

## White Salmon City Council Meeting

### A G E N D A

October 07, 2020 – 6:00 PM

Via Zoom Teleconference

Meeting ID: 84 3273 6879 Passcode: 184924

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.



#### Call to Order

#### Roll Call

#### 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](mailto:janb@ci.white-salmon.wa.us) by 5:00 p.m. on Wednesday, October 7 will be read during the city council meeting and forwarded to all city council members. Please include in the subject line "Public Comment – October 7 Council Meeting." Please indicate in your comments whether you live in or outside of the city limits of White Salmon.

#### Changes to the Agenda

#### Presentations

1. Hispanic Heritage Month, Comunidades Amplifying Voices for Environmental & Social Justice, Ubaldo Hernandez

#### Business Items

2. Request for Utility Billing Adjustment - Washington Street Trailer Court, John Crumpacker
  - a. Presentation and Discussion
  - b. Action
3. Water Billing Grievance - Sharon Scott
  - a. Presentation and Discussion
  - b. Action
4. Settlement Agreement - Crestline Construction
  - a. Presentation and Discussion
  - b. Action
5. Jewett Water Line Improvements Project - Change Order No. 4
  - a. Presentation and Discussion
  - b. Action
6. Jewett Water Line Improvements Project - Change Order No. 5
  - a. Presentation and Discussion
  - b. Action
7. Crestline Construction Payment No. 7 and USDA Rural Development Reimbursements Request No. 7
  - a. Presentation and Discussion
  - b. Action
8. Resolution 2020-10-508, Amending Resolution 2020-08-505 Authorizing Expenditures of COVID-19 CARES Act Funding and Providing for Procedures and Certain Authorizations
  - a. Presentation and Discussion
  - b. Action

#### Consent Agenda

9. Approval of Meeting Minutes - September 16, 2020
10. Approval of Vouchers

#### Department Head and Council Member Reports

#### Executive Session (if needed)

#### Adjournment

**File Attachments for Item:**

2. Request for Utility Billing Adjustment - Washington Street Trailer Court, John Crumpacker

a. Presentation and Discussion

b. Action



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## AGENDA MEMO

Needs Legal Review: Yes  
Council Meeting Date: October 7, 2020  
Agenda Item: Request for Reduction in Utility Billing - Washington Street Trailer Court  
Presented By: Pat Munyan, City Administrator

### **Action Required**

Respond to John Crumpacker representing Brookside Development, owner of Washington Street Trailer Court for a reduction in utility billing.

### **Motion**

Move to authorize a reduction of \_\_\_\_\_ in utility billing for the Washington Street Trailer Court. (This motion may need to be modified depending on council members' desires.)

### **Explanation of Issue**

In July of 2019, the owner of Washington Street Trailer Court provided notice to the residents that the trailer court was being closed effective July 2020. In May 2020, John Crumpacker, representing Brookside Development – owner of the property, began making inquiries to the utility clerk and clerk treasurer regarding a reduction in the water/sewer billing due to spaces being vacant. He was told that the billing units could not be reduced and that the base billing plus any usage would continue to be billed.

On June 10, 2020 Mr. Crumpacker spoke with Pat Munyan, City Administrator over the phone regarding his request. He followed up the phone call with an email (dated June 10, 2020) which included a spreadsheet showing utility costs vs actual utility usage. Mr. Crumpacker is asking for adjustments retroactive to September 2019. (Email and document attached.)

On June 23, 2020, Pat Munyan, City Administrator replied to Mr. Crumpacker that until the trailer park is completely closed and the city has verified that the infrastructure has been disconnected the current base fees would remain in place (email attached).

On August 29, 2020 Mr. Crumpacker sent an email with attachments related to the cost of demolishing the Washington Street Trailer Court and requested again a reduction in his utility billing (email and document attached). It should be noted that the costs associated with demolishing the trailer court in no way affect or should be taken into account when considering utility charges.

On September 25, 2020 Mr. Crumpacker sent an email with additional documents (email and document attached).

### **Utility Billing Facts**

Washington Street Trailer Court is currently being billed a residential base rate for each lot within the trailer court (19) for both water and sewer. In addition, the Trailer Court is billed for all water usage. The billing history for September 2019 through September 2020 is attached. The current balance on the account is \$9,992.16. Bills for May 2020 through September 2020 have not been paid.

It is important to understand how the billing is calculated in order to determine any billing reduction, if appropriate. If a reduction is authorized it should be based on the number of vacant spaces (as that is how the billing occurs) not on percent of occupancy. The base fees include the residential base

water rate (2019 - \$39.61 and 2020 - \$40.60), water rights acquisition fee which is shown on the account history as "surcharge (2019 & 2020 - \$6.25), and residential base sewer rate (2019 - \$53.05 and 2020 - \$53.50) times 19 spaces. The water usage is based on the number of gallons used and should not be adjusted.

The table below has been provided showing possible reductions to the utility billing based on spaces vacated (according to the documentation provided by Mr. Crumpacker). Note this table includes the August and September billing which is not included in the information provided by Mr. Crumpacker. Water usage is not adjusted as those charges are based on the number of gallons used. The water usage for the September 2020 billing covers water used primarily in July and August.

Billing Date	# of Spaces	Water Base	Surcharge Base	Sewer Base	Total
	Unoccupied				
9/27/2019	1	39.61	6.25	53.05	98.91
10/30/2019	1	39.61	6.25	53.05	98.91
11/26/2019	1	39.61	6.25	53.05	98.91
12/30/2019	1	39.61	6.25	53.05	98.91
1/30/2020	2	81.20	12.50	107.00	200.70
2/27/2020	2	81.20	12.50	107.00	200.70
3/30/2020	4	162.40	25.00	214.00	401.40
4/29/2020	5	203.00	31.25	267.50	501.75
5/28/2020	8	324.80	50.00	428.00	802.80
6/29/2020	9	365.40	56.25	481.50	903.15
7/30/2020	15	609.00	93.75	802.50	1,505.25
8/28/2020	15	609.00	93.75	802.50	1,505.25
9/29/2020	18	730.80	112.50	963.00	1,806.30
		3,325.24	512.50	4,385.20	8,222.94

Notes: # of units are reduced following the month space was vacated  
Customer is always billed 1 unit of base fee based on meter size so only reduced by 18 vs 19

The city has a number of accounts, including Spring Street Trailer Court, duplexes, triplexes, and apartments that are billed based on the number of units available. The city does not adjust the number of units for each utility billing based on the number of occupied (or unoccupied) units. There is a process requiring documentation if units are removed (demolished, combined with another unit, etc.) or if units are added to decrease or increase the number of units – it is never based on occupancy of the units.

The city has not verified that all infrastructure has been removed.

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**Staff Recommendation**

Staff recommends a billing adjustment should be provided for the September 2020 billing forward if public works staff can verify that the infrastructure supporting the 19 trailer spaces has been removed. For September 2020 and forward the number of units would be reduced from 19 to 1. Adjusting the billing based on occupancy is not recommended as any number of property owners could then make a similar claim that their billing should also be adjusted. The reduction for the September 2020 billing would be \$1806.30. The new base billing beginning with October 2020 would be \$100.35 (does not include water usages and billing will increase in January 2021).

## Jan Brending

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**From:** John Crumpacker <jcrumpacker@gorge.net> on behalf of John Crumpacker  
**Sent:** Wednesday, June 10, 2020 7:04 PM  
**To:** Patrick Munyan; Jan Brending; City of White Salmon Utility Clerk  
**Cc:** Marla Keethler  
**Subject:** Actual White Salmon Trailer Park Utility Usage  
**Attachments:** Brookside Prorata Utility Usage 2019-20.xlsx

Hi Pat,

As promised during our phone call today, attached you will find a spreadsheet showing billed utility costs vs actual utility usage. We should be able to offset the total credit by stopping further billing effective the May billing cycle.

Let us know how the City accounting system can best account for the overcharge.

Thanks,

John Crumpacker  
[jcrumpacker@gorge.net](mailto:jcrumpacker@gorge.net)

**Brookside Development, LLC**

City of White Salmon - Prorata Utility Use (Water/Sewer)

Note: 1/19th of monthly utility cost attributed to each space for each month unit was occupied

Month	8/1/2019	9/1/2019	10/1/2019	11/1/2019	12/1/2019	1/1/2020	2/1/2020	3/1/2020	4/1/2020	5/1/2020	6/1/2020	7/1/2020	8/1/2020	Park Closed
Space # 1	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.00%	0.00%	0.00%	0.00%	0.00%	Moved Out Feb 2020
Space # 2	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.00%	0.00%	0.00%	0.00%	Moved Out April 2020
Space # 3	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.00%	0.00%	0.00%	Moved Out May 2020
Space # 4	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.00%	0.00%	0.00%	0.00%	Moved Out April 2020
Space # 5	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.00%	0.00%	0.00%	0.00%	Stopped Paying Apr; MO June 2020?
(No Space # 6)														
Space # 7	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.00%	0.05%	0.05%	0.05%	RV (Will move it)
Space # 8	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	Moved Out Feb 2020
Space # 9	0.05%	0.05%	0.05%	0.05%	0.05%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	Moved Out Dec 2019
Space # 10	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.00%	0.00%	0.00%	0.00%	Moved RV April 2020
(No Space # 11)														
(No Space # 12)														
(No Space # 13)														
Space # 14	0.05%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	Moved Out Sept 2019
Space # 15	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	Stopped paying Apr 2020
Space # 16	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	Stopped paying Apr 2020
Space # 17	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	Stopped paying Apr 2020
Space # 18	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	Stopped paying Jun 2020
Space # 19	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	Hope to Move Jun 2020
Space # 20	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.00%	0.00%	0.00%	0.00%	Stopped paying Apr 2020
Space # 21	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	Stopped paying Apr 2020
Space # 22	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.00%	0.00%	0.00%	0.00%	Stopped RV in Mar 2020
Space # 23	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.00%	0.00%	0.00%	0.00%	
% Used	100.00%	94.74%	94.74%	94.74%	94.74%	89.47%	89.47%	78.95%	68.42%	36.84%	36.84%	36.84%	36.84%	
Amount Paid	1,879.29	2,395.39	1,879.29	2,398.19	1,879.29	2,386.35	1,906.65	2,407.38	1,906.65	2,131.86				
Adjusted Amount	\$1,879.29	\$2,269.32	\$1,780.38	\$2,271.97	\$1,780.38	\$2,135.16	\$1,705.95	\$1,900.56	\$1,304.55	\$785.42	\$0.00	\$0.00	\$0.00	
Credit Amount	\$0.00	\$126.07	\$98.91	\$126.22	\$98.91	\$251.19	\$200.70	\$506.82	\$602.10	\$1,346.44	\$0.00	\$0.00	\$0.00	TOTAL CREDIT: \$3,357.36

## Jan Brending

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**From:** Patrick Munyan <patm@ci.white-salmon.wa.us> on behalf of Patrick Munyan  
**Sent:** Tuesday, June 23, 2020 3:43 PM  
**To:** jcrumpacker@gorge.net  
**Cc:** Ken Woodrich; Marla Keethler; janb@ci.white-salmon.wa.us

Dear Mr. Crumpacker,

Thank you for submitting your detailed request for water billing reduction and reimbursement. As you are the City of White Salmon is a Code City operating under 35A RCW. As such, the City is required to based decisions on their own municipal code laws.

Pursuant to WSMC 13.16.025 each owner of each multiple residential facility shall pay the applicable monthly Residential Basic Rate, regardless of whether water is being used, based on location and classification times the number of units, plus water usage charges for residential users.

Whether lot units are rented, someone has not paid their rent or you are in the process of closing the trial park, it is not relevant as to how the City bills. Base rate utility billing is based on the highest potential capacity that your system can produce. Until the Park is completely closed and the City has verified that the infrastructure has been disconnected your current water base and use fees will remain in place.

Sincerely,

Patrick Munyan



## Jan Brending

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**From:** John Crumpacker <jcrumpacker@gorge.net> on behalf of John Crumpacker  
**Sent:** Saturday, August 29, 2020 1:29 PM  
**To:** Mayor@ci.white-salmon.wa.us; Patrick Munyan; Jan Brending; City of White Salmon Utility Clerk  
**Cc:** AshleyP@ci.white-salmon.wa.us; DavidL@ci.white-salmon.wa.us; JasonH@ci.white-salmon.wa.us; JimR@ci.white-salmon.wa.us; JoeT@ci.white-salmon.wa.us  
**Subject:** Request for Adjustment of Utility Billing to Match Actual Use-Washington Street Trailer Park  
**Attachments:** Cost-Demo-Washington Street Trailer Park (Aug 27, 2020).xlsx; Cost-Demo-Washington Street Trailer Park (Aug 27, 2020).pdf

Dear Mayor Keethler,

On July 31, 2020 the Washington Street Trailer Park was formally closed pursuant to the process delineated in RCW 59.21. Closure of the park has taken over a year and during that time, we have worked closely with the Washington Attorney General and the Washington Department of Commerce to relocate tenants. The first tenants moved out in September 2019 and the last tenants were relocated at the beginning of August 2020. The majority of tenants left over a seven-month period between January and July 2020.

Almost all remaining tenants stopped paying rent in April or May 2020 due to challenges stemming from the coronavirus pandemic. Although tenants have a legal obligation to pay back rent pursuant to the special directives of the Governor prohibiting evictions during the pandemic, we do not intend to take legal action against tenants for unpaid rents in light of the closure of the park. The net effect for our businesses is that we have had almost no income for the last 5 months and have no prospect of recouping unpaid rents.

In addition to this challenge, the City of White Salmon has continued to charge us for 100% of the monthly water and sewer cost which is based on 19 trailer hookups. As shown on the attached spreadsheet (also in pdf format), the actual use of utilities has consistently declined since September 2019. The spreadsheet shows the monthly use by hookup and the total amount that should be credited to us based on actual utility use through July 31, 2020. We have not yet received the August 2020 billing but will update the spreadsheet as soon as we do (Note: there was essentially no use in August, 2020).

The pro rata credit documented in the attached spreadsheet has been discussed with Pat Munyan who was kind enough to suggest we request that you bring this matter before City Council for consideration. Pat explained that he does not have authority to authorize the credit without City Council approval.

Brookside Development, LLC therefore respectfully requests that City Council consider our request for authorization of a credit reflecting actual utility use during the declining occupancy as the park was closed. The actual use of water and sewer is considerably less than the amount billed by the City and our business has been greatly impacted by the pandemic and the costs of closure.

Thank you for your consideration,  
John Crumpacker  
Brookside Development, LLC  
[jcrumpacker@gorge.net](mailto:jcrumpacker@gorge.net)

**RILEY MATERIALS DEMOLITION-WASHINGTON STREET TRAILER PARK**

(Includes: permitting, mobilization, locate utilities, decommission utilities, trailer demolition, foundation removal, material transport and dump fees)

Lot 2	\$7,350.00
Lot 4	\$7,350.00
Lot 5	\$7,350.00
Lot 8	\$7,350.00
Lot 9	\$7,350.00
Lot 15	\$7,350.00
Lot 16	\$7,350.00
Lot 17	\$7,350.00
Lot 18	\$7,350.00
Lot 19	\$7,350.00
Lot 20	\$7,350.00
Lot 21	\$7,350.00
Lot 22	\$7,350.00
TOTAL	<u>\$95,550.00</u>

## Jan Brending

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**From:** John Crumpacker <jcrumpacker@gorge.net> on behalf of John Crumpacker  
**Sent:** Friday, September 25, 2020 3:13 PM  
**To:** Mayor@ci.white-salmon.wa.us  
**Cc:** Patrick Munyan; Jan Brending; City of White Salmon Utility Clerk; AshleyP@ci.white-salmon.wa.us; DavidL@ci.white-salmon.wa.us; JasonH@ci.white-salmon.wa.us; JimR@ci.white-salmon.wa.us; JoeT@ci.white-salmon.wa.us  
**Subject:** Re: Request for Adjustment of Utility Billing to Match Actual Use-Washington Street Trailer Park  
**Attachments:** Brookside Prorata City Utility Usage 2019-20.pdf; Brookside Prorata City Utility Usage 2019-20.xlsx  
**Flag Status:** Flagged

Dear Mayor,

Please substitute the 2 attachments to this email for the incorrect attachments sent with our initial email requesting utility credit from City Counsel. The attachments to this email (pdf & xls format) reflect Washington Street Trailer Park's actual utility usage in 2019 and 2020 and should have been attached to the initial credit request email.

Jan informed us that our request will be considered at the Oct 7 counsel meeting.

Thank you for your help!

John Crumpacker  
jcrumpacker@gorge.net

On Sat, Aug 29, 2020 at 1:28 PM John Crumpacker <jcrumpacker@gorge.net> wrote:

>

> Dear Mayor Keethler,

>

> On July 31, 2020 the Washington Street Trailer Park was formally closed pursuant to the process delineated in RCW 59.21. Closure of the park has taken over a year and during that time, we have worked closely with the Washington Attorney General and the Washington Department of Commerce to relocate tenants. The first tenants moved out in September 2019 and the last tenants were relocated at the beginning of August 2020. The majority of tenants left over a seven-month period between January and July 2020.

>

> Almost all remaining tenants stopped paying rent in April or May 2020 due to challenges stemming from the coronavirus pandemic. Although tenants have a legal obligation to pay back rent pursuant to the special directives of the Governor prohibiting evictions during the pandemic, we do not intend to take legal action against tenants for unpaid rents in light of the closure of the park. The net effect for our businesses is that we have had almost no income for the last 5 months and have no prospect of recouping unpaid rents.

>

> In addition to this challenge, the City of White Salmon has continued to charge us for 100% of the monthly water and sewer cost which is based on 19 trailer hookups. As shown on the attached spreadsheet (also in pdf format), the actual use of utilities has consistently declined since September 2019. The spreadsheet shows the monthly use by hookup and the total amount that should be credited to us based on actual utility use through July 31, 2020. We have not yet received the August 2020 billing but will update the spreadsheet as soon as we do (Note: there was essentially no use in August, 2020).

- >
- > The pro rata credit documented in the attached spreadsheet has been discussed with Pat Munyan who was kind enough to suggest we request that you bring this matter before City Council for consideration. Pat explained that he does not have authority to authorize the credit without City Council approval.
- >
- > Brookside Development, LLC therefore respectfully requests that City Council consider our request for authorization of a credit reflecting actual utility use during the declining occupancy as the park was closed. The actual use of water and sewer is considerably less than the amount billed by the City and our business has been greatly impacted by the pandemic and the costs of closure.
- >
- > Thank you for your consideration,
- > John Crumpacker
- > Brookside Development, LLC
- > jcrumpacker@gorge.net

**Brookside Development, LLC**

City of White Salmon - Prorata Utility Use (Water/Sewer)

Note: 1/19th of monthly utility cost attributed to each space for each month unit was occupied

Month	Park Closed										Park Empty			
	8/1/2019	9/1/2019	10/1/2019	11/1/2019	12/1/2019	1/1/2020	2/1/2020	3/1/2020	4/1/2020	5/1/2020	6/1/2020	7/1/2020	8/1/2020	8/15/2020
Space # 1	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	Moved Out Feb 2020
Space # 2	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	Moved Out April 2020
Space # 3	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	Moved Out May 2020
Space # 4	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	Moved Out April 2020
Space # 5	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	Stopped Paying Apr; MO June 2020
(No Space # 6)														
Space # 7	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	Stopped Paying May; MO 8/15/20
Space # 8	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	Moved Out Feb 2020
Space # 9	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	Moved Out Dec 2019
Space # 10	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	Moved RV April 2020
(No Space # 11)														
(No Space # 12)														
(No Space # 13)														
Space # 14	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	Moved Out Sept 2019
Space # 15	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	Stopped paying Apr 2020; MO 8/15/20
Space # 16	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	Stopped paying Apr 2020; MO June 2020
Space # 17	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	Stopped paying Apr 2020; MO June 2020
Space # 18	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	Stopped paying Jun 2020; MO June 2020
Space # 19	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	Stopped paying Apr 2020; MO Jun 2020
Space # 20	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	Stopped paying Apr 2020; MO 8/15/20
Space # 21	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	Stopped paying Apr 2020; MO June 2020
Space # 22	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	Stopped paying Apr 2020; MO 8/15/20
Space # 23	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	0.05%	Moved RV in Mar 2020
% Used	100.00%	94.74%	94.74%	94.74%	94.74%	89.47%	89.47%	78.95%	68.42%	42.11%	42.11%	42.11%	21.05%	21.05%
Amount Paid	1,879.29	2,395.39	1,879.29	2,398.19	1,879.29	2,386.35	1,906.65	2,407.38	1,906.65	2,131.86	\$1,906.65	\$2,035.47	\$0.00	\$0.00
Adjusted Amount	\$1,879.29	\$2,269.32	\$1,780.38	\$2,271.97	\$1,780.38	\$2,135.16	\$1,705.95	\$1,900.56	\$1,304.55	\$897.63	\$802.80	\$857.04	\$0.00	\$0.00
Credit Amount	\$0.00	\$126.07	\$98.91	\$126.22	\$98.91	\$251.19	\$200.70	\$506.82	\$602.10	\$1,234.23	\$1,103.85	\$1,178.43	\$0.00	\$5,527.44
<b>TOTAL CREDIT:</b>														<b>\$5,527.44</b>

# ACCOUNT HISTORY

City Of White Salmon  
 MCAG #: 0481  
 09/27/2019 To: 10/02/2020  
 Time: 10:22:57 Date: 10/02/2020  
 Page: 1

Name	Base	Usage Surcharge	Other	Tax	Late Fees	Interest	Amt Billed:	Total
Wash. St Trailer Ct 19 Acct #: 1508	WASHINGTON ST NE 600 Cur: 9910 Prv: 9611 Used: 299	Water: 516.10 Sewer: 1,007.95 Garbage: 118.75 Electric: 118.75					752.59	2,395.39
Wash. St Trailer Ct 19 Acct #: 1508	WASHINGTON ST NE 600 Cur: 9910 Prv: 9910 Used: 300	Water: 518.90 Sewer: 1,007.95 Garbage: 118.75 Electric: 118.75					752.59	2,398.19
Wash. St Trailer Ct 19 Acct #: 1508	WASHINGTON ST NE 600 Cur: 496 Prv: 210 Used: 286	Water: 479.70 Sewer: 1,016.50 Garbage: 118.75 Electric: 118.75					771.40	2,386.35
Wash. St Trailer Ct 19 Acct #: 1508	WASHINGTON ST NE 600 Cur: 785 Prv: 496 Used: 289	Water: 500.73 Sewer: 1,016.50 Garbage: 118.75 Electric: 118.75					771.40	2,407.38
Wash. St Trailer Ct 19 Acct #: 1508	WASHINGTON ST NE 600 Cur: 978 Prv: 785 Used: 193	Water: 225.21 Sewer: 1,016.50 Garbage: 118.75 Electric: 118.75					771.40	2,131.86
Wash. St Trailer Ct 19 Acct #: 1508	WASHINGTON ST NE 600 Cur: 978 Prv: 978 Used: 978	Water: 118.75 Sewer: 1,016.50 Garbage: 118.75 Electric: 118.75					771.40	1,906.65

# ACCOUNT HISTORY

City Of White Salmon  
MCAG #: 0481

Time: 10:22:57 Date: 10/02/2020  
Page: 2

09/27/2019 To: 10/02/2020

Name	Cur:	Prv:	Used:	Billing	Water:	Base	Usage Surcharge	Other	Tax	Late Fees	Interest	Total
Wash. St Trailer Ct 19 Acct #: 1508	1091	978		113	07/30/2020	771.40	128.82	118.75				2,035.47
	Water:				Water:							
	Electric:				Sewer:							
					Garbage:							
					Electric:							
Wash. St Trailer Ct 19 Acct #: 1508	1091	1091		113	08/28/2020	771.40	118.75					1,906.65
	Water:				Water:							
	Electric:				Sewer:							
					Garbage:							
					Electric:							
Wash. St Trailer Ct 19 Acct #: 1508	1183	1091		92	09/29/2020	771.40	104.88	118.75				2,011.53
	Water:				Water:							
	Electric:				Sewer:							
					Garbage:							
					Electric:							

	Water	Sewer	Garbage	Electric	
	Total	Total	Total	Total	
	Average	Average	Average	Average	
Basic	9,952.96	13,180.30	0.00	0.00	Number of Invoices: 13
Usage:	2,474.34	0.00	0.00	0.00	Water Cons: 1,572
Surcharge:	1,543.75	0.00	0.00	0.00	
Other:	0.00	0.00	0.00	0.00	
Tax:	0.00	0.00	0.00	0.00	
Late Fees:	0.00	0.00	0.00	0.00	
Interest:	0.00	0.00	0.00	0.00	Utility Deposits: 0.00
	13,971.05	13,180.30	0.00	0.00	Total: 27,151.35
	1,074.70	1,013.87	0.00	0.00	2,088.57

**File Attachments for Item:**

3. Water Billing Grievance - Sharon Scott

a. Presentation and Discussion

b. Action





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## AGENDA MEMO

Needs Legal Review: Yes  
Council Meeting Date: October 7, 2020  
Agenda Item: Leak Reduction Request  
Presented By: Jan Brending, Clerk Treasurer

### Action Required

Action on Leak Reduction Request and Grievance filed by Sharon Scott.

### Motion

No motion provided as there is no recommendation from staff at this time.

### Explanation of Issue

#### Facts:

1. At the time of the leak adjustment request submitted by Sharon Scott, the City read meters every other month. Water usage covers a two-month period. The meter for this account was read on the first week of July 2017 for the July billing and covers water usage for a two-month period May and June, 2017. In addition, the meter was read again during the first week of September 2017 for the September gilling and covers water usage for a two month period July and August 2017. The meter reading for the July billing showed that 206,000 gallons of water had gone through the meter and for the September billing it showed that 154,000 gallons of water had gone through the meter.
2. Notes in the utility account file show that public works staff on July 11, 2017 noted there was water in the meter box and the meter was spinning. The note also states that someone from the city spoke with Sharon Scott regarding the leak
3. Notes in the utility account file show that a word order was submitted to public works on July 20, 2017 because a neighbor reported that the meter box was flooded.
2. The property owner submitted a "Request for One-time Reduction in Bill Due to Leakage" dated September 5, 2017.
3. The property owner states in the request that they became aware of the leak in April 2017 by a phone call from the city (the city has no record of this phone call however as noted above the city did make contact with Sharon Scott in July 2017). The March 2017 billing shows 123,000 gallons of water going through the meter and the May 2017 billing shows 29,000 gallons of water going through the meter.
4. The property owner states in the request that the cause of the leak was that the irrigation system pressure reducing valve failed and leaked. It also stated that it was buried in the yard and was hard to located. The request states that Pronto Plumbing could not located the leak but that Bruce Bolme, PE replaced the pressure reducing valve in mid-August 2017.
5. The property owner included a invoice from Pronto Plumbing showing that the company did a leak search in the irrigation system, toilets and water pressure.
6. The property owner did not provide pictures of the pressure reduction valve replacement.

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**White Salmon Municipal Code 13.06.048 states:**

In the event of a leak or failure in the service pipe, the owner may be entitled to a one-time adjustment on their bill. To be considered eligible for a one-time leak or failure adjustment the following conditions must be met:

- A. The landowner must report the leak or failure discovery to the city within seventy-two hours; and
  - B. Provide photos of leak or failure, piping or device being repaired and repair of leak or failure accompanied by receipt for labor and/or repair materials within five days of discovery.
  - C. Maintainable fixtures such as toilets, sinks, showers, sprinkler systems, above ground plumbing and other similar plumbing as determined by the city are not eligible for the leak forgiveness program.
  - D. Failure by the owner or their tenant to perform general maintenance and to make reasonable efforts, as determined by the city, to prevent damage from occurring shall result in being ineligible for the leak forgiveness program.
  - E. Depending on the age, condition or type of plumbing being repaired; the city reserves the right to require the replacement of plumbing to be considered eligible for the leak forgiveness program.
  - F. Irrigation water meter accounts are not eligible for the leak forgiveness program.
1. The property owner states that they became aware of the leak in April 2017 after a phone call from the city. (The city does not have record of this phone call but does have record of two contacts in July 2017).
  2. The leak reduction request included a statement that the leak, related to a filed irrigation system pressure reducing valve was replaced by Bruce Bolme, PE in mid-August 2017.

**Water Usage and Billing History**

Date	Water Usage Gallons	Water Basic	Water Usage	Water Surcharge	Sewer Basic	Sewer Overage Charges	Other Charges	Total Bill
07/26/2016	87000	36.83	242.05	6.25	53.05	0.00	0.00	338.18
08/26/2016	No Read	36.83	0.00	6.25	53.05	0.00	0.00	96.13
09/26/2016	139000	36.83	402.73	6.25	53.05	0.00	0.00	558.86
10/26/2016	No Read	36.83	0.00	6.25	53.05	0.00	0.00	96.13
11/29/2016	99000	36.83	279.13	6.25	53.05	0.00	0.00	375.26
12/28/2016	No Read	36.83	0.00	6.25	53.05	0.00	0.00	96.13
01/26/2017	13000	36.83	20.60	6.25	53.05	0.00	0.00	116.73
02/28/2017	No Read	36.83	0.00	6.25	53.05	0.00	0.00	96.13
03/28/2017	123000	36.83	353.29	6.25	53.05	0.00	0.00	449.42
04/26/2017	No Read	36.83	0.00	6.25	53.05	0.00	0.00	96.13
05/26/2017	29000	36.83	62.83	6.25	53.05	0.00	0.00	158.96
06/27/2017	No Read	36.83	0.00	6.25	53.05	0.00	0.00	96.13
07/26/2017	206000	36.83	609.76	6.25	53.05	0.00	0.00	705.89
08/28/2017	No Read	36.83	0.00	6.25	53.05	0.00	10.00	106.13
09/26/2017	154000	36.83	449.08	6.25	53.05	0.00	10.00	555.21

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White Salmon Municipal Code 13.06.048 states that the adjusted rate for the period in which the leak was detected shall be equal to one-half of the difference between the bill to be adjusted and the metered water charges for the same period from the previous year as the month the leak was detected. The amount must be greater than or equal to one hundred dollars in order to be eligible for the adjustment.

The adjustment for July 2017 based on the above conditions would be  $206 - 87 = 119/2 = 60 * 3.09 = \$185.40$ .

The adjustment for September 2017 based on the above conditions would be  $154 - 139 = 15/2 = 8 * 3.09 = \$24.72$ .

### **Decision Made by Staff on Leak Adjustment Request**

The decision on the leak adjustment request was made by Darla Clifton and sent to Sharon Scott on September 19, 2017. It should be noted that I was hired and began working on October 9, 2017. There was a gap between the prior Clerk Treasurer leaving and when I started. The letter to Sharon Scott stated that because the repairs were not made within five days of notification of the leak the Utility Billing Clerk was unable to issue a credit at that time. She also stated that due to extenuating circumstances it was recommended to Ms. Scott that she attend a future council meeting to appeal the Utility Billing Clerk's decision. A handwritten note (dated October 25, 2017) on the city's copy of the letter stated that the customer had been phoned to let her know that her request had been removed from a council agenda and would be sent to a grievance committee.

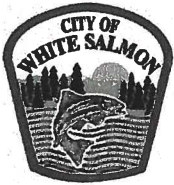
The city council previously discussed with the city attorney how these type of grievances should be handled which are not typically handled by a "committee" and the possibility of a hearing examiner being used. Nothing has been moved forward on this issue. This is one of three grievances that have been pending for some time.

It should be noted that I have provided leniency regarding repairs within 5 days due to extenuating circumstances. However, the city's code is also clear that leaks caused by failed irrigation equipment are not eligible for an adjustment to the property owner's account.

### **Current Status**

Sharon Scott is in the process of closing a sale of this property and has stated that she does not intend to pay the balance owed that is related to the grievance - \$1,064.23. There were three bills dated 7/26/2017, 8/28/2017, and 9/26/2017 totaling \$1,367.25. \$303 was paid towards these bills with a balance owed of \$1064.23. Of the \$1064.23 owed, only \$1058.84 is water usage. The property owner would have been responsible for \$5.39 regardless of the decision on the leak reduction request. If the request had been approved the total adjustment based on information above would have been \$210.12 based on the city's code and her prior usage in 2016. If an adjustment was approved, it would leave Ms. Scott with a grieved balance of \$854.11.

I am asking the city council to review these past actions and facts and make a formal decision on the grievance.



City of White Salmon  
Office of City Hall

Office: (509) 493-1133  
Fax: (509) 493-1231

September 19, 2017

Sharon Scott  
P O Box 926  
White Salmon, WA 98672-0926

Dear Ms. Scott,

This letter comes in response to your request for a credit toward billing related to a leak at your property located at 734 NE Grandview Blvd in White Salmon, WA.

On review of your application it was found that there are some items that do not comply with the prescribed guidelines which we are obligated to follow. Please refer to the enclosed application copy for printed guidelines.

**Section 2** states that repair must be accomplished within five days of notification of the leak

Because repairs were not accomplished within five days of the leak notification, I am unable to issue a credit at this time. Please note, however, that the City does recognize that there were extenuating circumstances in your situation. We would like to recommend that you attend a City Council meeting in the near future and request an appeal to this decision. City Council meetings are held on the first and third Wednesday of every month commencing at 6:00 p.m. in the City Council Chambers located at 119 NE Church in White Salmon. Citizen comments, concerns and requests are typically first on the agenda.

If you have any questions regarding this issue please contact our office.

Thank you,

*Darla Clifton*  
Darla Clifton  
Utility Billing Clerk  
City of White Salmon  
(509) 493-1133 ext 203

10/25/17  
ph cust, let her know this  
would go to the grievance  
comm. & that it's removed from  
upcoming agenda

P.O. Box 2139 100 North Main Street White Salmon, WA 98672

City of White Salmon is an equal opportunity employer and provider

**CITY OF WHITE SALMON  
REQUEST FOR ONE TIME REDUCTION IN BILL DUE TO LEAKAGE**

**Note:** In the event of a leak or failure in the service pipe, the owner may be entitled to a one-time adjustment on their bill with the following guidelines:

1. The landowner must report the leak's discovery to the city within seventy-two (72) hours and
2. Provide photos of the leak or failure, piping being repaired and repair of leak or failure accompanied by receipt for labor and/or repair materials within five (5) days of discovery.
3. Maintainable fixtures such as toilets, sinks, showers, sprinkler systems, above ground plumbing and other similar plumbing as determined by the City are not eligible for the leak forgiveness program.
4. Failure of the owner or tenant to perform general maintenance and to make reasonable efforts, as determined by the City, to prevent damage from occurring shall result in being ineligible for the leak forgiveness program
5. Depending on the age, condition or type of plumbing being repaired; the City reserves the right to require the replacement of plumbing to be considered eligible for the leak forgiveness program.
6. Irrigation water meter accounts are not eligible for the leak forgiveness program.

All applications for adjustments will be submitted and reviewed by the City Clerk/Treasurer. The adjusted rate for the period in which the leak was detected shall be equal to one-half of the difference between the bill to be adjusted and the metered water charges for the same period from the previous year and month the leak was detected. This amount must be greater than or equal to \$100.00 to be eligible for the adjustment.

Excess sewer charges due to water line leaks shall be adjusted accordingly. All leak adjustments must be approved by the City Clerk/Treasurer prior to credit on account. Unless otherwise stated in this chapter, each water account shall be entitled to the benefits of this section not more than once per property owner on any meter or subsequent meter for the same location. The maximum amount of the water forgiveness shall not exceed \$500.00 without council approval.

Date Sep 5, 2017 Customer Name Sharon Scott Acct # 1199  
 Address 734 NE Grandview Blvd  
 Billing period From: 3/28/17 to: 3/28/2017 Usage Metered 123,000 gallons  
 Bill Date: 3/28/2017 Consumption Billed (not bill total) \$ \_\_\_\_\_  
 Date and how you became aware of the leak Date: April 2017 How you came to know about leak \_\_\_\_\_  
call from the city Date you notified City of leak \_\_\_\_\_  
 Description of cause of leak or excess water use: irrigation system pressure reducing valve failed and leaked. Buried in yard & hard to locate. Propto did not find it.  
 Are repairs completed on the leak?  Y  N If not, when will they be completed? \_\_\_\_\_  
 Detailed explanation of repair and who did the repair Pressure reducing valve was replaced by Bruce Bolme PE mid-August  
 Has an insurance claim been filed?  Y  N If so, have you received reimbursement?  Y  N

I request a reduction of my water bill, based on an unknown leak, and further state that as soon as I was made aware of the leak, I immediately took steps to reduce the same. By signing this form, I acknowledge that these statements are true and accurate.

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

**STAFF USE ONLY (Note, all volumes in 1,000 gallon increments)**

Date of Notification	<u>7/17/17</u>	Days in leakage period	<u>⑤ 29 day ⑥ 30 day ⑦ 11 day 70 day</u>
Usage in prev yr or period	<u>87</u>	Days in previous period	<u>⑤ 28 day ⑥ 30 day ⑦ 7 day 65 day</u>
% to be forgiven	<u>50%</u>	Total volume forgiven	
Consumption billed <u>206</u>	- Prior period <u>87</u>	= <u>119</u> / 2 = <u>60</u>	(Volume to credit)
Rate for water to be credited	<u>3.09</u>	Total \$ forgiven	<u>\$ 185.40</u>

I, (we) recommend that the City Council reduce the customer's bill by the amount listed above.

By: \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

By: \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Action taken by Council in Regular meeting of: \_\_\_\_\_ Amount forgiven by Council Vote: \$ \_\_\_\_\_

Cust. notified and acct-adjusted by: [Signature] Date 9/20/17





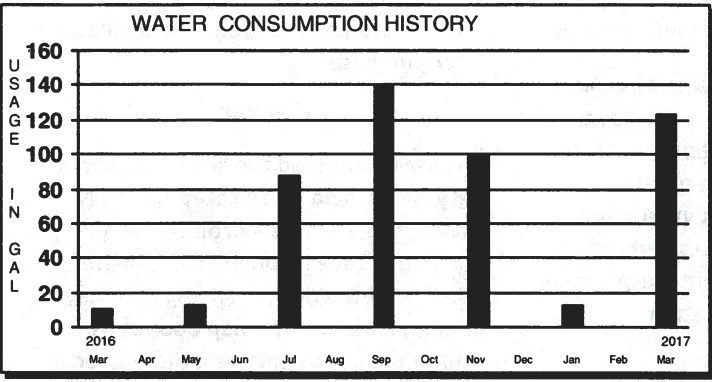
# City of WHITE SALMON

P.O. Box 2139  
White Salmon, WA 98672  
(509) 493-1133  
www.white-salmon.net

The City of White Salmon is an equal opportunity provider and employer.

DUE DATE	ACCOUNT NO.
04/25/2017	1199
BILL DATE	AMOUNT DUE
03/28/2017	<b>\$449.42</b>
SERVICE LOCATION	
734 NE GRANDVIEW BLVD	

METER NUMBER	READING DATES		BILLING DAYS	METER READINGS		USAGE	SERVICE DESCRIPTION	AMOUNT
	PREVIOUS	PRESENT		PREVIOUS	CURRENT			
022550.1	00/00/00			2808	2931	123	Previous Balance 96.13 Adjustments 0.00 Payments 96.13  Water Base 36.83 Water Usage 353.29 Water Rights Fund 6.25 Sewer 53.05  <b>Current Charges 449.42</b>	



30: 0.00	60: 0.00	90+: 0.00
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The City accepts Visa, MasterCard and Discover.

Paid by ACH

**TOTAL DUE** **449.42**

Payment of this utility bill is due as set forth in WSMC 13.16.065 and if not paid accordingly will be deemed delinquent and subject to a late fee applied in accordance with the adopted utility rates, charges and fees schedule. The late fee will be added to the account.

The meters were read this month, which means that water usage will show up on this bill. Rather than estimating your usage for the month we do not read meters, we are billing actual usage every other month and pro-rating it over the two months. This ensures you are billed at the correct consumption tier rates and are not overcharged. Since the meter reads were estimated in February, you may see a credit for consumption on your bill.

DATABAR FORM # 7145 - CC - 3/12/15

PLEASE DETACH BOTTOM PORTION AND RETURN



## City of WHITE SALMON

P.O. Box 2139  
White Salmon, WA 98672  
(509) 493-1133  
www.white-salmon.net

DUE DATE	AMOUNT DUE
04/25/2017	<b>\$449.42</b>
SERVICE LOCATION	
734 NE GRANDVIEW BLVD	
ACCOUNT NUMBER	ENTER AMOUNT ENCLOSED
1199	Please Do Not Pay Paid by ACH

This stub ensures that your payment is processed accurately.

Please Do Not Pay Auto-Pay

1D00420 1 AV 0.373 AUTO 5-DIGIT 98672



SHARON SCOTT  
PO BOX 926  
WHITE SALMON WA 98672-0926

00445 Seq  
2 Stm 1 of 1  
1D 0.415  
0100

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



# CUSTOMER NOTES

City Of White Salmon  
MCAG #: 0481

Time: 14:54:50 Date: 09/08/2017  
Page: 1

Date/Type/User Comment Scott, Sharon - 1199

08/24/2017 14:06:34 Payment arrangements of 200.00 until paid.  
Promise to Pay  
Darla Clifton

07/20/2017 16:26:02 Work Order 2742 - To Check for Leak  
Leak Reported by Neighbor Bruce Bolme. Flooded meter box as of 07/20/17 AM.  
Erika Castro-Guzman

07/11/2017 09:08:50 Troy phoned said he saw water in meter box and meter is spinning. Spoke with Mrs.  
Leak Scott, notified her of leak gave her Artistic Excavation and Cortez landscaping as possible  
Darla Clifton sources for exposing meter.

09/27/2016 11:19:59 Cust will pay 200 a month until leak paid off.

Darla Clifton

09/19/2016 09:16:25 On re-reads for 09.16.2016. PW found spraying leak in back yard. Phoned customer and  
Leak let her know. She had PW come out and turn the meter off.  
Darla Clifton

08/31/2015 14:36:04 Customer brought in new acct info for EFT  
Information  
Darla Clifton

08/04/2010 11:54:57 Customer called to let us know she had a leak, they are working on fixing it. She will call  
when it's fixed so we can read the meter again.

Lyn Stevens

09/29/2009 12:47:50 Meter checked, reading O:K

Lyn Stevens

09/17/2009 14:32:51 Work order 105, bad register

Lyn Stevens

12/27/2006 14:26:43 repair ajustment 12/13/2006, 2006-12-596

Imported

09/30/2005 14:26:42 AUTO pay, rt 323070380, acct. 002110027927, half, odd/even

Imported

04/04/2005 14:26:41 waive late fee, 2005-04-143

Imported

09/28/2004 14:26:40 EAST HALF, LESS NORTH 97 FEET OF WEST 29.8 FEET, LOT 10, BLK 5.

Imported

09/28/2004 14:26:39 WEST HALF LESS NORTH 97 FEET OF WEST 58.7 FEET OF LOT 9;

Imported





# ACCOUNT HISTORY

City Of White Salmon  
MCAG #: 0481

Time: 14:18:14 Date: 10/02/2020  
Page: 1

07/26/2016 To: 09/26/2017

Name	Base	Usage Surcharge	Other	Tax	Late Fees	Interest	Total
Scott, Sharon Acct #: 1199	36.83	242.05	6.25				338.18
GRANDVIEW BLVD NE 734    07/26/2016    Water:    Amt Billed:							
Cur: 2557    Prv: 2470    Billing: 87    Sewer:							
Water:    Garbage:							
Electric:							
Scott, Sharon Acct #: 1199	36.83	6.25					96.13
GRANDVIEW BLVD NE 734    08/26/2016    Water:    Amt Billed:							
Cur:    Prv: 2557    Billing:    Sewer:							
Water:    Garbage:							
Electric:							
Scott, Sharon Acct #: 1199	36.83	402.73	60.00				558.86
GRANDVIEW BLVD NE 734    09/27/2016    Water:    Amt Billed:							
Cur: 2696    Prv: 2557    Billing: 139    Sewer:							
Water:    Garbage:							
Electric:							
Week end call out to turn water back on							
Scott, Sharon Acct #: 1199	36.83	6.25					96.13
GRANDVIEW BLVD NE 734    10/26/2016    Water:    Amt Billed:							
Cur:    Prv: 2696    Billing:    Sewer:							
Water:    Garbage:							
Electric:							
Scott, Sharon Acct #: 1199	36.83	279.13	6.25				375.26
GRANDVIEW BLVD NE 734    11/29/2016    Water:    Amt Billed:							
Cur: 2795    Prv: 2696    Billing: 99    Sewer:							
Water:    Garbage:							
Electric:							
Scott, Sharon Acct #: 1199	36.83	6.25					96.13
GRANDVIEW BLVD NE 734    12/28/2016    Water:    Amt Billed:							
Cur:    Prv: 2795    Billing:    Sewer:							
Water:    Garbage:							
Electric:							
Scott, Sharon Acct #: 1199	36.83	20.60	6.25				116.73
GRANDVIEW BLVD NE 734    01/26/2017    Water:    Amt Billed:							
Cur: 2808    Prv: 2795    Billing: 13    Sewer:							
Water:    Garbage:							
Electric:							
Scott, Sharon Acct #: 1199	36.83	6.25					96.13
GRANDVIEW BLVD NE 734    02/28/2017    Water:    Amt Billed:							
Cur:    Prv: 2808    Billing:    Sewer:							
Water:    Garbage:							
Electric:							
Scott, Sharon Acct #: 1199	36.83	353.29	6.25				449.42
GRANDVIEW BLVD NE 734    03/28/2017    Water:    Amt Billed:							
Cur: 2931    Prv: 2808    Billing: 123    Sewer:							
Water:    Garbage:							
Electric:							



**File Attachments for Item:**

4. Settlement Agreement - Crestline Construction

a. Presentation and Discussion

b. Action



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## AGENDA MEMO

Needs Legal Review: Yes  
Council Meeting Date: October 7, 2020  
Agenda Item: Authorization for Mayor to Sign Settlement of Claims and Mutual Release  
– Crestline Construction (Jewett Water Main Improvements Project)  
Presented By: Jan Brending, Clerk Treasurer

### **Action Required**

Authorize the mayor to sign “Settlement of Claims and Mutual Release” with Crestline Construction.

### **Motion**

Move to authorize the mayor to sign “Settlement of Claims and Mutual Release” providing for a payment of \$4573.49 which includes sales taxes related to Crestline Construction Claim No. 1.

### **Explanation of Issue**

Attached is the “Settlement of Claims and Mutual Release” signed by Nick Jacob, Project Manager as authorized by Crestline Construction. If the council approves signing the document, new signatures with appropriate notaries will be obtained. The total amount of \$4573.49 covers a payment of \$4,254.42 plus \$319.08 in sales taxes.

### **Staff Recommendation**

Staff recommends the city council authorize the mayor to sign “Settlement of Claims and Mutual Release” with Crestline Construction.

## SETTLEMENT OF CLAIMS AND MUTUAL RELEASE

This Settlement of Claims & Mutual Release is made by and among the City of White Salmon, a Washington Municipal Corporation (“City”) and Crestline Construction Company, L.L.C., an Oregon Limited Liability Company (“Crestline”).

### RECITALS

A. The City of White Salmon is a Washington non-charter code city. It operates a water utility within its city limits.

B. On or about February 6, 2020 City and Crestline entered into a Public Works contract (the “Contract”) for the replacement of a water main and appurtenances along Jewett Boulevard (the “Project”) in the City for a contract amount of \$2,307,501.48.

C. Crestline commenced construction of the Project.

D. Thereafter, the COVID-19 virus began spreading in the United States, prompting the Governor on March 23, 2020 to implement Proclamation 20-25, the “Stay Home – Stay Healthy” order, mandating a state-wide halt on all non-essential municipal construction activities.

E. In response, the Mayor of White Salmon ordered a suspension in the Project until a further Gubernatorial order was issued allowing a resumption of the Project.

F. Crestline submitted a claim on May 12, 2020 for additional job site requirements, demobilization and mobilization costs due to the COVID-19 delay in the requested sum of \$11,846.53 (“Claim No. 1”).

G. City argues the change order is improper and refers to contractual language addressing specific contractual remedies in the event of an epidemic, which do not call for a financial reimbursement. Crestline disputes the City’s interpretation of the Contract.

H. The parties wish to avoid a conflict over whether the City has the legal obligation to pay a claim relating to the COVID-19 delay and wish to enter into this agreement to avoid a legal dispute.

**NOW, THEREFORE**, the parties agree as follows:

**I. Mutual Release.**

A. In consideration of a mutual release of all claims against each other relating to the COVID-19 delay and related costs, the parties agree as follows:

1. City will pay Crestline within thirty (30) days the sum of Four Thousand Five Hundred Seventy-Three and 49/100 Dollars (\$4,573.49), including tax, in full settlement of Claim No. 1 and any costs or charges relating to the COVID-19 delay.

B. In exchange for all of the foregoing actions to be performed by the City, City and Crestline hereby releases, acquits, and forever discharges each other, their elected officials, officers, agents, successors, and assigns, and each and all of them from any and all claims, demands, damages, suits, actions, and causes of action of any kind or nature arising out of or related to the settlement agreement or relating to any matter relating to the aforementioned SDC's prior to the date of this release. Each party will bear its own legal costs in preparing and reviewing this agreement.

**II. Venue.** In the event any action is brought to enforce this agreement, the parties agree that venue shall lie exclusively in Klickitat County, Washington.

**III. Modification.** This agreement, including all recitals and exhibits, represents the full and complete agreement of the parties, superseding all previous communications, representations or agreements, whether written or oral, and may not be modified without the written agreement of all parties.

**IV. Severability.** If any term, covenant, or condition of this Agreement is held to be invalid or unenforceable in any respect, such invalidity or unenforceability shall not affect any other provision hereof and this Agreement shall be construed as if such invalid or unenforceable provision had never been contained in this Agreement.

**V. Voluntary Execution.** The parties represent, understand and agree that this agreement is made and entered into as their free and voluntary act.

**VI. Authority to Bind Principal.** Each signatory represents it has the legal authority to bind its principal to all terms contained in this agreement.

**VII. Costs and Attorneys' Fees.** If by reason of any breach or default on the part of either party hereto it becomes necessary for the other party hereto to employ an attorney, then the non-breaching party shall have and recover against the other party in addition to costs allowed by law, reasonable attorneys' fees and litigation-related expenses. The non-breaching party shall be entitled to recover reasonable attorneys' fees and costs and expenses, as provided above, regardless of whether litigation is actually commenced.





County of \_\_\_\_\_ )

I certify that I know or have satisfactory evidence that Marla Keethler is the person who appeared before me and said person acknowledged that she signed this instrument, on oath stated that hse was authorized to execute the instrument and acknowledged it as the Mayor of City of White Salmon, a Washington municipal corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Notary Public of Washington

(Title)

My appointment expires \_\_\_\_\_

**File Attachments for Item:**

5. Jewett Water Line Improvements Project - Change Order No. 4

a. Presentation and Discussion

b. Action



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## AGENDA MEMO

Needs Legal Review: Yes  
Council Meeting Date: October 7, 2020  
Agenda Item: Jewett Water Main Improvements Project, Change Order No. 4  
Presented By: Jan Brending, Clerk Treasurer and Pat Munyan, City Administrator

### **Action**

Authorize approval of Change Order No. 4 for the Jewett Water Main Improvements project in the amount of \$4,573.49 and changing Date of Substantial Completion from September 24, 2020 to November 1, 2020 and changing "Date Ready for Final Payment from October 24, 2020 to December 1, 2020.

### **Motion**

Motion to authorize approval of Jewett Water Main Improvements Project Change Order No. 4 in the amount of \$4,573.49 and changing Date of Substantial Completion from September 24, 2020 to November 1, 2020 and changing "Date Ready for Final Payment from October 24, 2020 to December 1, 2020. The funding will come from the USDA Rural Development loan contingency line item. This change order does not increase the total amount of loan approved by USDA Rural Development.

### **Explanation of Issue**

The change order covers the cost of the claim settlement with Crestline Construction and changes the date of substantial completion and date ready for final payment.

### **Staff Recommendation**

Staff recommends approval of Change Order No. 4 for the Jewett Water Main Improvements project.

**CHANGE ORDER**

Change Order No.: 4

Date of Issuance: **9/10/2020**  
 Owner: **City of White Salmon, Washington**  
 Contractor: **Crestline Construction Company, LLC**  
 Engineer: **Anderson Perry & Associates, Inc.**  
 Project: **Jewett Water Main 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
4-1 Claim Resolution for Temporary Closure of Work	\$0.00	\$4,254.41
<b>Subtotal</b>	\$0.00	\$4,254.41
<b>Total, Increase Less Decrease</b>	\$4,254.41	
<b>Sales Tax (7.5%)</b>	\$319.08	
<b>Net Change in Contract Price for this Change Order</b>	\$4,573.49	

**JUSTIFICATION:**

See Attachment A to Change Order No. 4.

The amount of the Contract will be increased for this Change Order by the sum of:	<u>\$4,573.49</u>
Total Contract Price prior to this Change Order:	<u>\$2,363,078.98</u>
The Contract Price incorporating this Change Order:	<u>\$2,367,652.47</u>
Contract Times prior to this Change Order:	
Date of Substantial Completion:	<u>September 24, 2020</u>
Date Ready for Final Payment:	<u>October 24, 2020</u>
The Contract period provided for Substantial Completion will be increased.	<u>38</u> days
Revised Date of Substantial Completion:	<u>November 1, 2020</u>
Revised Date Ready for Final Payment:	<u>December 1, 2020</u>

**RECOMMENDED:**

By: David B. Jean  
 Anderson Perry & Associates, Inc.  
 Title: PROJECT ENGINEER  
 Date: 9/15/2020

**ACCEPTED:**

By: [Signature]  
 Crestline Construction Company, LLC  
 Title: MANAGER  
 Date: 9/15/20

**ACCEPTED:**

By: \_\_\_\_\_  
 City of White Salmon, Washington  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Approved by Agency:  
 By: \_\_\_\_\_  
 USDA Rural Development  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

**ATTACHMENT A  
CITY OF WHITE SALMON, WASHINGTON  
JEWETT WATER MAIN IMPROVEMENTS  
CHANGE ORDER NO. 4**

**4.1 CLAIM RESOLUTION FOR TEMPORARY CLOSURE OF WORK**

**Description of Change:** Demobilization charges were incurred by the Contractor in complying with the Mayor of White Salmon's temporary closure of the Work in response to the COVID-19 pandemic and the state of Washington's Stay Home, Stay Healthy proclamation as described in a March 24, 2020 email (Attachment B). The temporary closure of the Work was effective on March 26, 2020. The Work was restarted on May 4, 2020. Total suspension was 38 days.

With the temporary closure of the Work, the Contractor incurred costs for the following work: removal of traffic control devices, cleanup and removal of all construction materials, secure the work site, demobilize and store equipment and materials to either the laydown yard or Contractor's shop, and provide fencing around the laydown yard.

**Justification:** The Contractor submitted a claim (Claim No. 1) for these expenses. The Owner contended that any incurred expenses could not be paid per General Conditions (CG)-14.05.C.1; only additional contract time could only be granted. After reviewing the claim, the Engineer notified both parties that he was unable to resolve the claim and, per GC-11.06.B, the claim was rejected. The Contractor appealed for resolution of the claim (GC-11.06.A.3) and submitted the claim to the Owner per GC-12.01.B. The Owner then entered into direct negotiations with the Contractor on this claim (GC-12.01.C).

To resolve Claim No. 1, the Owner submitted to the Contractor ER 408 Compromise Offer of Settlement with a proposed amount of \$4,254.41 for full and final settlement of Claim No. 1. The Contractor agreed to accept ER 408 Compromise Offer of Settlement.

**Cost/Time:** The proposed settlement amount is a lump sum price of \$4,254.41. With sales tax (7.5 percent), the total increase in Contract Price is \$4,573.49. The proposed increase in Contract Time is 38 days.

<b>CHANGE TO THE CONTRACT PRICE:</b>	<b>Increase \$4,573.49</b>
<b>CHANGE TO THE CONTRACT TIME:</b>	<b>38 Days</b>

ATTACHMENT B

**Dave Jepsen**

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**From:** Mayor Of White Salmon <mayor@ci.white-salmon.wa.us>  
**Sent:** Tuesday, March 24, 2020 9:28 AM  
**To:** Dave Jepsen; nick@crestlineconstruction.com  
**Cc:** Patrick Munyan; Jan Brending; WS - Ken Woodrich  
**Subject:** Jewett Water Main Improvements Project

Warning! This message was sent from outside your organization and we are unable to verify the sender.

[Allow sender](#) | [Block sender](#)

To Whom It May Concern,

In consideration of the continuing health risk to the public throughout the region, and the most recent amendments to Proclamation 20-25 enacted by Governor Jay Inslee on March 23, 2020, the City of White Salmon will suspend work on the Jewett Water Main Improvements Project effective by close of business on March 26, 2020. The work will be suspended until June 24, 2020.

The City of White Salmon appreciates the support from both Crestline Construction and Anderson Perry during these unprecedented times. We look forward to working together in the future to complete this and future projects.

The Owner's decision to suspend work has been made pursuant to the contractual requirement stated in Standard General Conditions Article 16.01. The City reserves the right to shorten or extend the suspension of work depending on State and Local health risk assessments, which we will be evaluating and may change during the course of the current Covid-19 pandemic.

With appreciation for your support,  
Marla

---  
**Marla Keethler** | she/her/hers

**Mayor, City of White Salmon**

100 N Main Ave - PO Box 2139

White Salmon, WA 98672

Phone: (509) 493-1193, ext 206 | Cell: (509) 774-7491

**[Visit our website](#)**

*Per WA State Public Records law, all communications through this email will be retained and may be subject to public records request disclosure.*

**File Attachments for Item:**

6. Jewett Water Line Improvements Project - Change Order No. 5

a. Presentation and Discussion

b. Action



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## AGENDA MEMO

Needs Legal Review: Yes  
Council Meeting Date: October 7, 2020  
Agenda Item: Jewett Water Main Improvements Project, Change Order No.5  
Presented By: Jan Brending, Clerk Treasurer and Pat Munyan, City Administrator

### **Action**

Authorize approval of Change Order No. 5. Information will be added to the city's website on Monday, October 5.

### **Motion**

Motion to authorize approval of Jewett Water Main Improvements Project Change Order No. 5.

### **Explanation of Issue**

Information on the proposed change order will be added to the city's website on Monday, October 5.

### **Staff Recommendation**

Staff recommends approval of Change Order No. 5 for the Jewett Water Main Improvements project.



**File Attachments for Item:**

7. Crestline Construction Payment No. 7 and USDA Rural Development Reimbursements Request No. 7

a. Presentation and Discussion

b. Action



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**AGENDA MEMO**

Needs Legal Review: Yes  
Council Meeting Date: October 7, 2020  
Agenda Item: Authorization of Crestline Construction Payment No. 7 and USDA Reimbursement Request No. 7  
Presented By: Jan Brending, Clerk Treasurer

**Action Required**

Authorize the Crestline Construction Payment No. 7 and USDA Reimbursement Request No. 7.

**Motion**

Move to approve Crestline Construction Payment No. 7 in the amount of \$ \_\_\_\_\_ and USDA Reimbursement Request No. 7 in the amount of \$ \_\_\_\_\_.

**Explanation of Issue**

Documents will be added to the city's website prior to the council meeting.

**Staff Recommendation**

Staff recommends the city council authorize payment of Crestline Construction Payment No. 7 in the amount of \$ \_\_\_\_\_ and authorize submittal of USDA Reimbursement Request No. 7 in the amount of \$ \_\_\_\_\_.

**File Attachments for Item:**

8. Resolution 2020-10-508, Amending Resolution 2020-08-505 Authorizing Expenditures of COVID-19 CARES Act Funding and Providing for Procedures and Certain Authorizations

a. Presentation and Discussion

b. Action



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## AGENDA MEMO

Needs Legal Review: Yes  
Council Meeting Date: October 7, 2020  
Agenda Item: Resolution 2020-10-508, Amending Resolution 2020-09-505 Authorizing Expenditures of COVID-19 CARES Act Funding and Providing for Procedures and Certain Authorizations  
Presented By: Marla Keethler, Mayor

### **Action Required**

Adopt Resolution 2020-10-508 Amending Resolution 2020-09-505 Authorizing Expenditures of COVID-19 CARES Act Funding and Providing for Procedures and Certain Authorizations.

### **Motion**

Move to adopt Resolution 2020-10-508 Amending Resolution 2020-09-505 Authorizing Expenditures of COVID-19 CARES Act Funding and Providing for Procedures and Certain Authorizations.

### **Explanation of Issue**

The Washington Department of Commerce has amended the agreement with the City providing additional COVID-19 CARES Act funding for a total of \$117,450. The funds are allocated between 5 five programs (one being added) with the language changed in the Business Grants program to included nonprofits. Exhibits B and C will be provided to the council and the public on Monday, October 5, 2020.

### **Staff Recommendation**

Staff recommends the council adopt Resolution 2020-10-508 Amending Resolution 2020-09-505 Authorizing Expenditures of COVID-19 CARES Act Funding and Providing for Procedures and Certain Authorizations.

**RESOLUTION 2020-10-508**

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF WHITE SALMON, WASHINGTON,  
AMENDING RESOLUTION 2020-08-505 AUTHORIZING EXPENDITURES OF COVID-  
19 CARES ACT FUNDING AND PROVIDING FOR PROCEDURES AND CERTAIN  
AUTHORIZATIONS**

**WHEREAS**, on August 19, 2020 the City of White Salmon City Council adopted Resolution 2020-08-505 authorizing expenditures of COVID-19 CARES Act funding and providing for procedures and certain authorizations (attached as Exhibit A); and

**WHEREAS**, the Washington State Department of Commerce submitted an amendment to the Interagency Agreement with the City of White Salmon extending the reimbursement period through November 30, 2020 with final invoices submitted to the Department of Commerce by December 15, 2020 and providing an additional \$39,150 for a total of \$117,450 in funding; and

**WHEREAS**, the City of White Salmon desires to establish two programs for the use of fund: White Salmon Community Relief Fund and the White Salmon Business and Nonprofit Grants in addition to providing funding for the city to address requirements in city operations to meet COVID-19 requirements and to provide community support in meeting COVID-19 requirements; and

**WHEREAS**, the City of White Salmon has developed procedures and policies for the White Salmon Community Relief Fund and White Salmon Business and Nonprofit Grants (attached as Exhibits B and C); and

**NOW, THEREFORE**, be it resolved by the City Council of the City of White Salmon that the following programs and procedures are established and authorized.

**1. White Salmon Community Relief Fund**

\$40,000 of the \$117,450 CARES Act funding will be provided to establish a White Salmon Community Relief Fund. These funds will be used for payments to households up to \$1000 per household to cover costs of rent, mortgage, or utility payments. Households making up to 200% AMI for their household size (adjusted median income) that can show a hardship related to the COVID-19 pandemic such as reduced work hours, unemployment, change in commuting needs, additional costs to related to at-home learning requirements, or childcare expenses are eligible for the funding. 30% of the available funding shall be dedicated to Hispanic, Latino, Black, American Indian/Alaskan Native, and Asian families to ensure proportional representation reflective of city demographics. The Mayor is authorized to work with a local nonprofit organization or with staff to implement the White Salmon Community Relief Fund including the development of an application for funding. Any funds not disbursed through this effort will be applied to bolster the White Salmon Business Grants.

**2. White Salmon Business and Nonprofit Grants**

\$61,650 of the \$117,450 CARE Act funding will be provided for White Salmon Business and Nonprofit Grants. These funds can be granted to White Salmon businesses and nonprofit organizations that serve the community to aid in covering the costs of operations (rent and utility payments), and/or procurement of additional PPE, signage, or other means used to communicate or help ensure compliance with state required COVID-19 operating guidelines. Costs or purchases submitted for consideration must not have been covered/reimbursed through an earlier grant or loan program. This funding cannot be used to cover payroll costs. Businesses and nonprofits must be SBA (Small Business Administration) eligible recipients (under COVID19 requirements SBA is currently allowing nonprofits to apply). The Mayor is authorized to work with staff to implement the White Salmon Business and Nonprofit Grants including the development of an application for funding.

**3. City Operations**

\$7,900 of the \$117,400 CARES Act funding is dedicated to support the purchase of additional laptops for employees working from home, additional PPE for city personnel and visitors to City Hall, AV enhancements to enhance virtual meetings and partial virtual meetings such as cameras and other unforeseen costs directly related to COVID-19 and that aid the ability of the city to continue operations during the ongoing COVID-19 pandemic. The Mayor is authorized to make expenditures for city operations related to the COVID-19 pandemic up to \$7,900.

**4. Community Support**

\$7,900 of the \$117,450 CARES Act funding is dedicated towards the purchase of face masks, parklet construction for downtown businesses and other additional unforeseen expenditures directly related to COVID-19 aimed at supporting residents and community engagement as a result of and during the ongoing COVID-19 pandemic. The Mayor is authorized to make expenditures related to community support that relate to the COVID-19 pandemic up to \$7,900.

This resolution shall take effect after its passage by the City Council.

**ADOPTED** by the Council of the City of White Salmon, Washington. Dated this 7<sup>th</sup> day of October, 2020.

\_\_\_\_\_  
**Marla Keethler, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Jan Brending, Clerk Treasurer**

\_\_\_\_\_  
**Kenneth B. Woodrich, City Attorney**

Exhibit A

RESOLUTION 2020-08-505

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF WHITE SALMON, WASHINGTON,  
AUTHORIZING EXPENDITURES OF COVID-19 CARES ACT FUNDING AND  
PROVIDING FOR PROCEDURES AND CERTAIN AUTHORIZATIONS**

**WHEREAS**, on March 27, 2020, the United States Congress adopted the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) which, among other things, amended Section 601(a) of the Social Security Act and established the Coronavirus Relief Fund into which Congress appropriated \$150 billion to make payments for specified uses to States and certain local governments; and

**WHEREAS**, the Coronavirus Relief Fund is available to reimburse government recipients for necessary expenditures incurred due to the COVID-19 public health emergency that were not accounted for in the government recipient’s most-recently appropriated budget and that were incurred during the period between March 1, 2020 and December 30, 2020; and

**WHEREAS**, guidance issued by the U.S. Treasury Department indicates that necessary expenditures incurred due to the COVID-19 public health emergency include costs incurred to support local businesses that suffered losses due to COVID-19 business interruptions, or incurred costs for personal protection equipment or other materials, supplies and equipment needed to safely operate following a COVID-19 related closures; and

**WHEREAS**, guidance issued by the U.S. Treasury Department indicates that necessary expenditures may include rent and mortgage assistance, utility payment assistance, childcare assistance if need is directly related to the COVID-19 pandemic; and

**WHEREAS**, the State of Washington has decided to distribute a certain portion of its share of the CARES Act funding to Washington Cities, including the City of White Salmon, with such funds being administered through the Washington State Department of Commerce; and

**WHEREAS**, under the Washington State Department of Commerce Interagency Agreement with the City of White Salmon through the Coronavirus Relief Fund for Local Governments reimbursable expenditures must be incurred during the period between march 1, 2020 and October 31, 2020 in order for the State of Washington to closeout its contracts in time to meet the United States Treasury’s December 30, 2020, end date; and

**WHEREAS**, the City of White Salmon desires to establish two programs for the use of fund: White Salmon Community Relief Fund and the White Salmon Welcoming Customers Business Grants in addition to providing funding for the city to address requirements in city operations to meet COVID-19 requirements and to provide community support in meeting COVID-19 requirements; and

**NOW, THEREFORE**, be it resolved by the City Council of the City of White Salmon that the following programs and procedures are established and authorized.

**1. White Salmon Community Relief Fund**

\$40,000 of the \$78,3000 CARES Act funding will be provided to establish a White Salmon Community Relief Fund. These funds will be used for payments to households up to \$500 per household to cover costs of rent, mortgage, utility payments, childcare, transportation (possibly in the form of gas vouchers) or distance learning electronics. Households making 200% AMI (adjusted median income) that can show a hardship related to the COVID-19 pandemic such as reduced work hours, unemployment, change in commuting needs, additional costs to related to at-home learning requirements, or childcare expenses are eligible for the funding. 30% of the available funding shall be dedicated to Hispanic, Latino, Black, American Indian/Alaskan Native, and Asian families to ensure proportional representation reflective of city demographics. The Mayor is authorized to work with a local nonprofit organization or with staff to implement the white Salmon Community Relief Fund including the development of an application for funding.

**2. White Salmon Welcoming Customers Business Grants**

\$22,500 of the \$78,300 CARE Act funding will be provided for White Salmon Welcoming Customers Business Grants. These funds can be granted to White Salmon businesses that serve customers (hospitality, grocery, hardware, pharmacy, medical, retail, etc.) to aid in procurement of additional PPE, signage, or other means used to communicate or help ensure compliance with state required COVID-19 operating guidelines. Businesses that have already received COVID-19 funding for such purchases are not eligible. This funding cannot be used to cover payroll costs. Businesses must be SBA (Small Business Administration eligible recipients. The Mayor is authorized to work with staff to implement the White Salmon Welcoming Customers Business Grants including the development of an application for funding.

**3. City Operations**

\$7,900 of the \$78,300 CARES Act funding is dedicated to support the purchase of additional laptops for employees working from home, additional PPE for city personnel and visitors to City Hall, AV enhancements to enhance virtual meetings and partial virtual meetings such as cameras and other unforeseen costs directly related to COVID-19 and that aid the ability of the city to continue operations during the ongoing COVID-19 pandemic. The Mayor is authorized to make expenditures for city operations related to the COVID-19 pandemic up to \$7,900.

**4. Community Support**

\$7,900 of the \$78,300 CARES Act funding is dedicated towards the purchase of face masks, parklet construction for downtown businesses and other additional unforeseen expenditures directly related to COVID-19 aimed at supporting residents and community engagement as a result of and during the ongoing COVID-19 pandemic. The Mayor is authorized to make expenditures related to community support that relate to the COVID-19 pandemic up to \$7,900.



This resolution shall take effect after its passage by the City Council.

**ADOPTED** by the Council of the City of White Salmon, Washington. Dated this 19<sup>th</sup> day of August, 2020.

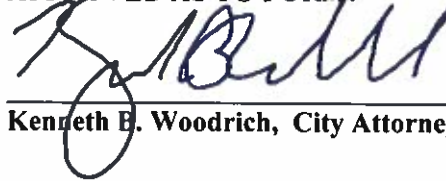


\_\_\_\_\_  
Marla Keethler, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Jan Brending, Clerk Treasurer

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Kenneth E. Woodrich, City Attorney

**File Attachments for Item:**

9. Approval of Meeting Minutes - September 16, 2020



**CITY OF WHITE SALMON**  
**City Council Regular Meeting – Wednesday, September 16, 2020**  
**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  
Jan Brending, Clerk Treasurer  
Ken Woodrich, City Attorney  
Pat Munyan, City Administrator  
Russ Avery, Public Works Operations Mgr.  
Mike Hepner, Police Chief  
Bill Hunsaker, Building Official/Fire Chief

**1. Call to Order**

Marla Keethler, Mayor called the meeting to order at 6:00 p.m. There were approximately 4 people in the audience (by video or telephone).

**2. Roll Call**

All council members were present.

**3. Public Comment**

Sasha Bentley, White Salmon submitted public comment regarding inclusivity training, capacity of staff and budget, Loop Road trail, short-term rental compliance, attainable and affordable housing, playground equipment, replacing police officer with specialist in mental health/prevention, climate change, crisis preparedness, and utilizing social media and other communication tools.

**4. Changes to Agenda**

Jan Brending, Clerk Treasurer asked that a proposed resolution ratifying the mayor's emergency proclamation be added to the agenda after the 2021 Policy Area Priorities agenda item.

***Moved by Jason Hartmann. Seconded by Ashley Post.***

***Motion to add agenda item regarding proposed resolution ratifying the mayor's emergency proclamation after the agenda item "2021 Policy Area Priorities." Motion carried 5-0.***

**5. COVID19 CARES Funding Agreement Amendment**

Marla Keethler, Mayor said the city has been notified that it will receive an additional \$39,150 in CARES Act funding increase the total to \$117,450. She said the funds must be spent by November 30, 2020. Keethler said an amendment to the resolution providing how the funding is to be spent will be presented at the council's October 7, 2020 meeting. It was noted that the amendments will address grant opportunities for nonprofits.

Jan Brending, Clerk Treasurer said staff is asking for authorization for the mayor to sign the amendment to the COVID-19 CARES Act Funding agreement with Washington Department of Commerce increasing the funding to \$117,450 and extending the termination of the program to November 30, 2020.

**Moved by Jim Ransier. Seconded by Jason Hartmann.**

**Motion to authorize the Mayor to sign the amendment to the COVID-19 CARES Act Funding agreement with Washington Department of Commerce increasing the amount of funding from \$78,300 to \$117,450 and extending the termination of the program from October 31, 2020 to November 30, 2020. Motion carried 5-0.**

**6. 2021 Policy Area Priorities**

Marla Keethler, Mayor reviewed proposed 2021 priority policy areas that are a result of the September 9 council retreat. It was noted the proposed policy areas are in addition to the ongoing projects the city is already working on that will carryover to 2021. The proposed 2021 priority policy areas are:

**Ongoing Mitigation of COVID19 Business Impacts and Ongoing Business Support to Make Downtown More Welcoming to Visitors**

- Allowing parklets in the summer of 2021 and future summers
- Downtown signage
- Downtown planters
- Maintenance of existing crosswalks and researching permanent crosswalks for Jewett Blvd. – investigation of concrete crosswalks

**Public Safety & Hazard Preparedness**

- Adding a position to BWSPD to focus on social service issues
- Encouraging staffing a diverse and bilingual police department
- Develop plans for fire mitigation and fire preparedness in and around the City of White Salmon

**Ensure residents receive quality, cost-effective services that maintain sense of community**

- Develop funding strategies for increased emphasis on street infrastructure
- Revisit ability to have home postal delivery
- Work towards the development of a community center on property owned by the city across from Whitson Elementary
- Hire personnel to focus on code enforcement
- Complete Comprehensive Park Plan
- Invest in existing parks to improve amenities and increase citizen use
- Safer Loop Trail (working with WSDOT and private property owners to move portions of the trail off of Highway 141)

- Riverfront Park – continue discussions with Klickitat County for acquisition of the property
- Spoke Bike Park – continue improvements including possible viewing area/rest area to safety sit

**Develop and Implement Effective Communication and Outreach**

- Continued website improvements, including page for police department
- Develop public notification processes including email and texting notifications for both general and emergency notifications, such as street sweeping and snow plowing work, road closures, water outages, etc.
- Consistent distribution and development of bilingual materials regarding City related news, updates, and events

**Reduce food waste at landfills and improve collection of recyclables**

- Curbside compost pickup in White Salmon
- Use of recycling bins versus recycling bags

**Invest in and strengthen efforts on supporting attainable housing development**

- Ensuring that when rezones of residential areas are considered that the goal to protect areas from incompatible uses is addressed

***Moved by Jason Hartmann. Seconded by Ashley Post.***

***Move to adopt the council's 2021 policy area priorities and ongoing 2020 projects that will carryover into 2021 providing guidance to the mayor and staff in developing the 2021 budget, including possible budget options and providing proposals for implementation with the priority policy areas. Motion carried 5-0.***

**7. Resolution 2020-09-507 Ratifying Proclamation of Emergency 2020-002.**

Marla Keethler, Mayor review the proclamation of emergency that she issued on Monday, September 14, 2020 regarding air quality and wildfire danger. She said the core focus was to get the message out that there was an air quality issue and wildfire danger.

Council members said they did hear some concerns regarding the language used in the emergency proclamation ordering “no outside activities that could spark or flame, but not limited to backyard fires, barbecues, candles, and gas or electric yard/construction equipment that creates sparks be immediately suspended” and in general the use of the word “ordering.”

Keethler said it is not her intent to arrest or penalize anyone who is in violation of the emergency proclamation. She said she sees it as a strong recommendation. Keethler said that due to high wildfire danger she does not think it safe for anyone to be using the park and trails within the city. She said that she would lift the emergency when there is relief in the air quality.

Council members discussed changing the phrasing from “ordering” to “recommending” or “advising” trusting that people can make their own decisions.

Bill Hunsaker, Fire Chief said the Department of Ecology has an air monitoring station in White Salmon which is very accurate. He said that he believes Gaddis Park and Spoke Bike Park should be closed because of wildfire danger.

The council discussed the termination date for the emergency. It was noted that the County Board of Commissioners is being asked to extend the fire ban until October 15. It was suggested that the it be left up to the mayor and the fire chief.

***Moved by Jason Hartmann. Seconded by David Lindley.***

***Motion to adopt Resolution 2020-09-507 Ratifying Proclamation of Emergency 2020-002 with the following language provided for Section 2. Activities and Section 3. Effectiveness.***

**Section 2. Activities.**

1. It is advised that all outdoor activities that could spark or flame, but not limited to backyard fires, barbeques, candles, and gas or electric yard/construction equipment that creates sparks, be immediately suspended.
2. It is advised that all citizens refrain from visiting city parks, natural areas, and/or trails during this time of extreme fire danger and hazardous air quality.
3. It is advised that all citizens refrain from non-essential outdoor activities.
4. It is ordered that Gaddis Park and Spoke Bike Park are immediately closed.

**Section 3. Effectiveness.**

The provisions of this Resolution shall become effective upon adoption and expire at 11:59 p.m. on September 30, 2020 or until the fire chief determines the risk has abated.

***CARRIED 5-0.***

**9. Consent Agenda**

- a. Approval of Meeting Minutes – September 2, 2020
- b. Approval of Meeting Minutes – September 9, 2020
- c. Approval of Vouchers

Type	Date	From	To	Amount
<b>Claims</b>	9/16/2020	36429	36459	376,973.91
		EFT	EFT	13,674.26
			<b>Claims Total</b>	<b>390,648.17</b>
<b>Payroll</b>				
			<b>Payroll Total</b>	<b>0.00</b>
<b>Manual Claims</b>				
			<b>Manual Total</b>	<b>0.00</b>
			<b>Total All Vouchers</b>	<b>390,648.17</b>

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 16<sup>th</sup> day of September, 2020.

**Moved by Ashley Post. Seconded by David Lindley.**  
**Motion to approve consent agenda. CARRIED 5-0.**

**8. Department Head and Council Member Reports**

**Mike Hepner, Police Chief** said he did speak to some people about the emergency proclamation and that when he provided them with a copy of the proclamation they seemed fine with it. He noted that some people were frustrated at declaration of the emergency did not happen fast enough. Hepner said he had no issues with people following it.

**Bill Hunsaker, Building Official/Fire Chief** said the building department has been quiet and said that Tum-A-Lum has been closed. He noted there have been no fires in Klickitat County during the heightened wildfire concerns.

**Russ Avery, Public Works Operations Manager** said that Crestline Construction had suspended work due to air quality and hopes to start back up again on Friday.

Jim Ransier, Council Member asked what construction work is happening at Rheingarten Park.

Russ Avery said it is fiber optic being installed for Insitu.

**Pat Munyan, City Administrator** said the city had identified an option for the Jewett Water Main Improvement Project to bring an additional line into Skyline. He said there is funding remaining that would allow this option to be exercised. Munyan said this allow the hospital to have two different sources in which to obtain water in case there is a problem with one of the lines.

Munyan said he spoke with Bill Hunsaker, Fire Chief about the possible idea of setting up dry barrel sprinkler guns on the bluff to help in a wildfire situation.

Bill Hunsaker, Fire Chief said the bluff is one of the city's most hazardous areas.

Munyan said work on the White Salmon River feasibility study is moving forward.

**Jan Brending, Clerk Treasurer** said she is working through the 2018-2019 audit and working on the 2021 budget.

**David Lindley, Council Member** said he continues to receive mask donations. He said he has distributed approximately 16,000 masks and has about 6,000 left.

**Ashley Post, Council Member** said the Tree Board met and discussed the city's tree ordinance. She said Karen Black Jenkins will be compiling a list of trees that can be used for city streets and parks. Post noted that the committee is also looking at the heritage tree section of the Critical Areas Ordinance and what changes should be made.

David Lindley, Council Member noted that the Tree Board has two community member positions that are vacant.

**Marla Keethler, Mayor** said the Port of Hood River and Klickitat County have received notification that a federal grant application for \$5 million to move development work on the replacement bridge has been approved. She said the application was a joint effort between Klickitat County and the Port of Hood River.

Keethler noted that September 15 is the beginning of Hispanic Heritage Month. She said a presentation will be scheduled for the October 7 council meeting.

**9. Adjournment**

The meeting adjourned 7:13 p.m.

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Marla Keethler, Mayor

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Jan Brending, Clerk Treasurer