

**GRANDVIEW CITY COUNCIL
SPECIAL MEETING AGENDA
MONDAY, OCTOBER 23, 2017**



SPECIAL MEETING – 7:00 PM

PAGE

1. **CALL TO ORDER & ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **PRESENTATIONS**
 - A. Opioid Crisis – Police Chief Fuller
4. **PUBLIC COMMENT** – At this time the public may address the Council on any topic whether on the agenda or not, except those scheduled for public hearing.
5. **CONSENT AGENDA** – Items on the Consent Agenda will be voted on together by the Council, unless a Councilmember requests that items be removed from the Consent Agenda and discussed and voted upon separately. An item removed from the Consent Agenda will be placed under Unfinished and New Business.
 - A. Minutes of the September 26, 2017 Committee-of-the-Whole meeting 1-6
 - B. Minutes of the October 10, 2017 Committee-of-the-Whole special meeting 7-11
 - C. Minutes of the October 10, 2017 Council meeting 12-16
 - D. Minutes of the October 16, 2017 Budget special meeting 17-18
 - E. Payroll Electronic Fund Transfers (EFT) Nos. 5840-5844 in the amount of \$78,891.83
 - F. Payroll Check Nos. 9912-9929 in the amount of \$82,411.05
 - G. Payroll Direct Deposit 10/1/17 – 10/15/17 in the amount of \$94,775.73
 - H. Claim Check Nos. 113826-113922 in the amount of \$199,714.02
6. **ACTIVE AGENDA** – Notice: Items discussed at the 6:00 pm Committee-of-the-Whole meeting of an urgent or time sensitive nature may be added to the active agenda pursuant to City Council Procedures Manual Section 3.18(c).
 - A. Public Hearing – 2017 Current Expense Fund Revenue Sources 19-21
 - B. Resolution No. 2017-45 authorizing the City of Grandview Public Works Department to repair a private parking lot owned by Phillip Winterholler in exchange for an exclusive perpetual easement for the Memorial Plaza 22-26
 - C. Industrial User Contract Schedule “A” Revisions 27
 - D. Resolution No. 2017-46 approving an Interlocal Agreement between the City of Grandview and the City of Toppenish regarding the cooperative use of facilities, equipment and personnel 28-34
7. **UNFINISHED AND NEW BUSINESS**
8. **CITY ADMINISTRATOR AND/OR STAFF REPORTS**
9. **MAYOR & COUNCILMEMBER REPORTS**
10. **ADJOURNMENT**

**GRANDVIEW CITY COUNCIL
COMMITTEE-OF-THE-WHOLE MEETING MINUTES
SEPTEMBER 26, 2017**

1. CALL TO ORDER

Mayor Norm Childress called the Committee-of-the-Whole meeting to order at 6:00 p.m., in the Council Chambers at City Hall.

2. ROLL CALL

Present were: Mayor Childress and Councilmembers Gay Brewer, Mike Everett, Dennis McDonald, Bill Moore and Joan Souders.

Councilmember Gloria Mendoza arrived at 6:10 p.m.

Absent from the meeting was Councilmember Javier Rodriguez.

On motion by Councilmember Everett, second by Councilmember Moore, the C.O.W. excused Councilmember Javier Rodriguez from the C.O.W. and Council meetings.

Staff present were: City Administrator/Public Works Director Cus Arteaga, City Attorney Quinn Plant, City Treasurer Matt Cordray, Fire Chief Pat Mason and City Clerk Anita Palacios.

3. PUBLIC COMMENT – None

4. NEW BUSINESS

A. Public Hearing – Amendment to the 2017-2022 Six-Year Transportation Improvement Program to include the Preliminary Engineering Phase of the Elm and Fir Street Sidewalk Improvement project, and to include the Construction Phase of the same project in the 2018-2023 Six-Year Transportation Improvement Program

Mayor Childress opened the public hearing to receive comments on the amendment to the 2017-2022 Six-Year Transportation Improvement Program to include the Preliminary Engineering Phase of the Elm and Fir Street Sidewalk Improvement project, and to include the Construction Phase of the same project in the 2018-2023 Six-Year Transportation Improvement Program by reading the public hearing procedure.

City Administrator Arteaga explained that the City was awarded the 2017 Safe Routes to School Program State Funding in the amount of \$354,864 from the Washington State Department of Transportation for the Elm Street and Fir Street Sidewalk Improvements. In order to secure funds for the project, the City must amend the 2017-2022 Six-Year Transportation Improvement Program to include the Preliminary Engineering Phase of the Elm and Fir Street Sidewalk Improvement project, and to include the Construction Phase of the same project in the 2018-2023 Six-Year Transportation Improvement Program.

No comments were received during the public hearing or by mail and the hearing was closed.

B. Resolution authorizing the Mayor to sign the Local Programs State Funding Agreement and Local Agency Federal Aid Project Prospectus with the Washington State Department of Transportation for the Elm Street and Fir Street Sidewalk Improvements – 2017 Safe Routes to School Program State Funding

City Administrator Arteaga explained that on June 21, 2017, the City was awarded the 2017 Safe Routes to School Program State Funding in the amount of \$354,864 from the Washington State Department of Transportation for the Elm Street and Fir Street Sidewalk Improvements. In order to secure the design funds for this project, the City must execute the Local Programs State Funding Agreement and Local Agency Federal Aid Project Prospectus with the Washington State Department of Transportation. The Local Programs State Funding Agreement for the design portion identified a \$53,160 project with a City match of \$10,474 provided from the Transportation Benefit District (TBD) budget.

Discussion took place.

On motion by Councilmember Souders, second by Councilmember McDonald, the C.O.W. called the question.

On motion by Councilmember Moore, second by Councilmember Souders, the C.O.W. moved a resolution authorizing the Mayor to sign the Local Programs State Funding Agreement and Local Agency Federal Aid Project Prospectus with the Washington State Department of Transportation for the Elm Street and Fir Street Sidewalk Improvements – 2017 Safe Routes to School Program State Funding to the October 10, 2017 regular Council meeting for consideration.

C. Resolution authorizing the Mayor to sign a Public Defender Agreement for conflict indigent defense counsel with Hansen Law, PLLC

City Clerk Palacios explained that the City contracts with Yakima County District Court for municipal court services. Under the terms of the contract, the City must provide indigent defense services to indigent defendants. In the event of a conflict with the current public defender, the City must also provide alternate counsel for indigent defendants. Currently, the City has only two attorneys, Jacob Lara and Daniel Polage, providing conflict indigent defense counsel. On August 28, 2017, the City received a 90-day notice of intent to terminate conflict contract from Jacob Lara. It would be in the best interest of the City to have more than one conflict indigent defense counsel contract. The City received an e-mail from George Hansen indicating his interest in taking conflict counsel appointments. The City negotiated contract terms with Hansen Law, PLLC to provide conflict indigent defense counsel commencing October 1, 2017 through September 31, 2019 in the amount of \$350 per case.

Discussion took place.

On motion by Councilmember Everett, second by Councilmember Souders, the C.O.W. moved a resolution authorizing the Mayor to sign a Public Defender Agreement for conflict indigent defense counsel with Hansen Law, PLLC to the September 26, 2017 regular Council meeting for consideration.

D. Resolution authorizing the Mayor to sign a Mutual Aid Agreement with West Benton Regional Fire Authority

Fire Chief Mason explained that the Fire Department was always looking for ways to have access to additional resources if needed on major emergency incidents. This Mutual Aid Agreement with West Benton Regional Fire Authority would give the Fire Department access to additional resources if needed on any major emergency experienced. In 2009, Council approved Resolution No. 2009-10 authorizing the Mayor to sign a Mutual Aid Agreement with Prosser Fire District No. 3. Prosser Fire District No. 3 changed their name to West Benton Regional Fire Authority. The West Benton Regional Fire Authority authorized a new Mutual Aid Agreement with the City of Grandview. West Benton Regional Fire Authority has trained personnel as well as structural fire engines, aerial apparatus, wildland fire engines and rescue vehicles and equipment available to assist the City if needed and the City has much the same available to assist the Fire Authority if needed.

Discussion took place.

On motion by Councilmember Souders, second by Councilmember Everett, the C.O.W. moved a resolution authorizing the Mayor to sign a Mutual Aid Agreement with West Benton Regional Fire Authority to the October 10, 2017 regular Council meeting for consideration.

E. Ordinance amending the 2017 Annual Budget

City Treasurer Cordray explained that staff monitoring and review of fund and department budgets identified a few budget accounts to be amended. An ordinance was prepared to provide for the amending of the 2017 Annual Budget to accommodate the changes in sources and uses. By Fund the highlights of the budget changes were:

- Street Fund: Increased revenues for Safe Routes to School and 2017 Emergency Repairs funding. Increased appropriations for Safe Routes to School preliminary engineering, Roadway Salaries and Benefits, Office Supplies and Professional Services. Net effect was no change to the estimated ending fund balance.
- TBD Fund: Increased appropriations for Safe Routes to School preliminary engineering. Net effect was a decrease to the estimated ending fund balance.
- Water/Sewer Fund: Increased appropriations in Sewer Collection Repairs & Maintenance for the main sewer line break. Net effect was a decrease to the estimated ending fund balance.

Discussion took place.

On motion by Councilmember Mendoza, second by Councilmember Moore, the C.O.W. moved an ordinance amending the 2017 Annual Budget to the October 10, 2017 regular Council meeting for consideration.

F. Resolution accepting the West Fifth Street Resurfacing Improvements as complete

City Administrator Arteaga explained that Interstate Concrete and Asphalt Company dba Columbia Asphalt & Gravel completed the construction of the West Fifth Street Resurfacing

Improvement. Staff recommended Council accept the project as complete once the requirements in the September 19, 2017 letter from HLA Engineering and Land Surveying, Inc., were satisfied.

Discussion took place.

On motion by Councilmember Moore, second by Councilmember McDonald, the C.O.W. moved a resolution accepting the West Fifth Street Resurfacing Improvements as complete to the October 10, 2017 regular Council meeting for consideration.

G. Consideration of Council Hearings on Budget (Councilmember Everett)

Councilmember Everett requested consideration of additional Council hearings (study sessions) on the 2018 preliminary budget.

City Treasurer Cordray distributed the 2018 Budget Preparation Calendar and advised that study sessions on the preliminary budget were scheduled for October 10th, October 23rd, November 14th and November 28th.

City Administrator Arteaga explained that if additional study sessions were necessary, they could be scheduled.

Following discussion, staff was directed to prepare a budget review schedule for Council consideration.

H. Little Free Library (Councilmember Souders)

Nancy Mehrer and Councilmember Souders, members of the Yakima Rural Leaders cohort sponsored by the Yakima Community Foundation lead by the Rural Development Initiative, provided a presentation on the construction and location of a Little Free Library at Dykstra Park. They explained that the construction of the Library would be paid through a grant from the Yakima Community Foundation. They requested that the City partner in the effort as a requirement of the grant and registration of the Library was that it be located on public property. The suggested location was Dykstra Park at the Euclid Road parking lot. Gail Boose has agreed to be the steward of the Library. They requested the City approve the location of a Little Free Library at Dykstra Park.

Discussion took place.

On motion by Councilmember Mendoza, second by Councilmember Everett, the C.O.W. moved the Little Free Library request for approval and location at Dykstra Park to the October 10, 2017 regular Council meeting for consideration.

Councilmember Souders abstained from the vote.

(See Addendum to minutes attached)

5. OTHER BUSINESS – None

6. **ADJOURNMENT**

The study session adjourned at 7:00 p.m.

Mayor Norm Childress

Anita Palacios, City Clerk

Anita Palacios

H. Little Free Library (Councilmember Souders)

From: joan e. souders <jesouders@hotmail.com>
Sent: Wednesday, October 11, 2017 6:07 PM
To: Anita Palacios
Cc: Cus Arteaga; Mayor
Subject: Minutes

Please change the minutes of the COW meeting of 9/26/17. To read, Gail Boose has agreed to be the steward of the Library. She will check with Friends of the Library to see if they will help.

Thank you,
Joan

Sent from my iPhone

**GRANDVIEW CITY COUNCIL
COMMITTEE-OF-THE-WHOLE SPECIAL MEETING MINUTES
OCTOBER 10, 2017**

1. CALL TO ORDER

Mayor Norm Childress called the Committee-of-the-Whole special meeting to order at 5:30 p.m., in the Council Chambers at City Hall.

2. ROLL CALL

Present were: Mayor Childress and Councilmembers Gay Brewer, Bill Moore, Javier Rodriguez and Joan Souders.

Councilmember Mike Everett arrived at 5:35 p.m. Councilmember Gloria Mendoza arrived at 5:40 p.m.

Absent from the meeting was Councilmember Dennis McDonald.

On motion by Councilmember Moore, second by Councilmember Rodriguez, the C.O.W. excused Councilmember Dennis McDonald from the C.O.W. and Council meetings.

Staff present were: City Administrator/Public Works Director Cus Arteaga, City Attorney Quinn Plant, City Treasurer Matt Cordray, Library Director Elizabeth Jahnke, Wastewater Treatment Plant Superintendent Dave Lorenz and City Clerk Anita Palacios.

3. PUBLIC COMMENT – None

4. NEW BUSINESS

A. 2018 Preliminary Budget Preparation Schedule & Department Budgets

City Administrator Arteaga presented the 2018 Preliminary Budget Preparation Schedule as requested at the September 26, 2017 C.O.W. meeting.

Following discussion, the C.O.W. concurred with the meeting dates and times as outlined on the 2018 Preliminary Budget Preparation Schedule.

City Treasurer Cordray presented the 2018 preliminary budget as follows:

2018 REVENUE ESTIMATES

Current Expense Fund

Total Beginning Cash Balance - \$1,283,200

Taxes

2017 Budget \$4,203,300

2018 Estimate \$4,337,000

Licenses and Permits

2017 Budget \$121,500

2018 Estimate \$131,500

Intergovernmental Revenues

2017 Budget \$348,000
2018 Estimate \$357,300

Charges for Goods and Services

2017 Budget \$155,450
2018 Estimate \$152,160

Fines and Penalties

2017 Budget \$190,100
2017 Estimate \$178,210

Miscellaneous Revenues

2017 Budget \$158,410
2018 Estimate \$134,515

Total Current Expense Fund Revenues

2017 Budget \$6,865,215
2018 Estimate \$6,573,885

2018 EXPENDITURE ESTIMATES

Current Expense Fund

It was noted that the following general wage increases were incorporated into the preliminary budget:

- Public Works Union Employees – 2.25% on 1/1/2018
- Police Sergeants & Patrol Union Employees – 2% on 1/1/2018 & 2% on 7/1/18
- Police Support Union Employees – 3% 1/1/2018
- Non-Union Employees – 2% 1/1/2018

Legislative Services - Council

2017 Budget \$57,450
2018 Estimate \$56,380
Notable Changes in 2018 – Increased travel fund \$1,000

Community Support Services

2017 Budget \$36,475
2018 Estimate \$36,450
Notable Changes in 2018 – Increased Election Services – County due to election year

Municipal Court Services

2017 Budget \$348,200
2018 Estimate \$364,390
Notable Changes in 2018 – Yakima County District Court costs increased from \$190,600 in 2017 to \$205,325 in 2018. Each year, the City pays the County a sum equal to the City's percentage of the County's budget. The percentage was determined based on a 4 year running average of the total District Court cases divided by the average number of City cases. For example: if the 4 year average of the District Court cases including Grandview was 10,000 and

Grandview's portion 4 year average was 1,000 – the City pays the county 10% of the total budget for that year. Beginning in 2018, the City would be contracting with Yakima County for probation services at a flat fee cost of \$70 per case. For 2018, the cost to the City for probation services would be \$4,500. The public defender agreement with the Law Firm of Beck and Phillips, PLLC was renewed for 2018 in the amount of \$75,920 payable in equal monthly installments. The Public Defender Agreement reflects a caseload limit, the reimbursement of costs for investigators and experts, warranty of public defender and quarterly reporting requirements. The City also contracts with other defense attorneys in the case of public defender conflicts. Another notable change for 2018 was Yakima County Prosecution Services was moved from "Legal Services" to "Municipal Court Services" in the amount of \$72,000.

General Management Services – Mayor & City Administrator

2017 Budget \$101,070
2018 Estimate \$104,500
Notable Changes in 2018 – None

Clerk Services – City Clerk

2017 Budget \$54,200
2018 Estimate \$54,820
Notable Changes in 2018 – None

Accounting Services – City Treasurer

2017 Budget \$111,135
2018 Estimate \$114,955
Notable Changes in 2018 – None

Risk Management Services

2017 Budget \$165,060
2018 Estimate \$159,370
Notable Changes in 2018 – The City's liability assessment with WCIA decreased from \$154,852 in 2017 to \$154,446 in 2018. The assessment formula was based on two factors: worker hours multiplied by the assessment rate. The assessment rate was determined by an actuarial review of the City's last five years loss history and successful completion of WCIA's COMPACT requirements. Property, boiler and machinery, and crime/fidelity rates remained the same for 2018.

Legal Services

2017 Budget \$96,120
2018 Estimate \$103,610
Notable Changes in 2018 – The following union agreements would expire December 31, 2018:

- Police Sergeants & Patrol Bargaining Unit
- Police Dispatch & Corrections Bargaining Unit
- Public Works Bargaining Unit

Another notable change for 2018 was Yakima County Prosecution Services was moved from "Legal Services" to "Municipal Court Services" in the amount of \$72,000.

Human Resource Services

2017 Budget \$75,300

2018 Estimate \$77,360

Notable Changes in 2018 – Due to a Police Sergeant retirement in 2018, “Professional Services” was increased to include funds for Public Safety Testing to conduct a promotional testing selection process to fill the vacant position in the amount of \$5,000.

General Facilities Services

2017 Budget \$29,950

2018 Estimate \$29,020

Notable Changes in 2018 – None

Planning & Community Development Services

2017 Budget \$37,760

2017 Estimate \$36,150

Notable Changes in 2018 – None

Economic Development Services

2017 Budget \$18,680

2018 Estimate \$20,230

Notable Changes in 2018 – None

Library Services

2017 Budget \$287,680

2018 Estimate \$297,275

Notable Changes in 2018 – Work study positions were difficult to fill each quarter; Federal funding decreased for the on-line periodical database and for the OCLC bibliographic database and the e-books/e-audio subscription which makes the costs increase; YVC now contributes to “out of pocket cost” for the OCLC bibliographic database; depend on Friends of Grandview Library to pay for four newspaper subscriptions.; revenue was not consistent year to year; combined catalog with YVC would change workload dynamics (six month-implementation); increase of \$6,500 for part-time help during summer months.

The next preliminary budget meeting would be held on Monday, October 16, 2017 at 6:00 p.m.

B. Resolution authorizing the City of Grandview Public Works Department to repair a private parking lot owned by Phillip Winterholler in exchange for an exclusive perpetual easement for the Memorial Plaza

City Administrator Arteaga explained that at the June 13, 2017 C.O.W. meeting, the Beautification Commission presented a proposal with respect to the VFW monument and flag pole. The Beautification Commission recommended that the City enter into a License Agreement with Phillip Winterholler, current owner of the former VFW building located at 132 Division Street, for the City to access and maintain the components of the “Memorial Plaza”. This item was further discussed at the June 27, 2017 regular meeting and the July 11, 2017 and July 25, 2017 Committee-of-the-Whole meetings. At the August 8, 2017 regular meeting, Council directed staff to negotiate a permanent easement with Phillip Winterholler for the Memorial Plaza. Staff presented an Easement signed by Phillip Winterholler granting an exclusive perpetual easement to the City for the purpose of maintaining Memorial Plaza.

Discussion took place.

On motion by Councilmember Everett, second by Councilmember Moore, the C.O.W. moved a resolution authorizing the City of Grandview Public Works Department to repair a private parking lot owned by Phillip Winterholler in exchange for an exclusive perpetual easement for the Memorial Plaza to the October 23, 2017 special Council meeting for consideration.

C. Industrial User Contract Schedule "A" Revisions

WWTP Superintendent Lorenz explained that Grandview Municipal Code Section 13.12.130 required all large industrial users to enter into an industrial discharge contract with the City. The contract included a Schedule "A" attachment that identified maximum loading limits for flow, BOD and TSS. The Schedule "A" on the various industrial user contracts have been revised numerous times throughout the years based on changes in industry operations and increases in product processing. In a letter dated September 21, 2017, the Department of Ecology (DOE) requested that the City revise the current Schedule "A" by removing the 120% rule footnote which states "Wastewater discharge shall not be considered a violation of the Industrial User's Washington Department of Ecology State Waste Discharge Permit until they reach 120% of the values listed in Schedule "A". Staff recommended the City comply with the Department of Ecology's request to revise the Schedule "A" for the seven (7) industrial user contracts by removing the 120% rule footnote.

Discussion took place.

On motion by Councilmember Moore, second by Councilmember Mendoza, the C.O.W. moved to comply with the Department of Ecology's request to revise the Schedule "A" for the seven (7) industrial user contracts by removing the 120% rule footnote which states "Wastewater discharge shall not be considered a violation of the Industrial User's Washington Department of Ecology State Waste Discharge Permit until they reach 120% of the values listed in Schedule "A" to the October 23, 2017 special Council meeting for consideration.

5. **OTHER BUSINESS** – None

6. **ADJOURNMENT**

The study session adjourned at 6:55 p.m.

Mayor Norm Childress

Anita Palacios, City Clerk

**GRANDVIEW CITY COUNCIL
REGULAR MEETING MINUTES
OCTOBER 10, 2017**

1. CALL TO ORDER

Mayor Norm Childress called the regular meeting to order at 7:00 p.m. in the Council Chambers at City Hall.

Present were: Mayor Childress and Councilmembers Gaylord Brewer, Mike Everett, Bill Moore, Gloria Mendoza, Javier Rodriguez and Joan Souders.

Absent from the meeting was Councilmember Dennis McDonald. Council excused Councilmember McDonald from the meeting at the previous C.O.W. meeting.

Staff present were: City Administrator/Public Works Director Cus Arteaga, City Attorney Quinn Plant, City Treasurer Matt Cordray, Police Chief Kal Fuller, Wastewater Treatment Plant Superintendent Dave Lorenz and City Clerk Anita Palacios.

2. PLEDGE OF ALLEGIANCE

Councilmember Souders led the pledge of allegiance.

3. PRESENTATIONS

A. Sewer Transmission Main Repairs – Justin Bellamy w/HLA

Justin Bellamy, City Engineer with HLA Engineering, provided an update on the sewer transmission main repairs. He explained that on September 1, 2017, a section of the existing sewer trunk main on Euclid Road south of Chase Road collapsed. On September 11, 2017, Council declared an emergency and authorized the immediate repairs of the main. On September 16, 2017, the relining of the pipe was completed by bypassing pump flows and utilizing a cure-in-place-pipe (CIPP) method. The existing concrete pipe material was in very poor condition. Certain sections of the top of the pipe were less than 1/4-inch thick and additional collapsed pieces of pipe were removed from the repaired section. On October 3, 2017 as a preventative measure to avoid potential collapse under the roadway, the main on Euclid Road crossing at Robinson Road was relined. This was completed with one lane of traffic closed and flaggers.

He explained that the 21-inch sewer trunk main runs from the intersection of Euclid Road southeast through Dykstra Park, around Sand Hill, to the Euclid Lift Station next to the Yakima River. The total length of the main was approximately 3.5 miles. The segment from Euclid Road to the collection chamber in Dykstra Park was built in 1986. The segment from the main collection chamber in Dykstra Park to Euclid Lift Station was built in early 1960's. The approximate length was 13,000 feet (2.5 miles). The pipe material was concrete and the manholes were brick. The average annual flow was approximately 1.5 MGD. The peak day flow was approximately 3 MGD. Since 1960, approximately 160 billion gallons of sewer has flowed through the pipe. It was likely that all early 1960's pipe was in fairly poor condition due to age of the main – approximately 55 years old. A portion of the existing main from Segal Farms south to the Euclid Lift Station was cleaned and inspected. The remainder of the main would

need to be inspected. This may require bypass pumping to inspect the main depending on flows.

He recommended the complete replacement of the entire existing 1960's trunk main from Dykstra Park to the Euclid Lift Station. This was estimated to be the lowest cost option and allowed for the increase in pipe size to provide additional capacity for future growth. It was projected that the 2028 peak flow would be approximately 4 MGD with full build-out peak flow at approximately 10 MGD. If existing easements/rights-of-way were in place, a majority of pipeline construction would be across open ground. Parallel pipe construction in some locations might be an option, but was dependent on available right-of-way. Other options for consideration were as follows:

- Re-line entire segment: This would save on roadway repair, but would be cost-prohibitive for overall length. It would provide for a smoother surface than existing pipe, but capacity would be reduced by about 1" which would not provide for additional capacity.
- Re-route trunk main: Other routes would require pumping (or extremely deep pipe), which would result in higher long-term O&M costs. In addition, pavement surfacing repair would be extensive.

The total project cost was estimated to be approximately \$5 million. Funding was available through the Department of Ecology's SFY19 Water Quality Financial Assistance (Clean Water State Revolving Fund, CWSRF) program. The City would be eligible for hardship assistance of up to 50% of pre-construction costs to include application, pipe investigation, survey, engineering, etc. Funding assistance would be in the form of loan principal forgiveness. The City would not be eligible for construction hardship grant funding as sewer rates would have to almost double. The balance of funding would be a loan with an interest rate of 2% for 20-year term. Applications were due by October 16th.

The City would need to amend the General Sewer Plan to identify project need and to satisfy DOE's site-specific planning requirements to be eligible for funding for design and construction. The amendment would be prepared as part of funding application and would need to be approved by the Council before December 19, 2017.

The funding schedule would be as follows: Applications would be rated and ranked by the end of December 2017. A draft funding list would be issued in January 2018. The funding list would be finalized by the end of June 2018. Funding agreements would be issued starting July 2018. It was understood that preconstruction costs back to the beginning of the project would be eligible for reimbursement once agreements were issued.

He recommended the City begin the right-of-way investigation and survey this fall so that design could proceed as soon as the funding list was issued, and construction could begin as soon as an agreement was finalized. By completing the survey now, the City would have the necessary background information before the ground was covered in snow and would also address any additional collapses or emergencies. In addition, the survey work would provide easements, location, depth, and accessibility.

Discussion took place.

On motion by Councilmember Everett, second by Councilmember Moore, Council approved Resolution No. 2017-44 approving Task Order No. 2017-02 with HLA Engineering and Land Surveying, Inc., for the sanitary sewer trunk main replacement – topographic survey and easement/right-of-way investigation.

B. Opioid Crisis – Police Chief Fuller

Police Chief Fuller requested that the Council reschedule his presentation on the opioid crisis. He had invited the director of the Yakima County LEAD Drug Task Force to assist in the presentation, but unfortunately he was unable to attend this evening.

4. PUBLIC COMMENT – None

5. CONSENT AGENDA

Councilmember Souders requested that the minutes of the September 26, 2017 Committee-of-the-Whole meeting be removed from the Consent Agenda and placed under the Active Agenda for discussion.

Councilmember Brewer requested that the minutes of the September 26, 2017 Council meeting be removed from the Consent Agenda and placed under the Active Agenda for discussion.

On motion by Councilmember Rodriguez, second by Councilmember Souders, Council approved the Consent Agenda consisting of the following:

- A. Payroll Electronic Fund Transfers (EFT) Nos. 5832-5837 in the amount of \$90,852.72
- B. Payroll Check Nos. 9876-9911 in the amount of \$26,326.33
- C. Payroll Direct Deposit 9/16/17 – 9/30/17 in the amount of \$101,227.65
- D. Claim Check Nos. 113739-113825 in the amount of \$138,048.38

6. ACTIVE AGENDA

- A. Resolution No. 2017-41 authorizing the Mayor to sign the Local Programs State Funding Agreement and Local Agency Federal Aid Project Prospectus with the Washington State Department of Transportation for the Elm Street and Fir Street Sidewalk Improvements – 2017 Safe Routes to School Program State Funding

This item was previously discussed at the September 26, 2017 C.O.W. meeting.

On motion by Councilmember Moore, second by Councilmember Souders, Council approved Resolution No. 2017-41 authorizing the Mayor to sign the Local Programs State Funding Agreement and Local Agency Federal Aid Project Prospectus with the Washington State Department of Transportation for the Elm Street and Fir Street Sidewalk Improvements – 2017 Safe Routes to School Program State Funding.

- B. Resolution No. 2017-42 authorizing the Mayor to sign a Mutual Aid Agreement with West Benton Regional Fire Authority

This item was previously discussed at the September 26, 2017 C.O.W. meeting.

On motion by Councilmember Everett, second by Councilmember Rodriguez, Council approved Resolution No. 2017-42 authorizing the Mayor to sign a Mutual Aid Agreement with West Benton Regional Fire Authority.

C. Ordinance No. 2017-9 amending the 2017 Annual Budget

This item was previously discussed at the September 26, 2017 C.O.W. meeting.

On motion by Councilmember Mendoza, second by Councilmember Rodriguez, Council approved Ordinance No. 2017-9 amending the 2017 Annual Budget.

D. Resolution No. 2017-43 accepting the West Fifth Street Resurfacing Improvements as complete

This item was previously discussed at the September 26, 2017 C.O.W. meeting.

On motion by Councilmember Rodriguez, second by Councilmember Everett, Council approved Resolution No. 2017-43 accepting the West Fifth Street Resurfacing Improvements as complete.

E. Little Free Library

This item was previously discussed at the September 26, 2017 C.O.W. meeting.

On motion by Councilmember Mendoza, second by Councilmember Rodriguez, Council approved the request to locate a Little Free Library near the Dykstra Park parking lot next to Euclid Road.

Councilmember Brewer voted in opposition.

F. Minutes of the September 26, 2017 Committee-of-the-Whole Meeting

Councilmember Souders requested that the minutes of the September 26, 2017 Committee-of-the-Whole meeting under item (H) Little Free Library, be amended in order for her to reflect the Friends of the Library's role in the Little Free Library.

On motion by Councilmember Everett, second by Councilmember Souders, Council tabled the minutes of the September 26, 2017 Committee-of-the-Whole meeting to the next Council meeting in order for Councilmember Souders to provide a written addendum to the minutes to reflect the Friends of the Library's role in the Little Free Library.

G. Minutes of the September 26, 2017 Council meeting

Councilmember Brewer requested that the minutes of the September 26, 2017 Council meeting under item (A) Closed Record Public Hearing – Petition for Annexation & Rezone – Port of Grandview & Lois Higgins Family, LLC – Stover Road/Puterbaugh Road, be amended as follows:

Council requested clarification of the record as follows:

- *Councilmember Brewer asked whether there were any critical areas on the property proposed for annexation. City Clerk Palacios advised that there were none as identified*

in the Critical Areas and Biological Assessment prepared on behalf of the Port of Grandview.

He requested that the word "as" be stricken.

On motion by Councilmember Brewer, second by Councilmember Mendoza, Council approved the minutes of the September 26, 2017 Council meeting as amended.

7. UNFINISHED AND NEW BUSINESS – None

8. CITY ADMINISTRATOR AND/OR STAFF REPORTS –

Sewer Transmission Main Emergency Repairs – City Administrator Arteaga reported that all emergency repairs to the sewer transmission main were complete. The area was cleaned up and all by-pass pumping equipment was returned.

Henningsen Cold Storage – City Administrator Arteaga reported that staff would be meeting on October 11th with the project team for the construction of the new Henningsen Cold Storage facility at the Byam Business Park.

Assistant Public Works Director Resignation – City Administrator Arteaga reported that Assistant Public Works Director Santos Trevino would be resigning from his position in February 2018. He had interviewed a potential candidate to fill the position.

9. MAYOR & COUNCILMEMBER REPORTS

Sewer Transmission Main Emergency Repairs – Councilmember Souders thanked the Mayor for all of his time and efforts spent during the emergency sewer main repairs. Councilmember Brewer thanked City Administrator Arteaga for all of his time and effort spent during the emergency sewer main repairs.

Little Free Library Ribbon Cutting – Councilmember Souders reported that a ribbon cutting for the Little Free Library was scheduled for Saturday, October 14th, 2:30 p.m., at Dykstra Park.

10. ADJOURNMENT

On motion by Councilmember Everett, second by Councilmember Moore, Council adjourned the meeting at 8:40 p.m.

Mayor Norm Childress

Anita Palacios, City Clerk

**GRANDVIEW CITY COUNCIL
SPECIAL MEETING MINUTES – BUDGET
OCTOBER 16, 2017**

1. CALL TO ORDER

Mayor Norm Childress called the special meeting to order at 6:00 p.m. in the Council Chambers at City Hall.

Present were: Mayor Childress and Councilmembers Gaylord Brewer, Mike Everett, Bill Moore and Javier Rodriguez.

Councilmember Joan Souders arrived at 6:10 p.m.

Absent from the meeting were Councilmembers Dennis McDonald and Gloria Mendoza.

Staff present were: City Administrator/Public Works Director Cus Arteaga, City Treasurer Matt Cordray, Parks & Recreation Director Mike Carpenter and City Clerk Anita Palacios.

2. 2018 PRELIMINARY BUDGET

2018 Current Expense Fund Revenue Sources

City Treasurer Cordray explained that the operating revenue for the Current Expense Fund in 2018 was estimated to be \$5,290,685. The Current Expense Fund revenues estimates were as follows:

<u>Revenue Type</u>	<u>Amount</u>
Property Taxes	\$1,530,000
Sales Tax	\$ 591,500
Criminal Justice Tax	\$ 165,000
City Utility Taxes	\$1,023,500
Private Utility Taxes	\$1,025,000
Other Taxes	\$ 2,000
Licenses & Permits	\$ 131,500
Intergovernmental Revenues	\$ 357,300
Charges for Service	\$ 152,160
Fines & Forfeits	\$ 178,210
Misc. & Other Revenues	<u>\$ 134,515</u>
Total Revenue	\$5,290,685

A public hearing to consider the revenue sources for the 2018 Current Expense Fund budget would take place at the October 23, 2017 Council meeting.

2018 Expenditure Estimates – Current Expense Fund

City Treasurer Cordray continued the presentation of the 2018 preliminary budget, as follows:

Senior Citizen Services

2017 Budget \$12,860

2018 Estimate \$19,190

Notable Changes in 2018 – Separation pay for outgoing Parks and Recreation Director and provisions for 1 month training for incoming Parks and Recreation Director.

Recreation Services

2017 Budget \$128,420

2018 Estimate \$184,300

Notable Changes in 2018 – Separation pay for outgoing Parks and Recreation Director and provisions for 1 month training for incoming Parks and Recreation Director. Increase of \$2,500 for office and operating supplies to purchase new game room equipment with the approval of a Wal-Mart grant.

Aquatics Services

2017 Budget \$134,120

2018 Estimate \$133,810

Notable Changes in 2018 – \$6,500 in the professional service line item was for application for an RCO Grant (\$1,500 – grant assistance and \$5,000 preliminary design with HLA Engineering for Phase 3 of the swim pool improvement project – splash pad. This budget also included separation pay for outgoing Parks and Recreation Director and provisions for one month training for incoming Parks and Recreation Director.

Museum

2017 Budget \$32,570

2018 Estimate \$28,925

Notable Changes in 2018 – An amount of \$5,000 in Improvement other than Buildings included \$3,500 for supplies and equipment for digitization of exhibits and records and \$1,500 for a solar lit flagpole. The \$2,900 in Professional Services included janitorial fees and exhibit restoration. This budget also included separation pay for the outgoing Parks and Recreation Director and provisions for 1 month of training for incoming Parks and Recreation Director.

Community Center

2017 Budget \$50,750

2018 Estimate \$56,650

Notable Changes in 2018 – In the Improvements Other than Buildings (Capital Expenditures) there was \$5,000 allocated for a shelter with concrete floor just outside the dining area of the Community Center. In the Machinery and Equipment (Capital Expenditures) there was \$2,000 allocated to replace the existing computer which was outdated.

In the absence of Fire Chief Pat Mason, the following Fire Department budgets would be considered at the November 6, 2017 special budget meeting:

- Fire Administration Services
- Fire Suppression Services
- Emergency Medical Services Fund

3. ADJOURNMENT

The special meeting adjourned at 7:30 p.m.

Mayor Norm Childress

Anita Palacios, City Clerk



**CITY OF GRANDVIEW
NOTICE OF PUBLIC HEARING
2018 CURRENT EXPENSE FUND REVENUE SOURCES**

NOTICE IS HEREBY GIVEN that the City Council of the City of Grandview, Washington will conduct a public hearing on Monday, October 23, 2017, 7:00 p.m., at Grandview City Hall, 207 West Second Street, Grandview, WA, to consider the revenue sources for the 2018 Current Expense Fund budget which will include consideration of possible increases in property tax revenues together with the proposed ordinance levying taxes in the amount of \$1,533,600.00 for the regular levy and the proposed Operating Revenue for the Current Expense Fund is \$5,290,685.00.

The public is invited to attend this hearing and provide written and oral comments on the proposed revenue sources, to include property tax revenues for the 2018 Current Expense Fund budget. If you are unable to attend this public hearing, written comments will be received until 5:00 p.m. the day of the hearing.

If you have a disability for which you will need reasonable accommodations, please contact the City Clerk, at the preceding address or telephone (509) 882-9208 one week prior to the meeting.

CITY OF GRANDVIEW

Anita G. Palacios, MMC
City Clerk

Publish: Daily Sun News – October 9, 2017 & October 16, 2017

**CITY OF GRANDVIEW
CITY COUNCIL**

PUBLIC HEARING PROCEDURE

THE FOLLOWING PROCEDURE IS USED BY THE GRANDVIEW CITY COUNCIL TO MEET APPEARANCE OF FAIRNESS REQUIREMENTS:

MAYOR

1. The public hearing for the purpose of receiving comments on the **2018 Current Expense Fund Revenue Sources** is now open.
2. Before hearing from the public, City Treasurer Matt Cordray will present the staff report.
3. Public comments will now be received. When you address the Council, begin by stating your name and address for the record.
4. Comments received by mail will now be entered in the record. The City Clerk will read any received.
5. The public testimony portion of this hearing is now closed. No further comments will be received.

2018 Current Expense Fund Revenue Sources

The operating revenue for the Current Expense Fund in 2018 was estimated to be \$5,290,685. The Current Expense Fund revenues estimates were as follows:

<u>Revenue Type</u>	<u>Amount</u>
Property Taxes	\$1,530,000
Sales Tax	\$ 591,500
Criminal Justice Tax	\$ 165,000
City Utility Taxes	\$1,023,500
Private Utility Taxes	\$1,025,000
Other Taxes	\$ 2,000
Licenses & Permits	\$ 131,500
Intergovernmental Revenues	\$ 357,300
Charges for Service	\$ 152,160
Fines & Forfeits	\$ 178,210
Misc. & Other Revenues	<u>\$ 134,515</u>
Total Revenue	<u>\$5,290,685</u>

RESOLUTION NO. 2017-45

**A RESOLUTION OF THE CITY OF GRANDVIEW, WASHINGTON,
AUTHORIZING THE CITY OF GRANDVIEW PUBLIC WORKS DEPARTMENT
TO REPAIR A PRIVATE PARKING LOT OWNED BY PHILLIP WINTERHOLLER
IN EXCHANGE FOR AN EXCLUSIVE PERPETUAL EASEMENT
FOR THE MEMORIAL PLAZA**

WHEREAS, Phillip Winterholler is the owner of real property located at 132 Division Street in the City of Grandview, Yakima County Tax Parcel No. 230923-12461; and

WHEREAS, the building at 132 Division Street was formerly occupied by the Grandview chapter of the Veterans of Foreign Wars ("VFW"), during which time a small memorial area was constructed on the property, which includes several concrete structures, a plaque and a flagpole (collectively the "Memorial Plaza"), for the purpose of honoring America's military veterans; and

WHEREAS, the Memorial Plaza has over the years become an important feature of the City of Grandview and is used by the general public for the purpose of paying tribute to and otherwise acknowledging the service of America's military veterans; and

WHEREAS, the Memorial Plaza has become an integral part of the City's downtown area and closely associated with the City's identity as a home to and supporter of America's military veterans; and

WHEREAS, the VFW no longer occupies the building at 132 Division Street and its members no longer actively maintain the Memorial Plaza; and

WHEREAS, an important public purpose is served by ensuring that Memorial Plaza is maintained appropriately and that residents of Grandview have access to and use of the Memorial Plaza for the purposes of gathering and acknowledging the service of America's military veterans; and

WHEREAS, in order to ensure that such access and use are continued, Mr. Winterholler is willing to provide an exclusive perpetual easement over his property to the City for the Memorial Plaza in exchange for parking lot repairs at an estimated cost of \$500.00,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANDVIEW, WASHINGTON, as follows:

The repairs of the parking lot located at 132 Division Street in the City of Grandview, Yakima County Tax Parcel No. 230923-12461 in exchange for the Memorial Plaza easement are hereby approved upon delivery of the easement to the City by Mr. Phillip Winterholler in the form as is attached hereto.

PASSED by the **CITY COUNCIL** and **APPROVED** by the **MAYOR** at its special meeting on October 23, 2017.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

RETURN TO:

City Clerk
City of Grandview
207 West Second Street
Grandview, Washington 98930

EASEMENT

Grantor:	Phillip Winterholler
Grantee:	City of Grandview, a Municipal Corporation
Legal Description (abbreviated):	Lot 8, 9 and 10, Block 17, Grandview, WA
Parcel Number(s):	230923-12461
Address:	132 Division Street, Grandview, WA 98930

GRANTOR, **PHILLIP WINTERHOLLER**, for and in consideration of ten dollars (\$10.00) and other valuable consideration, grants unto the **CITY OF GRANDVIEW, WASHINGTON**, a municipal corporation, their heirs, devisees, grantees and assigns, an exclusive perpetual easement for the purpose of maintaining Memorial Plaza, including necessary ingress, egress, maintenance and repairs, over and across the following described property located in Yakima County, Washington, to wit:

That portion of Lot 10, Block 17, PLAT OF GRANDVIEW, according to the official plat thereof recorded in Volume 'B' of Plats, Page 6, records of Yakima County, Washington, described as follows:

Beginning at the Northeast corner of said Lot 10;
Thence South 89°42'45" West along the North line of said Lot 10 a distance of 6.70 feet;
Thence South 46°59'51" West 13.03 feet;
Thence South 1°11'24" West 5.98 feet;
Thence South 47°57'37" East 13.59 feet;
Thence North 89°39'46" East 6.40 feet to the East line of said Lot 10;
Thence North 0°20'14" West along said East line 23.96 feet to the Point of Beginning;

Situated in Yakima County, Washington.

Portion of Parcel No. 230923-12461

This easement is appurtenant to and shall run with the land described as Grandview Lots 8, 9, and 10, Block 17, City of Grandview, Yakima County, Washington.

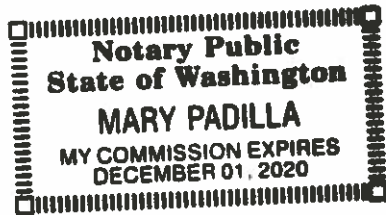
DATED the 26 day of September, 2017.

Phillip Winterholler
PHILLIP WINTERHOLLER

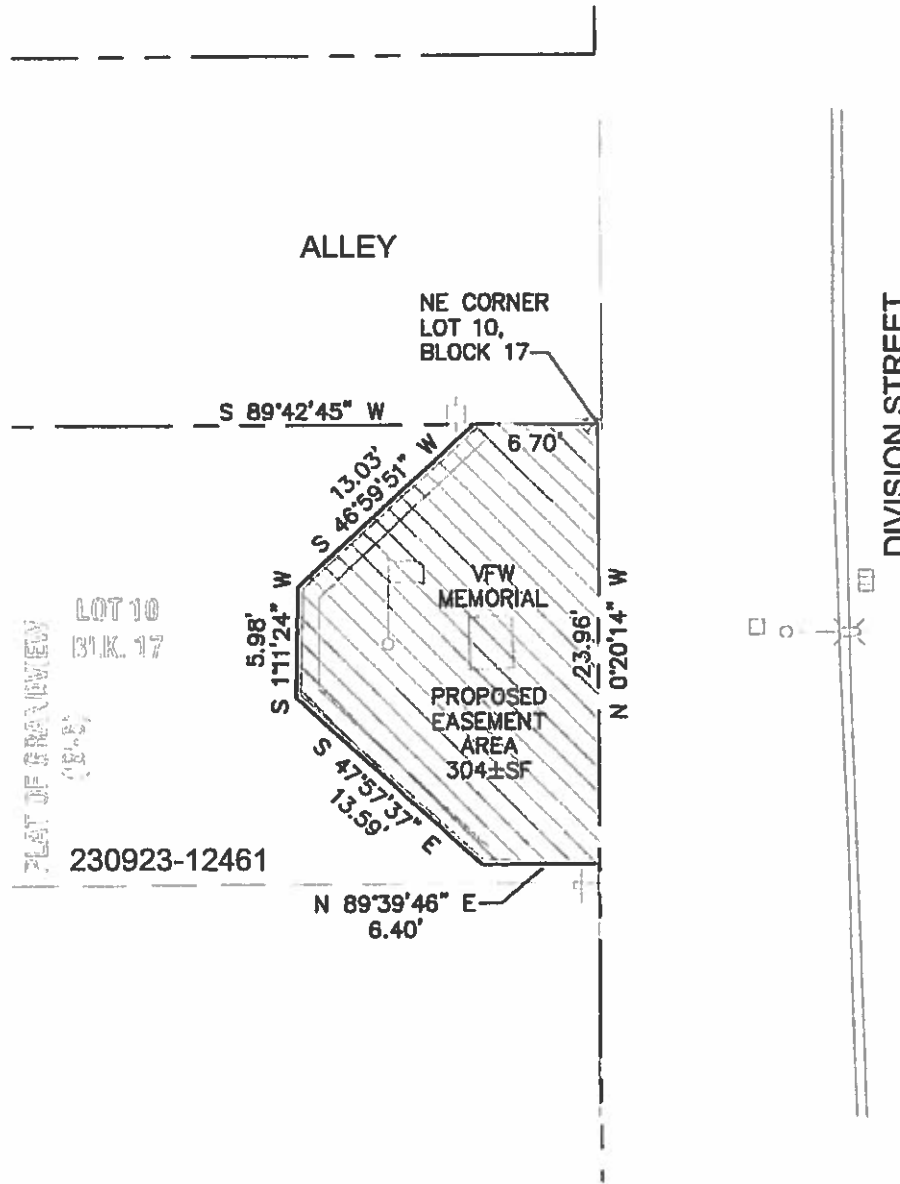
STATE OF WASHINGTON)
 ss:
COUNTY OF YAKIMA)

On this day, personally appeared before me Phillip Winterholler to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that she signed the same freely and voluntarily for the uses and purposes therein expressed.

GIVEN under my hand and official seal this 26th day of September, 2017.



Mary Padilla
NOTARY PUBLIC in and for the State of Washington
Residing at: Grandview
My commission expires: 12/1/20



P: Projects/2017/17007/VFW/17007VFW.dwg



2803 River Road
Yakima, WA 98902
509.966.7000
Fax 509.963.3800
www.hlacivil.com

City of Grandview
Easement Exhibit

Veteran's Memorial
Yakima County, Washington

**GRANDVIEW CITY COUNCIL
COMMITTEE-OF-THE-WHOLE SPECIAL MEETING MINUTES EXCERPT
OCTOBER 10, 2017**

4. NEW BUSINESS

C. Industrial User Contract Schedule "A" Revisions

WWTP Superintendent Lorenz explained that Grandview Municipal Code Section 13.12.130 required all large industrial users to enter into an industrial discharge contract with the City. The contract included a Schedule "A" attachment that identified maximum loading limits for flow, BOD and TSS. The Schedule "A" on the various industrial user contracts have been revised numerous times throughout the years based on changes in industry operations and increases in product processing. In a letter dated September 21, 2017, the Department of Ecology (DOE) requested that the City revise the current Schedule "A" by removing the 120% rule footnote which states "Wastewater discharge shall not be considered a violation of the Industrial User's Washington Department of Ecology State Waste Discharge Permit until they reach 120% of the values listed in Schedule "A". Staff recommended the City comply with the Department of Ecology's request to revise the Schedule "A" for the seven (7) industrial user contracts by removing the 120% rule footnote.

Discussion took place.

On motion by Councilmember Moore, second by Councilmember Mendoza, the C.O.W. moved to comply with the Department of Ecology's request to revise the Schedule "A" for the seven (7) industrial user contracts by removing the 120% rule footnote which states "Wastewater discharge shall not be considered a violation of the Industrial User's Washington Department of Ecology State Waste Discharge Permit until they reach 120% of the values listed in Schedule "A" to the October 23, 2017 special Council meeting for consideration.

RESOLUTION NO. 2017-46

**A RESOLUTION OF THE CITY OF GRANDVIEW, WASHINGTON,
APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF
GRANDVIEW AND THE CITY OF TOPPENISH REGARDING THE COOPERATIVE
USE OF FACILITIES, EQUIPMENT AND PERSONNEL**

WHEREAS, the City of Grandview and the City of Toppenish desire to formalize an operational framework that will encourage and promote the coordination and use of facilities and resources of each and all parties,

WHEREAS, the parties wish to enter into an interlocal agreement to set forth the agreement of the parties regarding the cooperative use of facilities, equipment and personnel,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANDVIEW, AS FOLLOWS:

1. The Interlocal Agreement between the City of Grandview and the City of Toppenish in the form as is attached hereto and incorporated herein by reference is hereby approved.
2. The Mayor is hereby authorized to sign the Interlocal Agreement for the City.

PASSED by the **CITY COUNCIL** and **APPROVED** by the **MAYOR** at its special meeting on October 23, 2017.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

RESOLUTION 2017-36

**A RESOLUTION APPROVING INTERLOCAL AGREEMENT
BETWEEN THE CITY OF TOPPENISH AND THE CITY OF
GRANDVIEW REGARDING THE COOPERATIVE USE OF
FACILITIES, EQUIPMENT AND PERSONNEL**

WHEREAS, the Cities of Toppenish and Grandview wish to enter into an agreement regarding the cooperative use of facilities, equipment and personnel, a copy of which is attached hereto, and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON AS FOLLOWS:

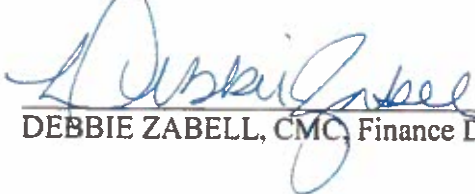
The Interlocal Agreement between the City of Toppenish and the City of Grandview regarding the Cooperative Use of Facilities, Equipment and Personnel is approved and the City Manager is authorized to execute said agreement on behalf of the City of Toppenish.

This resolution shall be effective immediately upon passage and signatures hereto.

PASSED by the Toppenish City Council at its regular meeting held on September 25, 2017.


CLARA R. JIMENEZ, Mayor

ATTEST:


DEBBIE ZABELL, CMC, Finance Director/City Clerk

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF TOPPENISH
AND THE CITY OF GRANDVIEW REGARDING THE COOPERATIVE USE OF
FACILITIES, EQUIPMENT AND PERSONNEL**

THIS INTERLOCAL AGREEMENT is entered into by and between the parties named herein for the uses and purpose stated below pursuant to the authority of Chapter 39.34 RCW and applicable law.

Section 1. PARTIES: The parties to this Agreement are:

A. CITY OF TOPPENISH, hereinafter called "TOPPENISH," is a municipal corporation of the State of Washington with City Hall located at 21 West First Avenue, Toppenish, WA 98948.

B. CITY OF GRANDVIEW, hereinafter called "GRANDVIEW," is a municipal corporation of the State of Washington with City Hall located at 207 West 2nd Street, Grandview, Washington 98930.

Section 2. AUTHORITY: Each of the parties is authorized to enter into this Interlocal Agreement (hereafter "Agreement") pursuant to Chapter 39.34 RCW which permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities.

Section 3. PURPOSE: The parties named above desire to formalize an operational framework that will encourage and promote the coordination and use of facilities and resources of all parties in accordance with the authority cited in Section 2 above.

NOW, THEREFORE, in consideration of the mutual covenants, conditions and benefits herein, the parties agree as follows:

Section 4. MASTER AGREEMENT: The City Manager of TOPPENISH and the Mayor of GRANDVIEW (hereafter collectively called "Executive Officers") are hereby authorized to execute one or more separate agreements that, by this reference, shall become part of this Agreement, provided that such separate agreements are signed by the parties participating in the specific undertaking and reference this Agreement. The separate agreements shall address issues relating to share of facilities and/or resources controlled or owned by the parties or any of them. Such separate agreements (hereafter "Specific Project Agreements") may address any matter of mutual concern or benefit, and may include, but are not limited to, the following:

- Use of facilities, equipment, personnel
- Access to facilities, equipment, personnel
- Operation and maintenance of facilities
- Operation of programs
- Charges, costs or fees

- Site improvements
- Times, dates and duration of use or access to equipment and facilities
- Joint purchasing
- Joint services

Prior to execution of any Specific Project Agreement in which the value of services exchanged or expended will exceed fifteen thousand dollars (\$15,000.00), each party shall obtain approval from its respective legislative body.

Section 5. ADMINISTRATION:

5.1 Joint Board. This Agreement shall not create any separate legal entity. This Agreement shall be administered by a Joint Board consisting of the Executive Officers, who shall meet and confer at such times deemed necessary and appropriate for the efficient conduct of business pertaining to such administration. Each Executive Officer shall be responsible for reporting the conduct of such administration to their respective legislative bodies.

5.2 Budgets and Costs of Administration for Joint Projects. Fiscal matters and descriptions of any shared services, programs, facilities and equipment, including budget and costs of administration of projects, party's responsibilities shall be set forth in Specific Project Agreements pursuant to Section 4 above, are each party's responsibilities as delineated therein.

5.3 Operating Fund. Nevertheless, the Joint Board may create any operating fund authorized by law, including but not limited to, establishment of a special fund with a state, county, city, or district treasurer servicing an involved public agency designated "Operating fund of Toppenish-Grandview Joint Board."

5.4 Acquisition and Disposition of Property. Any real or personal property acquired shall be pursuant to Separate Project Agreement pursuant to Section 4 above, which shall address the means of acquisition, funding of acquisition, use and disposition of such property. Disposition of any real or personal property acquired pursuant to this Agreement but not addressed in any Separate Project Agreement, or as otherwise agreed in writing, shall be disposed of as follows:

(a) In the event of termination by all parties to any Separate Project Agreement, such property shall be sold. Proceeds from any sale of property shall be divided and paid to each party in proportion to the amount contributed by such party for the acquisition thereof. For any property not sold, title shall vest in each party in proportion to the amount contributed by each party for the acquisition thereof as tenants in common.

(b) In the event of termination by one party to any Separate Project Agreement, leaving two parties participating, the terminating party shall be paid and reimbursed the amount originally contributed by the terminating party for the acquisition of such property, less applicable depreciation.

No provision of this Agreement or Separate Project Agreement made pursuant to this Agreement shall relieve any public agency of any obligation or responsibility imposed upon it by law except that:

(a) To the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made pursuant to this chapter, the performance may be offered in satisfaction of the obligation or responsibility; and

(b) With respect to one or more public agencies purchasing or otherwise contracting through a bid, proposal, or contract awarded by another public agency or by a group of public agencies, any statutory obligation to provide notice for bids or proposals that applies to the public agencies involved is satisfied if the public agency or group of public agencies that awarded the bid proposal, or contract complied with its own statutory requirements and either (i) posted the bid or solicitation notice on a web site established and maintained by a public agency, purchasing cooperative, or similar service provider, for purposes of posting public notice of bid or proposal solicitations, or (ii) provided an access link on the state's web portal to the notice.

Section 6. INDEMNIFICATION: Each party shall defend, indemnify and hold harmless the other party, its elected officials, officers, employees, agents, volunteers or assigns from any and all claims, demands, losses, liens, damages, actions, judgments, liabilities, penalties, fines, lawsuits, costs and expenses (including attorney fees) which result from, arise out of, or are incidental to the indemnifying party's performance or failure to perform under this Agreement. This section shall survive the termination of this Agreement.

Section 7. INSURANCE: Each party shall obtain or maintain in effect sufficient liability and property insurance to cover its participation in the programs and projects entered into pursuant to this Agreement. The parties agree and understand that specific projects or programs may require issuance of separate insurance coverage, which costs and responsibilities will be addressed in each Separate Project Agreement.

Section 8. TERMINATION-EFFECT: Unless otherwise mutually agreed between both parties, either party may terminate its participation in this Agreement upon one year's advance written notice to the other party. Upon termination, the terminating party shall remain responsible for payment of any financial commitment undertaken pursuant to any individual Separate Project Agreement, which financial commitment represents payment for services already performed.

Section 9. DISPUTE RESOLUTION: In the event of any dispute or difference arising by reason of this Agreement or any provision or term thereof or the use and/or payment for any facility for the purpose of this Agreement, the dispute or difference shall be attempted to be resolved by the Joint Board. If the dispute or difference is unable to be resolved by the Joint Board, the matters shall be referred to the legislative bodies of the affected parties for resolution. Such decision shall be arrived at as expeditiously as possible.

Section 10. THIRD PARTY BENEFICIARIES: There are no third party beneficiaries to this Agreement, and this Agreement shall not be interpreted or construed to create such rights.

Section 11. INTEGRATED AGREEMENT-AMENDMENT: This Agreement, with each Specific Project Agreement hereafter attached and incorporated herein, constitutes the entire agreement between the parties, which shall not be amended except in writing signed by all parties.

Section 12. GENERAL PROVISIONS:

12.1 This Agreement shall be effective upon the date signed by the last party to execute the Agreement. This Agreement may be executed in counterpart.

12.2 A copy of this Agreement shall be filed with the Yakima County Auditor's office, or in lieu of filing this Agreement with the County Auditor, each party may list a copy of this Agreement on its website pursuant to RCW 39.34.040.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as follows:

CITY OF TOPPENISH

By: Lance C. Hoyt
Lance C. Hoyt, City Manager

Date: 9/26/2017

ATTEST:

By: Debbie Zabel
Debbie Zabel, CMC
Finance Director/City Clerk

APPROVED AS TO FORM:

By: Gary M. Cuillier
Gary M. Cuillier, City Attorney

CITY OF GRANDVIEW

By: _____
Norm Childress, Mayor

Date: _____

ATTEST:

By: _____
Anita Palacios, City Clerk

APPROVED AS TO FORM:

By: _____
Quinn N. Plant, City Attorney