procurement contracts by the Federal government at market value, or programs that provide direct benefits.

The assurances apply to all federal financial assistance from or funds made available through the Department of the Treasury, including any assistance that the Recipient may request in the future.

The Civil Rights Restoration Act of 1987 provides that the provisions of the assurances apply to all of the operations of the Recipient’s program(s) and activity(ies), so long as any portion of the Recipient’s program(s) or activity(ies) is federally assisted in the manner prescribed above.

1. Recipient ensures its current and future compliance with Title VI of the Civil Rights Act of 1964, as amended, which prohibits exclusion from participation, denial of the benefits of, or subjection to discrimination under programs and activities receiving federal financial assistance, of any person in the United States on the ground of race, color, or national origin (42 U.S.C. § 2000d *et seq.*), as implemented by the Department of the Treasury Title VI regulations at 31 CFR Part 22 and other pertinent executive orders such as Executive Order 13166, directives, circulars, policies, memoranda, and/or guidance documents.
2. Recipient acknowledges that Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have Limited English proficiency (LEP). Recipient understands that denying a person access to its programs, services, and activities because of LEP is a form of national origin discrimination prohibited under Title VI of the Civil Rights Act of 1964 and the Department of the Treasury’s implementing regulations. Accordingly, Recipient shall initiate reasonable steps, or comply with the Department of the Treasury’s directives, to ensure that LEP persons have meaningful access to its programs, services, and activities. Recipient understands and agrees that meaningful access may entail providing language assistance services, including oral interpretation and written translation where necessary, to ensure effective communication in the Recipient’s programs, services, and activities.
3. Recipient agrees to consider the need for language services for LEP persons when Recipient develops applicable budgets and conducts programs, services, and activities. As a resource, the Department of the Treasury has published its LEP guidance at 70 FR 6067. For more information on taking reasonable steps to provide meaningful access for LEP persons, please visit <http://www.lep.gov>.

4. Recipient acknowledges and agrees that compliance with the assurances constitutes a condition of continued receipt of federal financial assistance and is binding upon Recipient and Recipient's successors, transferees, and assignees for the period in which such assistance is provided.
5. Recipient acknowledges and agrees that it must require any sub-grantees, contractors, subcontractors, successors, transferees, and assignees to comply with assurances 1-4 above, and agrees to incorporate the following language in every contract or agreement subject to Title VI and its regulations between the Recipient and the Recipient's sub-grantees, contractors, subcontractors, successors, transferees, and assignees:

The sub-grantee, contractor, subcontractor, successor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this contract (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this contract or agreement.

6. Recipient understands and agrees that if any real property or structure is provided or improved with the aid of federal financial assistance by the Department of the Treasury, this assurance obligates the Recipient, or in the case of a subsequent transfer, the transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is provided, this assurance obligates the Recipient for the period during which it retains ownership or possession of the property.
7. Recipient shall cooperate in any enforcement or compliance review activities by the Department of the Treasury of the aforementioned obligations. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Recipient shall comply with information requests, on-site compliance reviews and reporting requirements.
8. Recipient shall maintain a complaint log and inform the Department of the Treasury of any complaints of discrimination on the grounds of race, color, or national origin, and limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, pending or completed, including outcome. Recipient also must inform the Department of the Treasury if Recipient has received no complaints under Title VI.
9. Recipient must provide documentation of an administrative agency's or court's findings of non-compliance of Title VI and efforts to address the non-compliance, including any voluntary compliance or other

agreements between the Recipient and the administrative agency that made the finding. If the Recipient settles a case or matter alleging such discrimination, the Recipient must provide documentation of the settlement. If Recipient has not been the subject of any court or administrative agency finding of discrimination, please so state.

10. If the Recipient makes sub-awards to other agencies or other entities, the Recipient is responsible for ensuring that sub-recipients also comply with Title VI and other applicable authorities covered in this document. State agencies that make sub-awards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of sub-recipients.

The United States of America has the right to seek judicial enforcement of the terms of this assurances document and nothing in this document alters or limits the federal enforcement measures that the United States may take in order to address violations of this document or applicable federal law.

Under penalty of perjury, the undersigned official(s) certifies that official(s) has read and understood the Recipient's obligations as herein described, that any information submitted in conjunction with this assurances document is accurate and complete, and that the Recipient is in compliance with the aforementioned nondiscrimination requirements.

Recipient

Date

Signature of Authorized Official

PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden associated with this collection of information is 30 minutes per response. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

File Attachments for Item:

C. Committee and Board Appointments



CONSENT AGENDA MEMO

Needs Legal Review: No
Meeting Date: June 16, 2021
Agenda Item: Committee and Board Appointments
Presented By: Marla Keethler

Action Required

Consent of the mayor's appointment to various committees and boards.

Proposed Motion

None unless pulled from consent agenda. If pulled from the consent agenda then proposed motion is as follows:

Move to consent to the mayor's appointments to various committee and boards as provided below.

Explanation of Issue

The Mayor is appointing the following committee and board members

Community Development Committee

- Charlie Kitchings, representing White Salmon Arts Council

Lodging Tax Advisory Committee

- David Dierck, Lodging Tax Advisory Committee (tax generator)
- Bruce Manclark, Lodging Tax Advisory Committee (tax generator)
- Julie Burgmeier, Lodging Tax Advisory Committee (tax user)

Letters of interest will be posted to the city's website and forwarded to council members on Monday, June 14th.

Staff Recommendation

The Mayor recommends consent for the appointments to various committees and boards.

File Attachments for Item:

D. Change Order No. 1 - Garfield Water Line Project (\$1720 increase in contract price)



CONSENT AGENDA MEMO

Needs Legal Review: No
Meeting Date: June 16, 2021
Agenda Item: Change Order No. 1, Garfield Water Line Project
Presented By: Jan Brending, Clerk Treasurer and Pat Munyan, City Administrator

Action Required

Authorization for approval through consent agenda.

Proposed Motion

None unless pulled from consent agenda. If pulled from the consent agenda then proposed motion is as follows:

Move to authorize the Mayor to sign Change Order No. 1 for the Garfield Water Line Project resulting in an increase of \$1,720 in the contract price and extending the completion date to August 18, 2021.

Explanation of Issue

Due to a delay in finalizing contract documents the original date of readiness for final payment of June 15, 2021 was not achievable. The change order changes the date to August 18, 2021. Asphalt pavement restoration was not included in the original specifications because it was assumed that the Garfield street project would happen immediately after the water project. The change order provides an additional \$1,720 for the additional work.

Staff Recommendation

Staff recommends authorizing the Mayor to sign change order No. 1 for the Garfield Water Line project.

CHANGE ORDER

Change Order No.: 1

Date of Issuance: **June 10, 2021**
 Owner: **City of White Salmon, Washington**
 Contractor: **Artistic Excavation, LLC**
 Engineer: **Anderson Perry & Associates, Inc.**
 Project: **Garfield Avenue Water Line Improvements**

The Contract is modified as follows upon execution of this Change Order:

Description of Changes (Supplemental description, Plans and Specifications attached, as applicable)		DECREASE in Contract Price	INCREASE in Contract Price
1-1	Revise Date of Readiness for Final Payment, August 18, 2021	\$0.00	\$0.00
1-2	Asphalt Surface Restoration for Garfield Avenue		\$1,600.00
Subtotal		\$0.00	\$1,600.00
Total, Increase Less Decrease		\$1,600.00	
Sales Tax (7.5%), if applicable		\$120.00	
Net Change in Contract Price for this Change Order		\$1,720.00	

JUSTIFICATION:

- 1-1 Original date of June 15, 2021 not attainable; revised to August 18, 2021.
- 1-2 Asphalt pavement restoration for Garfield Avenue needed as Owner's original pavement project scheduled for this year was postponed. Drawings called for no asphalt surface restoration on Garfield Avenue. Additional cost for asphalt restoration was based on \$20/square yard for 80 square yards of asphalt surface restoration.

The amount of the Contract will be increased for this Change Order by the sum of:

\$1,720.00

Total Contract Price prior to this Change Order:

\$192,904.45

The Contract Price incorporating this Change Order:

\$194,624.45

Contract date prior to this Change Order:

June 15, 2021

Date Ready for Final Payment:

June 15, 2021

Revised Date Ready for Final Payment:

August 18, 2021

RECOMMENDED:

By: David Jensen PE
Engineer (if required)
Anderson Perry & Associates
 Title: Project Engineer
 Date: 6/10/2021

ACCEPTED:

By: _____
Owner (Authorized Signature)
 Title: _____
 Date: _____

ACCEPTED:

By: _____
Contractor (Authorized Signature)
 Title: _____
 Date: _____

File Attachments for Item:

E. Authorization to Submit Local Records Grant/Technology Tools Grant (up to \$30,000)



CONSENT AGENDA MEMO

Needs Legal Review: No
Meeting Date: June 16, 2021
Agenda Item: Authorization to Submit Local Records Grant/Technology Tools Grant
Presented By: Jan Brending, Clerk Treasurer

Action Required

Authorization for approval through consent agenda.

Proposed Motion

None unless pulled from consent agenda. If pulled from the consent agenda then proposed motion is as follows:

Move to authorize the Clerk Treasurer to submit a Local Records Grant/Technology Tools Grant application in an amount up to \$30,000.

Explanation of Issue

The Secretary of State Archives offices provides local records grants. Attached is general information regarding the local records grant program and information regarding the technology tools grant division within that program.

We are recommending submitting a grant application that would help to purchase software and hardware to better manage the city's records and to better respond to public records requests. Software and hardware may include the following:

- Records management software
- Public records request software
- Large scale printer/scanner.

The Clerk Treasurer will consult with the Archives Office in order to prepare the best grant application possible.

No match from the city is required for this grant.

Staff Recommendation

Staff recommends authorizing the Clerk Treasurer to submit a Local Records Grant/Technology Tools Grant application in amount up to \$30,000.

Local Records Grant Program: About the Local Records Grant Program

Purpose: Provide guidance to local governments on Washington State Archives' Local Records Grant Program ([RCW 40.14.026](#)).

What is the purpose of the grants?

To help local governments' use of technology to improve their records retention, management and disclosure of public records.

How is the program funded?

Grants are funded by the proceeds of a surcharge when documents are recorded with county auditors.

Who can apply?

Any local government agency/entity such as counties, cities, towns, fire districts, school districts, hospital districts, port districts, public utility districts, transit authorities, other special purpose districts, etc.

Different departments and business units within counties and cities can apply separately in the same grant cycle. However, Washington State Archives encourages agencies to consider if a better solution could be found by working more cooperatively across the entire agency.

Preference for grant awards will be given to smaller local government agencies, but will also be based upon the applicant agency's need. Preference will also be given to information technology designed to improve the retention, management, and disclosure of public records.

Even though other government entities (such as state agencies, higher education, tribes, etc.) are not eligible for these grants, the Archives is still available to provide other records management assistance.

Who decides which projects will be funded?

The Secretary of State will award grants based on recommendations from the Archives Oversight Committee, a committee of county auditors, county clerks and representatives from other sectors of local government.

For more information:

<https://www.sos.wa.gov/archives/RecordsManagement/Local-Records-Grant-Program.aspx>

**Additional advice regarding the management of public records is available from
Washington State Archives:**

www.sos.wa.gov/archives
recordsmanagement@sos.wa.gov

Local Records Grant Program: How a Technology Tools Grant Can Help

Purpose: Provide guidance to local governments on how a Technology Tools Grant can help with retention, management and disclosure of public records.

Technology Tools is one of the types of grants offered as part of Washington State Archives' Local Records Grant Program ([RCW 40.14.026](#)).

What Can a Technology Tools Grant Cover?

- Technology Tools Grants are to get **specific hardware/software** so that the agency can:
 - a. Provide more timely responses to public records requests; or**
 - b. Capture, retain and manage public records for their minimum retention period.**
- Hardware can include scanners, shredders, etc.
- Software (including software as a service) can include systems for public records request tracking, redaction, capturing/managing social media/text messages/websites/etc. and enterprise content management (ECM) systems, etc.
- Necessary vendor-provided consultation/training costs can also be covered.
- Agencies will need to fund any ongoing costs (such as annual subscription/license fees, etc.).

If you have a backlog of records to scan, consider applying for a Digital Imaging Grant to have the records scanned by either Washington State Archives or another vendor instead.

Cash Match

- There is no cash match requirement for the Local Records Grant Program.

Reimbursement

- The grant program is operated on a reimbursement basis.
- A successful applicant will purchase products/services as outlined in the approved grant award and receive reimbursement after completing the terms of the contract.

Funding Level

Agencies can apply for a Technology Tools Grant of up to \$30,000.

**Additional advice regarding the management of public records is available from
Washington State Archives:**

**www.sos.wa.gov/archives
recordsmanagement@sos.wa.gov**

File Attachments for Item:

F. Farmer's Market Request, Hang Banners for Season



CONSENT AGENDA MEMO

Needs Legal Review: No
Meeting Date: June 16, 2021
Agenda Item: Allow the Farmers Market to Hang Banners at Main and Lincoln and at Jewett Blvd for Market Season
Presented By: Jan Brending, Clerk Treasurer

Action Required

Authorization for approval through consent agenda.

Proposed Motion

None unless pulled from consent agenda. If pulled from the consent agenda then proposed motion is as follows:

Move to allow the Farmers Market to hang banners at the railing located at Lincoln and Main Street and on the railing at Jewett below the Bethel Congregational Church for the duration of the Farmers Market, June 15 through September 14.

Explanation of Issue

The City's code allows community organizations to hang banners with administrative approval for a two-week period. Anything longer than a two-week period requires council approval. The Farmers Market would like to hang the banners through September 14, the last day of the Farmers Market.

Staff Recommendation

Staff recommends allowing the Farmers Market to hang two banners from city railing through September 14, 2021.

File Attachments for Item:

G. Approval of Meeting Minutes - June 2, 2021



CITY OF WHITE SALMON
City Council Regular Meeting – Wednesday, June 2, 2021
Via Zoom Teleconference

Council and Administrative Personnel Present

Council Members:

Jason Hartmann
David Lindley
Ashley Post
Jim Ransier
Joe Turkiewicz

Staff Present:

Marla Keethler, Mayor
Pat Munyan, City Administrator
Jan Brending, Clerk Treasurer
Ken Woodrich, City Attorney
Russ Avery, Operations Manager
Bill Hunsaker, Building Official/Fire Chief

I. Call to Order, Presentation of the Flag and Roll Call

Marla Keethler, Mayor called the meeting order at 6:00 p.m.

***Moved by Jason Hartmann. Seconded by Jim Ransier.
Motion to excuse Ashley Post. CARRIED 4-0.***

Note: Ashley Post joined the meeting at 6:23 p.m.

There were no members of the public in attendance.

II. Changes to the Agenda

Staff recommended adding Amendment to Public Works Board Pre-Construction Loan Contract to the Consent Agenda. The amendment extends the repayment period from 5 years to 20 years with an interest rate of 1.58%.

***Moved by Jason Hartmann. Seconded by David Lindley.
Motion to add Amendment A, Public Works Board Pre-Construction Loan Contract extending the repayment period from 5 years to 20 years with an interest rate of 1.58% to the Consent Agenda. CARRIE 4-0.***

III. Consent Agenda

- A. Personal Services Contract, Task Order, Anderson Perry – Wastewater Services, \$78,860**
- B. Personal Services Contract, Anderson Perry – Amendment No. 2 Task Order – Garfield Water Main Improvements (\$24,030, increase of \$8,739)**
- C. Personal Services Contract, Task Order – Gray & Osborne, Jewett Roundabout Illumination Study (\$3,500)**
- D. Personal Services Contract, Zaya – Communications Outreach Support, \$100 per hour**
- E. Radcomp Master Services Contract and Premium Services with Cyber Security Improvements (\$5,147.51 per month)**

- F. **Amendment A, Public works Board Pre-Construction Loan Contract (extending term from 5 years to 20 years with 1.58% interest)**
- G. **Approval of Meeting Minutes – May 19, 2021**
- H. **Approval of Vouchers**

Vouchers audited and certified as required by RCW 42.24.080 and expense reimbursement claims as required by RCW 42.24.090 as of this 2nd day of June, 2021.

Type	Date	From	To	Amount
Claims	6/2/2021	37134	37173	156,643.35
			Claims Total	156,643.35
Payroll	6/4/2021	EFT	EFT	107,883.09
		37131	37133	992.43
			Payroll Total	108,875.52
Manual Claims	5/27/2021	37130	37130	58.00
	6/3/2021	EFT	EFT	2,562.00
	6/6/2021	EFT	EFT	1,902.79
			Manual Total	4,522.79
			Total All Vouchers	270,041.66

***Moved by Jim Ransier. Seconded by David Lindley.
 Motion to approve Consent Agenda. CARRIED 4-0.***

IV. Public Comment

There was no general public comment.

V. Presentations

A. Pride Heritage Month

Jim Ransier, Council Member introduced a video “How Harvey Milk Changed the Gay Rights Movement” by Daniel Netzel.

VI. Business Items

A. Ordinance 2021-06-1080 Amending WSMC 8.20 Fireworks

Marla Keethler, Mayor reviewed the proposed change to White Salmon Municipal Code 8.20 Fireworks. She said the amendment is a provision that allows the mayor, in consultation with the fire chief, to declare a fireworks ban in the case of extreme fire danger and conditions. Keethler noted that state law requires that any changes made to the city’s fireworks code must be enacted a year before it is to take effect.

Ken Woodrich, City Attorney said he feels there is a benefit to having the provision in the city's code.

Ashley Post, Council Member said she would like to see some additional language tied to the [provision such as an expiration of the ban and specific measurements for determining extreme fire danger and conditions.

Ken Woodrich, City Attorney said he would not want the fire chief's decision-making being tied to some standards in the code. He said that the proposed amendment requires the mayor to consult with the Fire Chief who is the expert related to fire danger and that is the qualifier.

Jason Hartmann, Council Member said he does not feel that the provision gives unchecked power to the mayor or fire chief.

Council members discussed the existing provisions of the city's fireworks code including firework sales on tribal lands.

A typographical error at the bottom of page 3 of the ordinance changing "liabilily" to "liability."

***Moved by Jason Hartmann. Seconded by David Lindley.
Motion to approve Ordinance 2021-06-1080 Amending WSMC 8.20 Fireworks with
typographical error correction. CARRIED 5-0.***

VII. Reports and Communications

A. Council Members

Jim Ransier, Council Member said that the Community Development Committee will meet in June. He said that a new Community Development Committee member representing the White Salmon Arts council will be presented to the city council for approval.

Jason Hartmann, Council Member asked if links for the videos shown during the meeting can be posted with the agenda information.

Jan Brending, Clerk Treasurer said if she has the information when the agenda is posted she can do. She said she can also post the links on the meeting webpage after the meetings.

B. Department Heads

Pat Munyan, City Administrator said that he and the mayor are still trying to meet with the State Land Commissioner in order to address issues with the Department of Natural Resources. He said he met with the department of Ecology and Tribal Fisheries regarding the city's permit for the Aquifer Storage Recharge (ASR) project regarding a policy issues with the Dpeartment of Ecology and the White Salmon Irrigation District.

Bill Hunsaker, Building Official/Fire Chief said that the county-wide burn ban was enacted June 1st. He said that it does not necessarily affect the City but he does not issue burn permits during that time due to safety concerns. Hunsaker said he is working on several building permits

Russ Avery, Public Works Operations Manager said the public works department will be repairing a leak on the city's main line on Graves Road. He said that it will not be necessarily for a wide-spread shutdown but will affect about 20 customers. Avery said they will be replacing approximately 4 feet of pipe.

Jim Ransier, Council Member asked for an update on the restroom issue.

Russ Avery, Public Works Operations Manager said the contract has replaced the concrete which has a specific cure time and then a sealant will have to be put down which also has a cure time.

Ken Woodrich, City Attorney said he attend the Washington State Association of Municipal Attorneys conference. He said one of the things that was discussed was the need for cyber-security insurance.

Jan Brending, Clerk Treasurer said she recently reviewed that issue with AWC RMSA, the city's insurance carrier. She said the city does have cyber security coverage.

Jan Brending, Clerk Treasurer said the city is working on getting the council chambers set up for in-person meetings. She reminded the City Council that it will be meeting with the Planning Commission in a joint workshop session on June 23rd regarding the comprehensive plan. She said the city has submitted the CDBG grant application for the housing rehabilitation program. Brending said the 2020 Annual Report has been submitted to the State Auditor's office. She noted the Farmer's Market will begin on June 15th.

C. Mayor

Marla Keethler, Mayor said the audio equipment that was purchased for the city council meeting space is very nice. She said staff is working with Radcomp to purchase video equipment that will work with the Zoom component of future in-person meetings. Keethler said interviews were held for the land use planner position. She said has updated the city's mask policy for employees – that if employees are vaccinated, they do not have to wear masks while in city facilities unless they are meeting with he public, consultants or other agencies. She said employees do not have to wear masks outdoors. Keethler said she is following the directives of the state and CDC.

Ken Woodrich, City Attorney noted that is an AWC affordable housing webinar on June 8th.

Marla Keethler, Mayor also noted that the AWC annual conference will also be held later this month. She said if council members are interested in attending either one to contact Jan Brending for registration.

VIII. Executive Session

There was no Executive Session.

IX. Adjournment

The meeting adjourned at 6:58 p.m.

Marla Keethler, Mayor

Jan Brending, Clerk Treasurer

File Attachments for Item:

A. Right-of-Way Permit, Margaret Richmond, 173 NE Wauna

1. Presentation

2. Discussion

3. Action



AGENDA MEMO

Needs Legal Review: Yes
Meeting Date: June 16, 2021
Agenda Item: Right-of-Way Permit Application 2021-001, Margaret Richmond, 173
NE Wauna Avenue
Presented By: Pat Munyan, City Administrator

Action Required

Approval of Type D Right-of-Way Permit

Proposed Motion

Motion to approve Type D Right-of-Way Permit 2021-001, Margaret Richmond, 173 NE Wauna Avenue with the following conditions:

Conditions to be determined by City Council after consideration of the attached Staff Report and Exhibits.

Explanation of Issue

See attached Staff Report and Exhibits.

Staff Recommendation

See attached Staff Report and Exhibits.



STAFF REPORT

June 16, 2021

City of White Salmon
City Council

Right-of-way Permit Application 2021.001
Applicant: Margaret Richmond

PROPOSAL

This Right-of-way Permit Application (ROW) requests approval for a Type D Permit. The applicant's house structure was constructed in 1932 with a four-foot encroachment into the alley public right-of-way. The applicant is seeking a ten-year period, with an additional ten-year option that cannot be reasonably withheld, long term right-of-way permit agreement between the permittee and the city council with the intend to allow the house to remain in the public right-of-way for a predetermined time without additional review of the City Council.

LOCATION

173 NE Wauna Avenue, White Salmon, WA

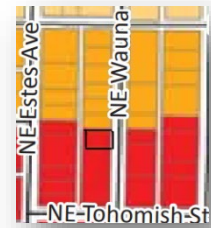
Parcel Number 03111965010700. Described as Lot 7 and North 10' of Lot 8 of Block 1 of the Gearheart-Wertz's Addition to White Salmon in NW ¼ of SW ¼, in Section 19, Township 3 North, Range 11 East, W.M, Klickitat County in Washington State.

ACREAGE OF LOT

Approximately 0.11 acres, 4,789 square feet

SURROUNDING USES AND ZONING

The subject property of 173 NE Wauna Avenue is zoned General Commercial (C).



North – One parcel, (4) tourist facilities (03111965010600), City of White Salmon zoned R-2.

South – One parcel, business (03111965010800), City of White Salmon zoned C.

East – Two parcels, single-family residence (03111965020700), businesses (03111965020800) and NE Wauna Avenue (public), City of White Salmon zoned C.

West – Two parcels, duplex residence (03111966010700), business (03111966010800) and alley (public), City of White Salmon zoned C.

APPLICABLE STATUS OF BEARING

WSMC Chapter 12.02 – Street, Sidewalks and Public Places.

12.02.001 – Title—Purpose—Intent—Construction.

12.02.004 – Permits required.

12.02.005 – Additional permit.

12.02.006 – Right-of-way use permits.

12.02.007 – Applications and processing of permits.

12.02.008 – Permit fees and charges.

12.02.011 – Revocation of permits.

12.02.012 – Renewal of permits.

12.02.017 – Inspection.

17.76.050 - Change or enlargement of uses.

RIGHT-OF-WAY USE PERMIT FACTS AND FINDINGS

It is the intent of this right of way staff report to provide facts, finding, and conclusions to assist City Council in their determination of the validity of the Applicants request by comparing said request to WSMC Chapter 12.02 review criteria.

TITLE 12 – CHAPTER 12.02 USE OF CITY RIGHTS-OF-WAY

WSMC 12.02.001 – Title—Purpose—Intent—Construction.

- A. *This chapter shall be known as the Right-of-Way Use Code.*
- B. *It is the purpose of this code:*
 - 1. *To provide for the issuance of right-of-way use permits in order to regulate activities within the rights-of-way in the city of White Salmon in the interest of public health, safety and welfare;*
 - 2. *To provide for the enforcement, fees, charges, warranties, and procedures required to administer the permit process and ensure the long-term viability of public improvements;*
 - 3. *To avoid creating or otherwise establishing or designating any particular class or group of persons who will or should be especially protected or benefitted by the terms of this code or any procedures adopted hereunder;*
- C. *It is the specific intent of this code and any procedures adopted hereunder to place the obligation of complying with the requirements of this code upon the permittee, and no provision is intended to impose any duty upon the city of White Salmon, or any of its officers, employees or agents. Nothing contained in this code or any procedures adopted hereunder is intended to be or shall be construed to create or form the basis for liability on the part of the city of White Salmon, or its officers, employees or agents, for any injury or damage resulting from the failure of the permittee to comply with the provisions hereof, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this code or any procedures adopted hereunder by the city of White Salmon, its officers, employees or agents.*
- D. *The provisions of this code shall be liberally construed for the accomplishment of these purposes and intents.*

Finding - The Applicants' residential structure was constructed in 1939 with a 3' 7" encroachment into the City's 14-ft alleyway and is considered a legally established non-conforming use in a General Commercial Zone. Over time, the encroachment has created vehicle migration westward outside of the alley right-of-way to avoid the structure, thereby causing encroachment on neighboring properties. In a situation where west paralleling property owners reclaim their property by fencing or other, large vehicles, including emergency response, will not be able to pass the structures.

According to WSMC 17.08.030, an alley is defined as a public right-of-way not over thirty feet wide, which affords, generally, a secondary means of access to abutting lots, not intended for general use. The City has several other unpermitted structural encroachments. However, it is important to note, out of the numerous other encroachments, the Applicant's encroachment is the only structural encroachment that impedes vehicular travel at some level. This statement is based on the fact that larger vehicles cannot pass safely without encroachment onto neighboring properties.

WSMC 12.02.002 – Definitions (X) – defines an "unsafe condition" as *any condition which the director (in this case City Council) determines is a health hazard or endangers to the safe use of the right-of-way by the public, or does or may impair or impede the operation or functioning of any portion of the right-of-*

way, or which may cause damage thereto. The Applicant encroachment is unique in itself; it is structural encroachment into a 14-ft public right of way. While there are other structurally encroachments, they have no impact because the right-of-way is significantly wider, and the encroachments are outside the intended pedestrian and travel lanes.

According to WSMC 12.02.001 (A), (B), (C), and (D) - the purpose and intent of the municipal right-of-way code are to provide for the issuance of right-of-way use permits to regulate activities within the rights-of-way in the interest of public health, safety, and welfare; while avoiding creating or otherwise establishing or designating any particular class or group of persons who will or should be especially protected or benefitted by the terms of this code or any procedures adopted hereunder. With the specific intent of this code and any procedures adopted hereunder to place the obligation of complying with the requirements of this code upon the permittee, and no provision is intended to impose any duty, or be construed to place liability, upon the city of White Salmon, or any of its officers, employees or agents while stating all the provisions of this code shall be liberally construed for the accomplishment of these purposes and intents.

The construction of WSMC 12.02.001 is intended to be ambiguous with the intent to provide the reviewer (in this case City Council) the means to consider other factors and situations, which are not specifically addressed in this chapter, with the ability to liberally construe the terms of this code to accomplish a particular purpose while avoiding creating uses that deprive the public of using the right-of-way as attended.

WSMC 12.02.004 – Permits required.

- A. *It is unlawful for anyone to make use of any public right-of-way without first having obtained a right-of-way use permit issued by the city or to use any right-of-way without complying with all the provisions of such right-of-way use permit issued by the city; provided, that a right-of-way use permit shall not be required for any use or activity specifically exempted from the requirement of a right-of-way use permit.*
- B. *Any telecommunications carrier or provider who desires to construct, install, operate, maintain, or otherwise locate telecommunications facilities in, under, over or across any right-of-way of the city for the purpose of providing telecommunications services shall first obtain authorization in the form of a telecommunications right-of-way use agreement authorizing the use of such right-of-way consistent with the requirements and conditions of such agreement.*
- C. *General and specific permit requirements are defined in the procedures referenced in this code.*
- D. *All permit applicants shall, before commencing any construction in city rights-of-way, comply with all requirements of the one number locator service.*
- E. *Prior to actual issuance of the permit the public works director shall inspect and approve the location of the use.*

Finding – The structural encroachment existed long before developing this code at no fault of the Applicant. Regardless of when the encroachment occurred, the City should make every effort to document all past and present encroachments through the right-of-way permit agreements or order the removal of the encroachments.

WSMC 12.02.005 – Additional permit.

Additional permits for any use may be required by other city codes. The city does not waive its right to use the right-of-way by issuance of any permit.

Finding – The Applicant is requesting a 10-year irrevocable permit with an additional 10-year administrative determination. The City Council will need to determine if the Applicant’s proposal would be considered a waiver of the City’s rights to use their public right of way.

WSMC 12.02.006 – Right-of-way use permits.

The following types of right-of-way use permits are established:

- D. *Type D—Long-Term and Permanent Uses by Agreement and Approval by Council.*
 - 1. *Type D permits may be required for use of right-of-way for long-term or permanent uses by signed agreement between the permittee and the city. All Type D proposals must first be presented to city council at a regular meeting for preliminary approval prior to submission for staff approval. Any Type D permit agreement shall also first require council approval and authority.*

Finding – Long-term and permanent right-of-way use agreements are more commonly referred to as utility franchises. A franchise agreement is a negotiated contract between a municipality and a utility service provider that grants the utility the right to serve customers in the city's jurisdiction. These agreements commonly include use fees paid to the municipality and stipulations that if their utilities prevent the municipality use in any way, the utility is required to relocate their utility at their own expense. However, this Chapter intentionally provides that provisions of this code shall be liberally construed for the accomplishment of purposes not necessarily directly addressed within this Chapter as long as the permitted use avoids creating uses that deprive the public of using the right-of-way; the City Council is tasked with making those determinations.

- 2. *Type D permits include the following but not limited to:*
 - a. *Structures that may have a useful life exceeding five years;*
 - b. *Structures that may cost over one hundred dollars to remove;*
 - c. *Structures or uses for which the permittee requests a period of irrevocability;*
 - d. *Any Type C use that the council deems by a vote of a majority of the full body to be a significant impact to the city right-of-way and to convert to a Type D use requiring approval of the council and a written agreement.*
 - e.

Finding – The structure has a useful life expectancy of more than five years and would cost significantly more than one hundred dollars to remove. Here again, it is necessary to note that the residential structure is not the Applicant's primary residence. For years the Applicant has used the residential structure as a rental. The residential structure is currently vacant.

WSMC 12.02.007 – Applications and processing of permits.

- A. *To obtain a right-of-way use permit the applicant shall file an application with the public works department for permit Type A, B, and C and for Type D permits with both the planning and public works departments.*

Finding - The Applicant has complied with this requirement.

- B. *Every application shall include the location of the proposed right-of-way use with a plan drawing, a description of the use, the planned duration of the use, applicant contact information, and all other information which may be required as specified in procedures adopted hereunder, and shall be accompanied by payment of the required fees.*

Finding – The Applicant has complied with this requirement.

- C. *Applicants planning on disturbing the right-of-way shall identify the contractor and/or subcontractor who will actually perform the work and include the state contractor's number for such contractor or subcontractor.*

Finding – WSMC 12.02.007 (C) does not apply to this right-of-way application and request.

- D. *All applications for permits shall be submitted 30 days or more before the planned need for the permit. If unforeseen conditions require expedited processing time the city will attempt to cooperate, but additional fees to cover additional costs to the city may be charged.*

Finding - Throughout this application process, the City has incurred additional expenditures, including staff and attorney fees not covered by the Right-of-way Type D application fee, \$25.00.

- E. *Certain applicants such as utilities or franchised utilities may be involved in frequent use of the right-of-way for repair, maintenance and construction in a short period of time. To avoid the issuance of a new permit for each use, the city will issue a ninety-day permit for multiple uses, provided that degradation fees shall accrue regardless of the issuance of a permit for single or multiple uses.*

Finding - WSMC 12.02.007 (E) does not apply to this right-of-way application and request.

- F. *The director shall examine each application submitted for review and approval to determine if it complies with the applicable provisions of this code and procedures adopted hereunder. Other departments that have authority over the proposed use activity will be required to review and approve or disapprove the application. The director shall inspect the right-of-way proposed for use to determine any facts which may aid in determining whether a permit should be granted. If the director finds that the application conforms to the requirements of this code and procedures adopted hereunder, that the proposed use of such right-of-way will not unduly interfere with the rights and safety of*

the public, and if the application has not been disapproved by a department with authority, he may approve the permit, and may impose such conditions thereon as are reasonably necessary to protect the public health, welfare and safety and to mitigate any impacts resulting from the use.

Finding - This report is intended to comply with the above requirements. Still, the City Council determines the decision to approve or deny a Type D long-term right of way permit. Therefore, the purpose of this staff report is to evaluate relevant ordinances and provide the City Council with facts and findings.

- G. *No permit application shall be assignable and no person shall allow his name to be used to obtain a permit or permits for others.*

Finding – The Applicant has requested the right for the permit to be assignable.

WSMC 12.02.008 – Permit fees and charges.

- A. *The fee for each permit shall be set forth in a fee schedule recommended by the director and adopted by the city council by separate resolution. Fees and charges adopted pursuant to this section may be increased or decreased by the council on the director's recommendation in accordance with changes in the costs incurred by the city. The city council shall, upon recommendation of the director, establish the amount, rates and formulas for the various types of permit applications including application fees, processing and review costs, pass through charges for engineering review and excess inspection costs if needed, road cut fees and costs incurred by the city for repairs and replacement if required. Special accommodations will be made for multiple use permit holders to allow for the computation of the actual number of uses under the multiple use permit upon completion/expiration of the permit. House move permit charges will compensate the city for its time and expense, if required, to assist in the move and include reimbursement for any damage incurred to city property. The fee schedule may also address the waiver of permit fees for franchised utilities needing to apply for a permit because of city initiated construction projects requiring utility work.*

Finding – Throughout this application process, the City has incurred additional expenditures, including staff and attorney fees not covered by the Right-of-way Type D application fee, \$25.00. The City Council need to provide Staff with direction, to either:

1. Recover additional costs; or
2. Waive additional fees.

WSMC 12.02.011 – Revocation of permits.

- A. *The director may revoke or suspend any permit issued under this chapter whenever:*
1. *The work or activity does not proceed in accordance with the plans as approved, or conditions of approval, or is not in compliance with the requirements of this code or procedures, or other city ordinances or state law;*

Finding – WSMC 12.02 does not provide a procedure for dealing with residential structure encroachments that existed before the adoption of this ordinance.

2. *The city has been denied access to investigate and inspect how the right-of-way is being used;*

Finding – WSMC 12.02.011 (A-2) does not apply to this right-of-way application and request.

3. *The permittee has made a misrepresentation of a material fact in applying for a permit;*

Finding – No misrepresentation has occurred. However, to be transparent it is important to note that the residential structure is not the primary residence of the Applicant. For years the Applicant has use the residential structure as a rental. The residential structure is currently vacant.

4. *The progress or condition of the approved work or activity indicates that it is or will be inadequate to protect the public and adjoining property or the street or utilities in the street, or any excavation or fill endangers or will endanger the public, the adjoining property or street, or utilities in the street.*

Finding – Adjoining properties boarding the alleyway have been impacted for several decades by this encroachment. As stated prior in this report, the structural encroachment has cause vehicular use to migrate westward causing encroachment on neighboring property owners.

- B. *Upon suspension or revocation of a permit, all use of the right-of-way shall cease, except as authorized or directed by the director.*

Finding – WSMC 12.02.011 (B) does not apply to this right-of-way application and request.

WSMC 12.02.012 – Renewal of permits.

Each permit shall be of a duration as specified on the permit and may not be renewed. If continued use of the right-of-way is desired by the permittee after expiration of a permit, he must apply for a new permit, unless extended as provided above.

Finding – The Applicant is requesting a 10-year irrevocable permit with an additional 10-year administrative determination. The City Council will need to determine if the Applicant’s proposal and permit duration is applicable.

WSMC 12.02.017 – Inspections.

As a condition of issuance of any permit or authorization which requires approval of the department, each applicant shall be required to consent to inspections by the department or any other appropriate city department. Prior to final inspection in all Type D permits and other permits as required by the director, the permittee shall provide the city with complete as-builts to the project, including, if available, files in an electronic medium (CAD, GIS, etc.) tied to landmarks approved by the director. The director shall be responsible for determining the level of

inspection required based on the nature of the work being completed. If the director determines that engineering assistance is needed the director may require engineering on behalf of the city to be paid by the permittee. All work done under a permit issued pursuant to this chapter shall be subject to inspection and the work shall not be deemed completed until it has been accepted by the director as satisfactory.

Finding – This Applicant request is unique and does not necessarily fit into any particular category.

STAFF CONCLUSIONS

According to WSMC 12.02.006 - Right-of-way use permits, it intentionally provides provisions that shall be liberally construed for the accomplishment of purposes not necessarily directly addressed within this Chapter as long as the permitted use avoids creating uses that deprive the public of using the right-of-way.

According to WSMC 12.02.006-D-1, Type D permits may be required for use of right-of-way for long-term or permanent uses by signed agreement between the permittee and the city. All Type D proposals must first be presented to city council at a regular meeting for preliminary approval prior to submission for staff approval. Any Type D permit agreement shall also first require council approval and authority.

On April 21, 2021, the Applicant's right-of-use permit was reviewed by City Council, where a motion was made by Councilman Jim Ransier, seconded by Councilman David Lindley.


Motion to authorize administrative staff to proceed with the application process with the following conditions:

1. The start date of the agreement shall be the date of the application approval.
2. The agreement shall be recorded with Klickitat County.

The Applicant encroachment is unique in itself, as the structural encroachment is 3'7" into a 14' public right-of-way. Any Type D permit agreement shall also first require council approval and authority, thus when staff modified the conditions, staff shall bring it back in front of the city council. The staff report supplies the facts and findings for the City Council to evaluate and determine if any, what restrictions should be placed on this said right-of-way application. The City Council is tasked with making those determinations as Type D permits include the following but not limited to:

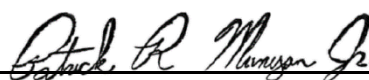
- a. Structures that may have a useful life exceeding five years;
- b. Structures that may cost over one hundred dollars to remove;
- c. Structures or uses for which the permittee requests a period of irrevocability;
- d. Any Type C use that the council deems by a vote of a majority of the full body to be a significant impact to the city right-of-way and to convert to a Type D use requiring approval of the council and a written agreement.

Staff Report Prepared By:



Erika Castro-Guzman
Associate Planner

Staff Report Prepared By:



Patrick R. Munyan Jr.
City Administrator

ATTACHMENTS

Exhibit A: LANDERHOLM Letter, November 19, 2020

Exhibit B: Right-of-way Permit Application

Exhibit C: Right-of-way Application Fees

Exhibit D: Site Plan

Exhibit E: Proposed Right-of-way Use Permit (Type D) and Use Conditions

Exhibit F: Bell Design Company Email, Legal Description

Exhibit G: All-Purpose Acknowledgement

Exhibit H: McCoy Holliston Insurance Inc., Insurance Policy

**LANDERHOLM**

Legal advisors. Trusted advocates.

Curtis J. Christensen
805 Broadway Street
Suite 1000
PO Box 1086
Vancouver, WA 98666

T: (360) 816-2544
T: (503) 283-3393
F: (360) 816-2545
E: curtis.christensen@landerholm.com

November 19, 2020

City of White Salmon
c/o Patrick Munyan
PO Box 2139
White Salmon WA 98672
patm@ci.white-salmon.wa.us

**Re: Margaret Richmond Right of Way Use Permit
TYPE D Application**

Mr. Munyan:

As you know, we represent Margaret Richmond and had worked with the City Attorney, Ken Woodrich in May 2019 on the terms of a right-of-way permit from the City for lot 7 of the Gearhart-Wertz Addition, also known as parcel #03111965010700.

I understand from our October 14th, 2020 telephone conversation that you and the City have already accepted (but have not yet approved) Ms. Richmond's original right of way application. In addition to the materials you already have, I hope the following information and the documents attached will satisfy your request for additional information.

HISTORY OF HOME AT 172 NE WUANA AVE.

As we discussed, Margaret's house was built in 1932 and we believe the footprint of the house has remained the same ever since. In about 1980, Ms. Richmond's father, William McConnaha, leased the property from the previous owners and eventually purchased the property in about 1982.

When William died in 1993, Margaret inherited the property. After living there a few years, Margaret began to rent the house out.

To our knowledge, there have not been any expansions of the original home and that the house has sat in its current spot for nearly 90 years.

It was only during a recent property line dispute with her neighbor, Joe Turkiewicz that Margaret learned that the house encroached a bit into the City's alleyway.

Margaret has settled her dispute with Mr. Turkiewicz. Part of that settlement requires Margaret to apply to the City for a special use permit.

Margaret L. Richmond
Re: Right of Way Application
November 19, 2020
Page 2

APPLICATION FOR USE OF RIGHT OF WAY

Margaret therefore requests the City grant her an ongoing permit for the use of the right of way as described in her Application. Specifically, Ms. Richmond requests her home be permitted to continue to encroach the right of way as it has for the past nearly 90 years.

I have attached a few aerial photos/surveys to demonstrate the exact portions of the right of way which Ms. Richmond's home is encroaching. As you can see from the aerials prepared by Austin Bell, the home barely (3' 7" at its peak) encroaches into the right of way and that there is more than sufficient room for vehicles, including fire trucks, to pass through the alley.

We've also, as requested by City Attorney Woodrich, attached a copy of Ms. Richmond's current insurance policy to show Ms. Richmond has obtained liability insurance on the premises in the amount of \$1,000,000 which includes City of White Salmon as an additional insured for the premises. This was done at the request of Mr. Ken Woodrich.

Please let us know when this application will be presented to the City Council and if you believe it necessary for Margaret or her attorney to attend via ZOOM or otherwise.

Thanks for all of your help.

Sincerely,

LANDERHOLM, P.S.

/s/ Curtis Christensen

CURTIS J. CHRISTENSEN

cc: City Attorney, Ken Woodrich

cc: Client

Enclosures

RICM10-000001 - Document in ProLaw



RIGHT-OF-WAY PERMIT APPLICATION

Type of Application	<input type="checkbox"/> Utility Installation	<input type="checkbox"/> Frontage Improvements	<input type="checkbox"/> Use of right-of-way	<input type="checkbox"/> Oversize/Weight
	<input type="checkbox"/> Utility Connection	<input type="checkbox"/> Drainage Improvements	<input type="checkbox"/> Special Event	<input type="checkbox"/> Emergency
	<input type="checkbox"/> Utility Maintenance	<input type="checkbox"/> Landscaping	<input type="checkbox"/> Street Closure	<input type="checkbox"/> Other _____

A. ADDRESS (ROW ACTIVITY): 178 NE WUANA AVE.

CONTRACTOR: _____

AGENCY/APPLICANT: Margaret Richmond

ADDRESS: 4444 Central Avenue

CITY: McKinleyville STATE: CA ZIP: 95519

PHONE: 707-839-3640 FAX: _____

LIC. # _____ LIC. # _____
 BUSINESS INDIVIDUAL

EMERGENCY CONTACT: Brad Andersen

EMERGENCY CONTACT PHONE #: 360-816-2528

B. PROJECT DESCRIPTION: See attached.

EMERGENCY: YES NO CERTIFIED UTIL.: YES NO

C. AREAS TO BE AFFECTED/USED BY WORK: See attached.

AREA 1: TOTAL CLOSURE () OR PARTIAL CLOSURE ()
 TRAFFIC LN () PARKING LN () SIDEWALK () SHOULDER ()

STREET NAME: _____ # OF DAYS: _____
 START DATE: _____ END DATE: _____
 AREA DESCRIPTION: _____

AREA 2: TOTAL CLOSURE () OR PARTIAL CLOSURE ()
 TRAFFIC LN () PARKING LN () SIDEWALK () SHOULDER ()

STREET NAME: _____ # OF DAYS: _____
 START DATE: _____ END DATE: _____
 AREA DESCRIPTION: _____

*IF TOTAL ROAD CLOSURE - YOU MUST PROVIDE DETOUR INFORMATION (A MAP OF DETOUR & WRITTEN DETOUR)
 # OF FEET/BLOCKS RESERVED: _____
 ADDRESS/STREET NAME: _____

*IT IS THE RESPONSIBILITY OF THE APPLICANT TO PROVIDE THE REQUIRED INFORMATION;

STANDARD WORK HOURS ARE:
 9 a.m. to 3 p.m. for Regional Center
 8:15 a.m. to 4:00 p.m. for thoroughfare
 7:00 a.m. to 6:00 p.m. for non-thoroughfare

**Any work outside of these hours is a "special hours" request and should be noted in the "special hours" area. All special hour requests will be reviewed prior to being issued.

SPECIAL HOURS: _____

D. CITY PROJECT #: _____

CITY PROJECT NAME: _____

CITY PROJ. MGR.: _____

CITY PROJ. MGR. #: _____

E. TRAFFIC CONTROL: NA

1) LIGHTED BARRIERS 2) ILEA OFFICER
 3) CONES 4) ARROWBOARD
 5) CONTROLLERS 6) TYPE J BARRICADES

F. EXCAVATIONS: NA

_____ # OF PAVEMENT EXCAVATIONS
 _____ # OF NON-PAVEMENT EXCAVATIONS

G. INDEMNIFICATION AGREEMENT:

ALL PERMIT APPLICATIONS MUST BE SIGNED AND DATED. The petitioner/applicant hereby agrees to hold harmless, defend and to indemnify the Department of Public Works and the City of White Salmon from or against all claims, action, damages and expenses, including but not limited to reasonable attorney's fees or any alleged injury and/or death to any person or damage to any property arising, or alleged to have arisen out of any act of commission or omission on the part of the petitioner/applicant, his/her heirs, successors, or assigns regardless of whether such acts are the direct or indirect result of the public right-of-way use pursuant to this permit grant.

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT THE FOREGOING REPRESENTATIONS ARE TRUE.

PRINT NAME: Margaret-Louise Richmond

SIGNATURE: Margaret-Louise Richmond DATE: Sept 21, 2017

H. NOTARY USE ONLY: FOR ANY APPLICANT NOT A GENERAL CONTRACTOR.

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE,
 THIS 21st DAY OF September YEAR 2017
 STATE OF: California COUNTY OF: Humboldt
 NOTARY PUBLIC: Danielle Pierson
 SIGNATURE: Danielle Pierson
 MY COMMISSION EXPIRES: July 2, 2020

See Attachment(s) for Special Conditions

PERMIT # ROW _____ () Approved () Denied

CONNECT TO OTHER PERMITS _____ PERMIT TYPE: A B C DX



City of White Salmon Public Works Department

(509)493-1133

100 N. Main, PO Box 2139
White Salmon, Washington 98672

ROW Application Fees

TYPE "A" PERMIT – SHORT TERM USE

1. \$25 Application Fee*
2. Fee for recovery of staff time and resources
3. \$10 fee for barricades, signs, etc. "MAY" be charged.

TYPE "B" PERMIT – DISTURBANCE OF CITY RIGHT OF WAY

1. \$50 Application Fee *
2. Engineering, surveying, or other specialist services re-Imbursement
3. Multiple use fee \$100 plus \$20 per use within a 30 day period (Director's discretion)
4. Damaged facilities reimbursement
5. \$25 / sq. ft. for the city to repave at applicant request
6. Road degradation fee (see example)

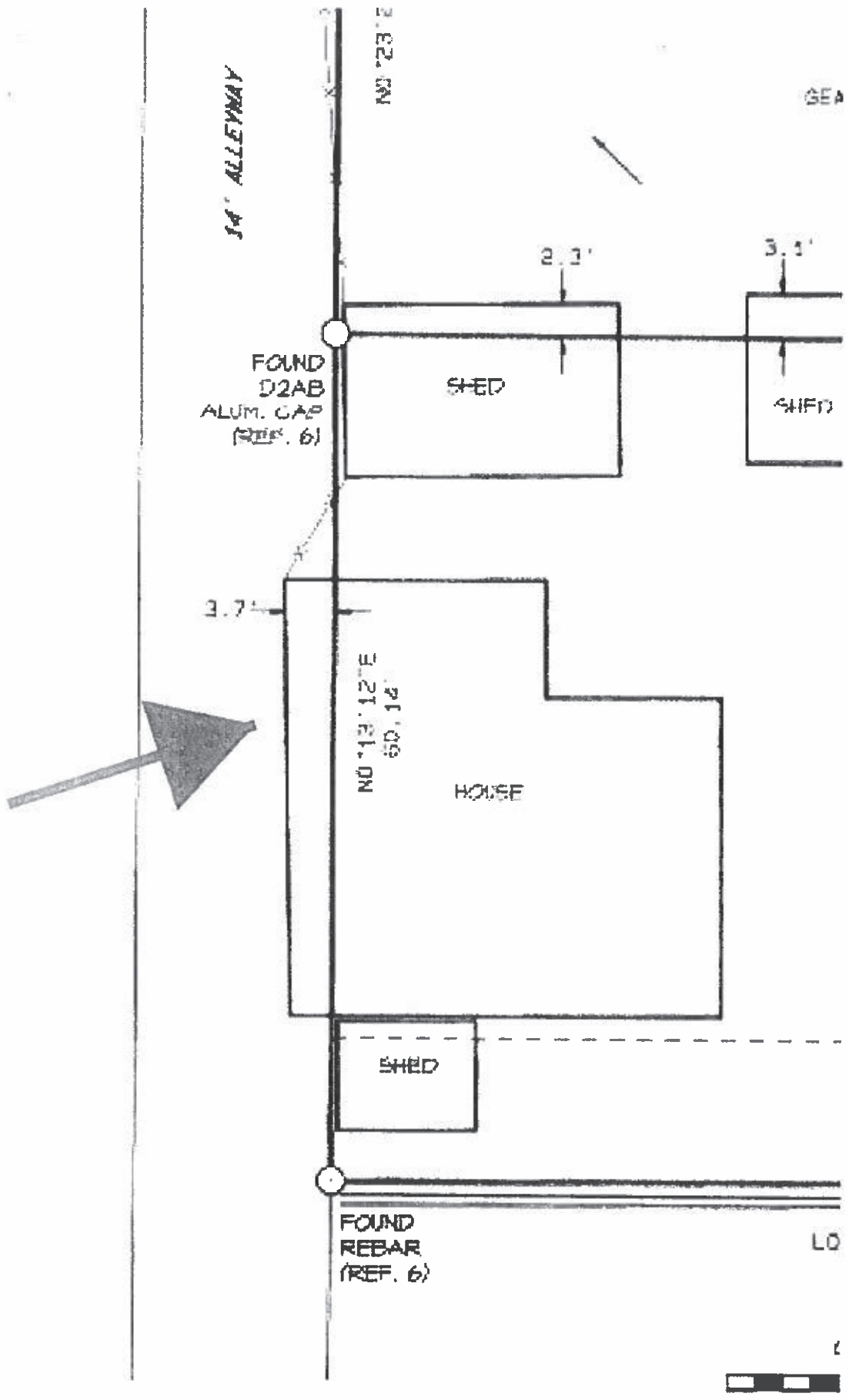
TYPE "C" PERMIT – LONG-TERM USES OF RIGHT OF WAY

1. \$25 Application Fee*
2. Engineering, surveying, or other specialist services reimbursement

TYPE "D" PERMIT – LONG TERM AND PERMANENT USES OF RIGHT OF WAY BY AGREEMENT AND COUNCIL APPROVAL

1. \$25 application fee*
2. Responsibility for all recording and filing fees with Klickitat County Auditor's Office
3. Engineering, surveying or other specialist services reimbursement

*Application Fee is to be received at time of application. All other fees will be collected during or after completion of project.



FOUND
D2AB
ALUM. CAP
(REF. 6)

FOUND
REBAR
(REF. 6)

After Recording Return to:

City of White Salmon
PO Box 2139
White Salmon, WA 98672

**RIGHT OF WAY USE PERMIT
(TYPE D) AND USE CONDITIONS**

PARTIES: CITY OF WHITE SALMON ("CITY"), AND
MARGARET L. RICHMOND, AND ASSIGNS ("PERMITEE")

Description of ROW use: This is a Type D application (long-term use of City Right of Way) and is subject to WSMC 12.02.006(D). PERMITEE is requesting to permit an existing encroachment of PERMITEE's residence 3.7 feet into City of White Salmon's Alleyway, as shown on Exhibit A (the "space").

Subject to Council approval: The ROW use permit is not valid unless and until approved by City Council, signed by the City Administrator and the PERMITEE and recorded with the Klickitat County Auditor's office.

Term: This ROW use permit is valid for a term of ten (10) years after recording. PERMITEE may apply for one administrative renewal of this permit in the year prior to its expiration. This permit may be assigned by PERMITEE without CITY's prior consent subject to all terms contained herein.

No expansion or change of use: The encroaching building may not be expanded or modified during the ROW permit period, except to reduce the encroachment. In the event the encroachment is reduced, this permit shall be terminated to the extent of the reduction.

No reconstruction after casualty loss: In the event the encroaching building is destroyed or damaged by fire or other casualty loss and the damage equals or exceeds fifty percent (50%) of the value of the structure, this permit shall be terminated. In the event the loss damages the encroaching area, the PERMITEE shall reconstruct the building without the encroachment and this permit shall terminate.

Indemnification/Insurance required: PERMITEE shall, at its sole expense maintain at all times General Liability insurance for all PERMITEE'S activities on the Premises at least as broad as Insurance Services Office (ISO) occurrence form CG 00 01 and shall cover premises and contractual liability. The Public Entity shall be named as additional insured on PERMITEE's General Liability insurance policy using ISO Additional Insured-Managers or Lessors of Premises Form CG 20 11 or a substitute endorsement providing at least as broad coverage.

RIGHT OF WAY USE PERMIT – TYPE D Page 1

From: Austin Bell <austinbell@belldesigncompany.com>
Sent: Thursday, October 19, 2017 11:09 AM
To: Bradley W. Andersen
Subject: Richmond legal description
Attachments: Legal description.docx

Brad,

You asked for this.

Austin R. Bell, PLS
Survey Department Manager



900 W Steuben St | PO Box 308 Bingen, WA 98605

www.belldesigncompany.com

austinbell@belldesigncompany.com

Desk: 509.493.3886

Fax: 509.493.3885



Legal description for a strip of land as occupied by various plants and structures over Lot 6 of BLOCK 1 of GEARHART-WERTZ Addition to the Town of White Salmon, Washington, in the NE1/4 of the SW 1/4 of Section 19, T3N, R11E, W.M.;

Beginning at the Northeast corner of Lot 7, of BLOCK 1 of GEARHART-WERTZ Addition,

thence North 00°25'55" East, a distance of 3.32 feet;
thence North 87°11'59" West, a distance of 11.80 feet to a metal fence post;
thence North 87°11'59" West, a distance of 11.22 feet to a metal fence post;
thence North 88°31'27" West, a distance of 12.86 feet to a metal fence post;
thence South 86°35'34" West, a distance of 39.89 feet to the NE corner of an existing garage;
thence South 89°16'45" West along the edge of said garage, a distance of 20.27 feet to the west boundary of Lot 6;
thence South 00°23'25" West, a distance of 2.05 feet to the Northwest corner of said Lot 7;
thence South 89°56'28" East, a distance of 95.93 feet to the Point of Beginning.

Containing 333 square feet, more or less.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Humboldt)
On 3/10/2020 before me, Jera Newland, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Margaret Richmond
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) (is) are subscribed to the within instrument and acknowledged to me that he (she) / they executed the same in his (her) / their authorized capacity(ies), and that by his (her) / their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Jera Newland
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Right of Way Use Permit (Typed) and Conditions
Document Date: pending City Council meeting Number of Pages: three/four
Signer(s) Other Than Named Above: Patrick Munyan, Jr. City Administrator

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: Margaret-Louise Richmond
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____



**FOREMOST BASICS™
DECLARATIONS PAGE**

EXHIBIT H

POLICY NUMBER: 381-5002142462-02
RENEWAL OF: 381-5002142462-01
POLICY PERIOD BEGINNING 05/09/20 **ENDING** 05/09/21 12:01 A.M. STANDARD TIME

YOU AS NAMED INSURED AND YOUR ADDRESS

MARGARET RICHMOND
 4444 CENTRAL AVE
 MCKINLEYVILLE CA 95519-8016

YOUR POLICY IS SERVICED BY

MCCOY HOLLISTON INSURANCE INC
 PO BOX 7
 WHITE SALMON WA 98672-0007

AGENCY CODE:
 469200019

TELEPHONE:
 (509) 493-2266

COVERAGES: Coverage is provided only where an Amount of Insurance or a Limit of Liability is shown and a premium is stated for the Peril Insured Against. Detailed descriptions and any limitations will be found in your policy.

LOCATION # 1

IMPORTANT RATING INFORMATION

PREMISES	178 NE WAUNA AVE		
DESCRIPTION:	WHITE SALMON WA 98672-1855		
CONSTRUCTION:	FRAME	TERRITORY:	B
FAMILIES:	1	PROT. CLASS:	5
OCCUPANCY:	RENTAL	RESP. FIRE DEPT.:	WHITE SALMON
HYDRANT:	WITHIN 1,000 FEET	COUNTY:	KLICKITAT
FIRE DEPT.:	WITHIN 5 MILES	YR. BUILT:	1932
		FORM:	DF3

SECTION I COVERAGES	AMOUNT OF INSURANCE	ADD'L/RETURN PREMIUM	ANNUAL PREMIUM
A. DWELLING	\$ 182,336		\$ 685.00
C. PERSONAL PROPERTY	\$ 3,000		INCLUDED
D. LOSS OF RENTS (1/12 PER MONTH)	\$ 18,234		INCLUDED

SECTION I LOSSES ARE SUBJECT TO A DEDUCTIBLE OF: \$1,000 ALL PERILS

SECTION II COVERAGES	LIMIT OF LIABILITY	ADD'L/RETURN PREMIUM	ANNUAL PREMIUM
F. PREMISES LIABILITY	\$1,000,000 EA ACCIDENT		INCLUDED
G. MEDICAL PAYMENTS	\$ 1,000 EA PERSON		INCLUDED
	\$ 10,000 EA ACCIDENT		

FORMS/ENDORSEMENTS THAT APPLY TO LOCATION # 1	ADD'L/RETURN PREMIUM	ANNUAL PREMIUM
11003 03/06 DWELLING FIRE THREE - LANDLORD		
10302 12/13 CHANGE - WASHINGTON		
11103 07/10 REDUCTION IN COV WHEN VACANT/UNOCC.		
11184 02/09 REPL COST-DWELL INCL ORD/LAW		INCLUDED
11167 02/09 PLATINUM ENDORSEMENT		INCLUDED
11243 10/13 OTHER STRUCTURES ADDL AMOUNT OF INS	\$	10.00
7241 03/15 ADDITIONAL INSURED-PREMISES LIAB		INCLUDED

DISCOUNTS/SURCHARGES THAT APPLY TO LOCATION # 1	ADD'L/RETURN PREMIUM	ANNUAL PREMIUM
CLAIMS FREE DISCOUNT	\$	-5.00
PLATINUM PACKAGE DISCOUNT	\$	-28.00
WOODBURNER CHARGE	\$	50.00

LOCATION # 1 Annual Premium \$ 712.00

TOTAL ANNUAL POLICY PREMIUM \$ 712.00

THIS DECLARATIONS PAGE WITH YOUR FOREMOST POLICY PROVISIONS AND ANY ENDORSEMENTS ISSUED TO FORM A PART THEREOF COMPLETES THE ABOVE NUMBERED POLICY.

Processed: March 10, 2020

COPY

ADDITIONAL INSURED FOR PREMISES LIABILITY
7241 03/15

Name and Address of Person or Organization

381-5002142462
CITY OF WHITE SALMON
PO BOX 2139
WHITE SALMON WA 98672-2139

Interest: PROP MGMT-ADD'L INS PREMS LIAB

Insuring Agreement

The following is added to the Insuring Agreement:

Your policy insures the person or organization named in this endorsement with respect to SECTION II if provided by the policy, but only with respect to **bodily injury** or **property damage** caused by an accident on the **premises**.

Liability coverage does not apply to **bodily injury** to any employee arising out of or in the employee's employment by the additional insured.

For purposes of SECTION II Exclusions and Policy Conditions, you, your and yours also means the person or organization named in this endorsement.

7241 03/15

All other provisions of your policy apply.

COPY

After recording return to :
City of White Salmon
PO Box 2139
White Salmon, WA 98672

**RIGHT OF WAY USE PERMIT
(TYPE D) AND USE CONDITONS**

PARTIES: CITY OF WHITE SALMON("CITY"), AND
MARGARET L. RICHMOND, AND ASSIGNS ("PERMITEE")

Description of ROW use: This is a Type D application (long-term use of City Right of Way and is subject to WSMC 12.02.006(D). PERMITEE is requesting to permit an existing encroachment of PERMITEE's residence 3.7 feet into City of White Salmon's Alleyway, as shown on Exhibit A (the "space").

Subject to Council approval: The ROW use permit is not valid unless and until approved by City Council, signed by the City Administrator and the PERMITEE and recorded with the Klickitat County Auditor's office.

Term: This ROW use permit is valid for a term of ten (10) years after recording. PERMITEE may apply for one administrative renewal of this permit in the year prior to its expiration. This permit may be assigned by PERMITEE without CITY's prior consent subject to all terms contained herein. The City Council approved WS-ROW-2021.001 with the following conditions:

1. Start date of the agreement shall be the date of the application approval.
2. Agreement shall be recorded with Klickitat County.

No expansion or change of use: The encroaching building may not be expanded or modified during the ROW permit period, except to reduce the encroachment. In the event the encroachment is reduced, this permit shall be terminated to the extent of the reduction.

No reconstruction after casualty loss: In the event the encroaching building is destroyed or damaged by fire or other casualty loss and the damage equals or exceeds fifty percent (50%) of the value of the structure, this permit shall be terminated. In the event the loss damages the

encroaching area, the PERMITTEE shall reconstruct the building without the encroachment and this permit shall terminate.

Indemnification/Insurance required: PERMITTEE shall, at its sole expense maintain at all times General Liability insurance for all PERMITTEE’s activities on the Premises at least as broad as Insurance Services Office (ISO) occurrence from CG 00 01 and shall cover premises and contractual liability. The Public Entity shall be named as additional an insured on PERMITTEE’s General Liability insurance policy using ISO Additional Insured-Managers or Lessors of Premises Form CG 20 11 or a substitute endorsement providing at least as broad coverage.

PERMITTEE shall indemnify and defend (with counsel acceptable to CITY OF WHITE SALMON) CITY, its employees, agents, representatives, and elected officials against any claims, actions, injuries or damages that PERMITTEE or its agents, employees, invitees or trespassers may incur or bring due to PERMITTEE’s use or possession of the space. PERMITTEE releases CITY from all liability for any activities, claims injuries or harm caused by the PERMITTEE’s presence on the CITY’s right of way and for any individual accessing the space on behalf of the PERMITTEE.

Approved by City Council on _____, _____

CITY OF WHITE SALMON

PERMITTEE

By Patrick R. Munyan Jr., City Administrator

Margaret L. Richmond

STATE OF WASHINGTON)
) ss.

COUNTY OF KLICKITAT)

I certify that I know or have satisfactory evidence that Patrick R. Munyan Jr. is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the City Administrator of the City of White Salmon to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this ____ day of _____, _____.

Print _____
NOTARY PUBLIC in and for
The State of Washington
My commission expires _____

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I certify that I know or have satisfactory evidence that Margaret L. Richmond is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she is authorized to execute the instrument.

Dated this ___ day of _____, _____.

Print _____
NOTARY PUBLIC in and for
The State of California
My commission expires _____

—

File Attachments for Item:

B. Employment Agreement Amendment, Bill Hunsaker, Building Inspector/Code Enforcement Officer

1. Presentation
2. Discussion
3. Action



AGENDA MEMO

Needs Legal Review: Yes
Meeting Date: June 16, 2021
Agenda Item: Employment Agreement Amendment, Bill Hunsaker, Building Inspector/Code Enforcement Officer
Employment Agreement Amendment, Russ Avery, Public Works Operations Manager
Presented By: Jan Brending, Clerk Treasurer and Marla Keethler, Mayor

Action Required

Approval of employment agreement amendments for non-exempt employees.

Proposed Motion

1. Move to approve amendment to employment agreement with Bill Hunsaker, Building Inspector/Code Enforcement Officer providing for 4 weeks of vacation after 5 years of service with a carryover of 40 hours of accrued vacation leave each year.
2. Move to approve amendment to employment agreement with Russ Avery, Public Works Operations Manager providing for 4 weeks of vacation after 5 years of service with a carryover of 40 hours of accrued vacation leave each year.

Explanation of Issue

In 2019, changes were made to the City Administrator and Clerk Treasurer's employment agreements related to vacation accruals. The proposed amendments provide for an increase from 3 weeks of vacation to 4 weeks of vacation after 5 years. The amendment also reduces the carryover of vacation hours from 80 hours to 40 hours.

Staff Recommendation

Staff recommends approval of the amendments to both employment agreements.

**AMENDMENT TO
BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER AGREEMENT**

WHEREAS, the City of White Salmon (Employer) and Jan Brending (Employee) entered into an agreement dated May 4, 2016; and

WHEREAS, the parties desire to amend Section 4. Benefits; and

THEREFORE, the agreement entered into on May 4, 20216 is amended as follows:

Legend: Added language: **Bold and Underlined**
 Deleted language: **~~Bold and Strikethrough~~**

SECTION 4. BENEFITS:

- A. **The City encourages employees to take regular vacation time to stay refreshed and focused on their jobs. Employee shall accrue paid annual leave in equal monthly amounts of one hundred sixty (160) hours pe year. If the Employee is unable use all of their vacation leave in any calendar year, they may carry forward one week (40 hours) to the following years. There shall be no compensation for accrued and unused vacation leave at the end of each year without prior council approval. At termination, Employee shall be eligible for payout of unused vacation leave up to eight (80) hours. Employee shall be entitled to 5 days (40 hours) of vacation on the commencement date of Employee's employment. Upon commencing employment, Employee shall accrue vacation leave at the rate of 15 days (3-40 hour weeks) per year. Employer believes an employee needs rest and personal restoration time to stay happy and productive. Employer encourages all employees to take vacation at least annually, and for that reason Employee may not accrue more than 80 hours vacation hours after January 1 of each year. Any excess vacation time will be lost if not taken by that date.** If personal hardship prevents the Employee from doing so, he or she shall apply to the City Council for an exception, provided the request is made prior to the January 1 deadline, and Employee proposes taking the excess vacation time during the first six (6) months of the following year.
- B. Employee shall be entitled to 5 days (40 hours) of sick leave on the commencement date of Employee's employment. Upon commencing employment, Employee shall accrue leave at the rte of one day per calendar month of employment. Employee may not accrue more than 1,000 hours of sick leave. In lieu, of payment, Employee may elect to transfer some or all of Employee's sick leave to another employee who has medical need for additional sick leave.
- C. Employer shall provide medical, vision and dental coverage consistent with the City's employee manual.

SIGNATURES ON NEXT PAGE

EFFECTIVE DATE OF THIS AGREEMENT: The 1st day of May 2021..

EMPLOYER:
CITY OF WHITE SALMON

EMPLOYEE:

Marla Keethler, Mayor

William Hunsaker

Date: _____

Date: _____

ATTEST:

APPROVED AS TO FORM ONLY:

Jan Brending, Clerk Treasurer

Kenneth B. Woodrich, City Attorney

File Attachments for Item:

C. Employment Agreement Amendment, Russ Avery, Public Works Operations Manager

1. Presentation

2. Discussion

3. Action

**AMENDMENT TO
PUBLIC WORKS OPERATIONS MANAGER AGREEMENT**

WHEREAS, the City of White Salmon (Employer) and Jan Brending (Employee) entered into an agreement dated October 1, 2019; and

WHEREAS, the parties desire to amend Section 4. Benefits; and

THEREFORE, the agreement entered into on May 4, 2021 is amended as follows:

Legend: Added language: **Bold and Underlined**
 Deleted language: ~~**Bold and Strikethrough**~~

SECTION 4. BENEFITS:

- A. **The City encourages employees to take regular vacation time to stay refreshed and focused on their jobs. Employee shall accrue paid annual leave in equal monthly amounts of one hundred twenty (120) hours per year. Upon completion of five years of employment, the employee shall accrue paid annual leave in equal monthly amounts of one hundred sixty (160) hours per year. If the Employee is unable to use all of their vacation leave in any calendar year, they may carry forward one week (40 hours) to the following years. There shall be no compensation for accrued and unused vacation leave at the end of each year without prior council approval. At termination, Employee shall be eligible for payout of unused vacation leave up to eight (80) hours. Employee shall be entitled to 5 days (40 hours) of vacation on the commencement date of Employee's employment. Upon commencing employment, Employee shall accrue vacation leave at the rate of 15 days (3 – 40 hour weeks) per year. Employer believes an employee needs rest and personal restoration time to stay happy and productive. Employer encourages all employees to take vacation at least annually, and for that reason Employee may not accrue more than 80 hours vacation hours after January 1 of each year. Any excess vacation time will be lost if not taken by that date.** If personal hardship prevents the Employee from doing so, he or she shall apply to the City Council for an exception, provided the request is made prior to the January 1 deadline, and Employee proposes taking the excess vacation time during the first six (6) months of the following year.
- B. Employee shall be entitled to 5 days (40 hours) of sick leave on the commencement date of Employee's employment. Upon commencing employment, Employee shall accrue leave at the rate of one day per calendar month of employment. Employee may not accrue more than 1,000 hours of sick leave. In lieu, of payment, Employee may elect to transfer some or all of Employee's sick leave to another employee who has medical need for additional sick leave.
- C. Employer shall provide medical, vision and dental coverage consistent with the City's employee manual.

SIGNATURES ON NEXT PAGE

EFFECTIVE DATE OF THIS AGREEMENT: The 19th day of June 2021.

EMPLOYER:
CITY OF WHITE SALMON

EMPLOYEE:

Marla Keethler, Mayor

William Russell Avery II

Date: _____

Date: _____

ATTEST:

APPROVED AS TO FORM ONLY:

Jan Brending, Clerk Treasurer

Kenneth B. Woodrich, City Attorney