

Kelso City Council Agenda

Regular Meeting, 6:00 pm
September 3, 2013
City Hall, Council Chambers
203 South Pacific
Kelso, WA 98626



Special accommodations for the handicapped and hearing impaired are available by special arrangement through the City Clerk's Office at 360-423-0900

Invocation:

Pastor Chuck Dunnavant , Longview Church of the Nazarene

Roll Call to Council Members:

1. Approve Minutes:

1.1. August 20, 2013 – Regular Meeting

2. Presentation:

2.1. Solid Waste Rates – Don Olson, Cowlitz County Public Works

3. Consent Items:

3.1. Agreement – Bus Stop Maintenance

4. Citizen Business:

5. Council Business:

5.1. Contract – West Main Realignment

5.2. Contract – Sunrise Avenue Waterline Replacement

6. Action/Motion Items:

6.1. Ordinance, 1st Reading

6.1.1. 2013 Budget Revision

6.2. Ordinance, 2nd Reading

6.2.1. Public Records Policy

6.3. Ordinance, 2nd Reading

6.3.1. Special Events Permit Timeline Chapter 12.24

6.4. Ordinance, 2nd Reading

Kelso City Council Agenda

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- 6.4.1. Amendment – Procurement Policy Code, Chapter 3.40
- 6.5. Ordinance, 2nd Reading
 - 6.5.1. Addition and Amendment – Contract Policy, Chapter 2.80
- 6.6. Resolution
 - 6.6.1. Adopt Procurement Policy
- 6.7. Resolution
 - 6.7.1. Master Fee Schedule
- 6.8. Ordinance, 1st Reading
 - 6.8.1. Repeal – Library Charges Policy

Other Items:

- City Manager Report
- Staff/Dept Head Reports
- Council Reports
- Other Business
- Executive Session

Pastor Darrell Brown, Abundant Life Church of the Nazarene, gave the invocation. Mayor David Futcher led the flag salute. The Regular Meeting of the Kelso City Council was called to order by Mayor David Futcher. Councilmembers in attendance were: Futcher, McDaniel, Schimmel, Myers, Lefebvre, Roberson, and Archer.

Minutes: Upon motion by Councilmember Lefebvre, seconded by Councilmember Schimmel, 'Approve the Minutes of the 8/20/13 Special Meeting and the 8/20/13 Regular Meeting.' Mayor Futcher commented that the time regarding the executive session in the minutes of the special meeting needs to be corrected to read 5:10 p.m. instead of 7:10 p.m. With the mentioned correction made to the minutes, motion carried, all voting yes.

PRESENTATIONS:

GFOA Award for Financial Reporting Excellence: City Manager Steve Taylor presented Finance Director Brian Butterfield with the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting Award. This is the 8th consecutive year that Mr. Butterfield has received this award.

CGI Community Video Project: Assistant to the City Manager Amy Mullerleile gave a power point presentation regarding a free community video program that is offered by CGI Communications. Mr. Taylor commented that this is a free marketing video opportunity and that he would like direction from the Council on which way to proceed. Upon motion by Councilmember Schimmel, seconded by Councilmember McDaniel, 'Pursue an agreement with CGI Communications.' Discussion followed. Motion carried, all voting yes.

PUBLIC HEARING:

Cannabis Land Use Moratorium Resolution No. 13-1093: Mayor Futcher opened the public hearing at 6:11 p.m. Comments and concerns from the audience were made by the following:

- Rick Von Rock, 400 North 7th Avenue
- Hollie Hillman, 401 North 19th Avenue
- Eric Husell, 410 North 19th Avenue

There being no further comments from the public, Mayor Futcher closed the public hearing at 6:26 p.m. Upon motion by Councilmember McDaniel, seconded by Councilmember Schimmel, 'Pass Resolution No. 13-1093, 'A RESOLUTION OF THE CITY OF KELSO, WASHINGTON, ADOPTING FINDINGS OF FACT IN SUPPORT OF ORDINANCE NO. 13-3803 ADOPTING A SIX MONTH MORATORIUM ON THE ESTABLISHMENT, LOCATION, OPERATION, LICENSING, MAINTENANCE, OR CONTINUATION OF MARIJUANA RELATED USES.' Discussion followed. Motion carried, all voting yes.

CONSENT AGENDA:

1. **Professional Service Agreement** – Street Condition Survey, Capitol Asset & Pavement Services Corporation
2. **Lease Agreement** – Train Depot Room 111, Cowlitz Transit Authority
3. **Contract** – Fleet Maintenance, Jacobsen’s Chevron
4. **Auditing of Accounts** – \$ 1,467,334.72

Mayor Futch asked if any items should be removed for separate consideration. Councilmember Myers requested to remove **Item No. 2 (Train Depot Room 111 Lease Agreement)** to be discussed separately.

Upon motion by Councilmember McDaniel, seconded by Councilmember Schimmel, ‘Approve the Consent Agenda and the Auditing of Accounts in the amount of \$1,467,334.72 with the removal of Item No. 2,’ motion carried, all voting yes.

CITIZEN BUSINESS:

Bill Kasch and Don Hanes, of Longview, spoke from the audience about the city entry sign that they and others donated to the City of Longview. The sign’s location marks the boundary of Longview and West Kelso.

COUNCIL BUSINESS:

Agreement – Department of Ecology Remedial Action Grant: Upon motion by Councilmember McDaniel, seconded by Councilmember Roberson, ‘Approve the DOE Remedial Action Grant Agreement,’ motion carried, all voting yes.

Contract – Cleanup Brownfield Site, 1124 North Pacific Avenue: Upon motion by Councilmember Lefebvre, seconded by Councilmember Schimmel, ‘Approve the contract with Anderson Environmental Contracting for the cleanup of the Brownfield Site,’ motion carried, all voting yes.

Agreement – Wetland Mitigation Lease: Upon motion by Councilmember Lefebvre, seconded by Councilmember Archer, ‘Approve the Wetland Mitigation Lease Agreement with Habitat Bank.’ Shelly Buller, 3400 Allen Street, spoke from the audience about potential ramifications to the inhabitants and the neighborhood around the wetland. Mr. Taylor commented that the land will be technically preserved in its natural state and the ecological value will be enhanced with the work that will be done. Discussion followed. Motion carried, all voting yes.

Collective Bargaining Agreement – Teamsters Union: Upon motion by Councilmember McDaniel, seconded by Councilmember Lefebvre, ‘Approve the Collective Bargaining Agreement,’ motion carried, all voting yes.

Continuation of the Consent Agenda (Item No. 2 previously removed): Upon motion by Councilmember Roberson, seconded by Councilmember Schimmel, 'Approve the Train Depot Room 111 Lease Agreement with Cowlitz Transit Authority.'

Councilmember Myers asked about the CTA having access to the downstairs restrooms when their office will be upstairs. Public Works Director David Sypher commented that the CTA will be holding regular training sessions in the downstairs meeting room so they wanted access to the restrooms. Motion carried, all voting yes.

MOTION ITEMS:

Ordinance No. (1st Reading) – Public Records Policy: The Deputy Clerk read the proposed ordinance by title only. Upon motion by Councilmember Myers, seconded by Councilmember Lefebvre, 'Pass on 1st reading, 'AN ORDINANCE OF THE CITY OF KELSO REPEALING ORDINANCE 3205 CODIFIED AT KMC 2.26 PUBLIC RECORDS DISCLOSURE AND ADOPTING A NEW KMC 2.26 PUBLIC RECORDS DISCLOSURE TO REPLACE THE REPEALED CHAPTER,' motion passed, all voting yes.

Ordinance No. (1st Reading) – Special Events Permit Timeline Chapter 12.24: The Deputy Clerk read the proposed ordinance by title only. Upon motion by Councilmember Schimmel, seconded by Councilmember Myers, 'Pass on 1st reading, 'AN ORDINANCE OF THE CITY OF KELSO REPEALING ORDINANCE 3573 CODIFIED AT KMC 12.24 PARADES AND ADOPTING A NEW KMC 12.24 SPECIAL EVENTS TO REPLACE THE REPEALED CHAPTER.' Discussion followed. Councilmembers Fatcher, McDaniel, Lefebvre, Schimmel, Myers and Roberson voted yes. Councilmember Archer voted no. Motion passed 6 to 1.

Ordinance No. (1st Reading) – Procurement Policy Code Amendment to Chapter 3.40: The Deputy Clerk read the proposed ordinance by title only. Upon motion by Councilmember Roberson, seconded by Councilmember Lefebvre, 'Pass on 1st reading, 'AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON AMENDING CHAPTER 3.40 OF THE KELSO MUNICIPAL CODE ESTABLISHING PURCHASING PROCEDURES,' motion passed, all voting yes.

Ordinance No. (1st Reading) – Contract Policy Amendment and Addition to Chapter 2.80: The Deputy Clerk read the proposed ordinance by title only. Upon motion by Councilmember Roberson, seconded by Councilmember Myers, 'Pass on 1st reading, 'AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON ADDING SECTION 2.80.035 RELATING TO GENERAL CONTRACT EXECUTION AND AMENDING KELSO MUNICIPAL CODE SECTIONS 2.80.050 AND 2.80.055 RELATING TO THE APPROVAL OF MINOR CONTRACTS AND ADMINISTRATION OF CHANGE ORDERS,' motion passed, all voting yes.

Resolution No. 13-1094 – Cancellation of Warrants: The Deputy Clerk read the proposed resolution by title only. Upon motion by Councilmember Myers, seconded by Councilmember Roberson, ‘Pass Resolution No. 13-1094, ‘A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KELSO CANCELLING CERTAIN WARRANTS OF THE CITY PURSUANT TO RCW 39.56.040,’ motion carried, all voting yes.

WALK-ON ITEM:

Contract – Mill Street Restoration Project: Upon motion by Councilmember Roberson, seconded by Councilmember Archer, ‘Approve the contract with Advanced Excavation Specialists.’ City Engineer Mike Kardas briefed the Council on the restoration project. Motion passed, all voting yes.

MANAGER’S REPORT:

Steve Taylor: Commented that Cowlitz County will be adopting new solid waste rates on September 3, 2013. Cowlitz County Solid Waste Manager Don Olson will be giving a presentation regarding the increased rates at the September 3, 2013, City of Kelso Council Meeting.

COUNCIL REPORTS:

Dan Myers: No report.

Rick Roberson: Provided an update on the new CTA bus routes. Councilmember Myers commented that he would eventually like to see the statistics of how the new bus routes affect ridership.

Gary Schimmel: No report.

Todd McDaniel: Commented that the CTA has new software that provides the technology to keep track of ridership.

Gary Archer: Provided an update on the last Park Board Meeting.

Kim Lefebvre: No report.

David Futcher: No report.

EXECUTIVE SESSION:

The Council convened into Executive Session at 7:00 p.m. to discuss a labor agreement and property acquisition. The Executive Session is expected to last approximately 10 minutes. The attorney was present and no action was taken.

The Council reconvened into Regular Session at 7:12 p.m.

There being no further business, Mayor Fatcher adjourned the meeting at 7:12 p.m.

MAYOR

CITY CLERK

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE:

Interlocal Agreement with RiverCities Transit
Regarding Bus Stop Installation in the Right of Way

Agenda Item: _____

Dept. of Origin: Community Dev/Engineering

For Agenda of: September 3, 2013

PRESENTED BY:

Michael Kardas, PE
Community Development Director/City Engineer

Cost of Item: _____

City Manager: Steve Taylor

AGENDA ITEM ATTACHMENTS:

Bus Stop Right of Way Agreement

SUMMARY STATEMENT:

This agreement outlines the responsibilities of the City of Kelso and RiverCities Transit to establish and maintain busstop signing and related facilities on the routes within the City of Kelso. Having an agreement in place will streamline requests for busstop sign installation and repairs.

FINANCIAL SUMMARY:

None

RECOMMENDED ACTION:

Staff recommend Council grant the City Manager authority to enter into this agreement with RiverCities Transit.

Bus Stop Right of Way Agreement

This Agreement is entered into between the City of Kelso (hereafter referred to as the City) and RiverCities Transit, on behalf of the Cowlitz Transit Authority, (hereafter referred to as Transit) for the purpose of establishing a set of agreed procedures governing the placement and maintenance of bus stops.

Whereas, Transit's use of the City rights of way to operate its transit system is addressed by separate Agreement; and

Whereas, the Parties intend that this Agreement shall govern the planning, installation, and maintenance of certain simple bus stop facilities as defined herein within the City right of way to minimize duplicative and costly permitting processes; and

Whereas, the Parties contemplate that Transit will obtain a Right of Way Permit from the City for the installation of simple bus stop facilities as defined herein that will set forth additional terms and conditions governing the installation of such facilities; and

Whereas, this Agreement is not intended to govern other facilities that are not simple bus stop facilities or alter the permitting process therefore; and

Whereas, nothing in this Agreement is intended to restrict the City's authority to regulate its right of way or to restrict its ability to condition any work within the right of way for the protection of the public safety;

NOW THEREFORE, the Parties agree as follows:

I. Purpose

The purpose of this Agreement is to set forth the agreed procedures and the rights and responsibilities of the parties for the installation, removal, and maintenance of simple bus stop facilities as described in Section II.

II. Scope

A. This Agreement only covers the process for the placement of simple bus stop facilities such as bus stop signs, poles, bicycle storage, seating, shelters, and any concrete pads necessary to support the same. This Agreement does not cover the construction of facilities that cost more than \$20,000 to design and construct or that will alter the physical layout of the portion of the right-of-way reserved for vehicular travel.

B. Transit is solely responsible for negotiating and purchasing, at its expense, any right of way needed for its facilities.

C. Transit shall obtain a five (5) year Right of Way Permit prior to any work being performed pursuant to this Agreement. Transit shall provide, with this permit application, a list of all locations for existing or proposed facilities. Because of the repetitive and routine nature of the Transit's work related to these simple bus stop facilities, the City acknowledges that multiple permits for the work contemplated under this Agreement would be costly and duplicative. The City agrees that the issuance of a five (5) year Right of Way Permit to govern all of Transit's construction and maintenance work within the City right of way on simple bus stop facilities is in the public interest. Transit shall, in

addition to the terms and conditions herein, also comply with the conditions set forth in the annual Right of Way Permit.

D. All facilities placed within the right of way by Transit under this Agreement shall remain the property of Transit and may be removed at any time by Transit.

III. Facility Installation and Removal.

A. Transit shall notify the City, in writing, at least ninety (90) calendar days in advance of its intention to commence the placement or construction of a simple bus stop facility within the right of way and outlining its proposed work. The City shall have thirty (30) calendar days from receipt of the written notice to object to the proposed work and shall set forth, in writing, its reasons for objection.

B. In the event that the City does not send notice of its objection to Transit for the facility, Transit shall have permission to perform the work outlined to the City in the notice consistent with the terms of this Agreement and the annual Right of Way Permit. In the event the City objects to the work, such work shall not proceed until such time as the City approves the work in writing. The City and Transit shall meet, if necessary, at least thirty (30) calendar days prior to the commencement of the work and the parties shall use their best efforts to resolve the concerns of the City in a manner that minimizes disruption to Transit operations.

C. Should, for any reason, Transit decide not to complete the simple bus stop facility after construction has begun, the City shall determine what work must be completed to restore the right-of-way to a condition and configuration that is safe for public use. Transit agrees to restore the City right of way to the satisfaction of the City and that all costs associated with restoring the right of way will be the sole responsibility of Transit.

D. In the event that all or any portion of the simple bus stop facility is no longer necessary, Transit shall submit a plan to the City and schedule removal of the of the facility or unused portion thereof. Upon removal of any facilities under this section, Transit shall restore any affected City right of way to its condition prior to installation of the bus stop, excluding the removal of any concrete pads as well as reasonable wear and tear. Transit agrees to restore the City right of way to the satisfaction of the City and that all costs associated with restoring the City right of way will be the sole responsibility of Transit.

E. If the City, in its sole discretion, determines that any portion or all of a bus stop must be modified, removed or relocated from the City's right of way related to the construction, repair, improvement, alteration, relocation, or maintenance of the right of way, or for the safety of the traveling public, the City shall provide written notice, at least sixty (60) days in advance, to Transit to modify, relocate, or remove any portion or all of the bus stop as may be required by the City. Transit agrees to perform such work to the satisfaction of the City and that all costs associated with the work and any restoration of the City right of way will be the sole responsibility of Transit. Transit agrees and acknowledges that if the City requires the removal of a bus stop from the right of way, such action does not constitute a taking under the eminent domain laws or make Transit eligible for relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended.

F. The Parties agree that Transit shall use poles and bus stop signs that will be of a design approved by the Cowlitz Transit Authority whose Board of Directors is comprised of elected officials including councilmembers from the City of Kelso City Council.

G. The City, in its sole discretion, reserves the right to perform engineering and/or inspection services during and after construction of any Transit simple bus stop facility in order to ensure compliance with the terms and conditions of this Agreement. If such work by the City is performed, it shall be at its own expense. Such services, however, are in addition to and shall not affect the City's regulatory authority to require engineering and inspection review of Transit's work pursuant to any issued permit or other authority, which shall be at Transit's expense. At the request of the City, Transit will provide supporting documentation for any work performed under this Agreement by submitting documentation to the City.

IV. Facility Maintenance.

A. Routine maintenance of bus stops is the sole responsibility of Transit and shall include cleaning the simple bus stop facility, cleaning all areas of the public right of way within ten (10) feet of the facility, repairing or replacing signage, repairing or replacing damage bus shelters, snow and ice removal at the bus stop location, emptying trash cans, and any other maintenance task that will promote a positive image for both Transit and the City.

B. Any painting of the curb, such as to mark a no parking zone, is the responsibility of the City.

C. The City will notify Transit of any unusual maintenance requirements unique to the location of the facility.

D. The City reserves the right to periodically inspect the maintenance of simple bus stop facilities constructed by Transit under this Agreement. The City shall provide written notice to Transit detailing corrective action required for maintenance that affects the safety and operation of the bus stop. The notice will set a reasonable period of time in which corrective action must be taken. Transit agrees to perform such work to the satisfaction of the City and that all costs associated with the work and any restoration of the City right of way will be the sole responsibility of Transit.

V. Indemnification

A. Transit agrees to indemnify and hold the City, its elected officials, officers employees, agents, and volunteers harmless from any and all claims, demands, losses, actions, and liabilities (including costs and all attorney fees) to or by any and all persons or entities, including, without limitation, their respective agents, licensees, or representatives, arising from, resulting from, or connected with this Agreement and the facilities constructed hereunder to the extent caused by the negligent acts, errors, or omissions of Transit, its agents, employees, or volunteers or by the Transit's breach of this Agreement .

B. The City agrees to indemnify and hold Transit, its elected officials, officers employees, agents, and volunteers harmless from any and all claims, demands, losses, actions, and liabilities (including costs and all attorney fees) to or by any and all persons or entities, including, without limitation, their respective agents, licensees, or representatives, arising from, resulting from, or connected with this Agreement to the extent caused by the negligent acts, errors, or omissions of the City, its agents, employees, or volunteers or by the City's breach of this Memorandum of Understanding.

VI. Insurance

A. Transit hereby certifies that it has obtained and has in effect the following minimum insurance coverage, either through a program of self-insurance or otherwise:

- i) Commercial General Liability covering the risks of bodily injury (including death), property damage and personal injury, including coverage for contractual liability, with a limit of not less than \$2 million per occurrence/\$4 million general aggregate;
- ii) Business Automobile Liability (owned, hired, or non-owned) covering the risks of bodily injury (including death) and property damage, including coverage for contractual liability, with a limit of not less than \$2 million per accident;
- iii) Employers Liability (Stop Gap) insurance covering the risks of Transit's employees' bodily injury by accident or disease with limits of not less than \$1 million per accident for bodily injury by accident and \$1 million per employee for bodily injury by disease;

B. These minimum insurance limits shall remain in effect for the duration of this Permit. Upon request by the City, Transit shall provide proof of said coverage within seven (7) calendar days of the request.

C. The City shall be named as an additional insured on Transit's Commercial General Liability Policy and on the Commercial General Liability Policy of any contractor of Transit performing work under this Agreement.

VII. General Provisions

A. Reimbursement for City Work. If Transit fails to perform any work under Sections III(C), III (D), III (E), or IV (D), then the City shall give Transit written notice of its failure to perform the required work. If Transit does not restore right-of way within ninety (90) days of the notice by the City, the City may perform the construction, restoration, or maintenance work, and Transit agrees that it shall pay the City for the City's expenses incurred in the performance of the work within 30 days of receipt of invoice from the City. Provided, however, that if the City fails to provide written notice at least 60 days in advance as required in Section III (E), then Transit shall not be responsible for City's costs. Provided, further, that at the request of Transit, the City will provide supporting documentation of its costs for any work performed under this section.

B. Emergencies. If the City or Transit determines in good faith that an emergency exists that requires immediate construction, removal, or maintenance work to a bus stop to protect any aspect of the right of way, or to secure the safety of the traveling public, such work may be performed by the City or Transit without prior approval of other Party.

C. Non Exclusivity. This Agreement shall not be deemed or held to be an exclusive one and shall not prohibit the City from granting rights of like or other nature to other parties, nor shall it prevent the City from using any of its highways, rights of ways, or other publicly-owned property, or affect its right to full supervision and control over all or any publicly-owned property, none of which is hereby surrendered.

D. Breach. Any breach of the terms and conditions of this Agreement, or failure on the part of Transit to proceed with due diligence and in good faith in the construction and maintenance of a bus stop, shall subject Transit's work request to cancellation and, at the option of the City, may require Transit or its contractors to remove all or part of the bus stop at Transit's expense.

E. Assignment. No assignment or transfer of this Agreement in any manner whatsoever shall be valid, nor vest any rights hereby granted, until the City consents thereto in writing and the assignee or successor accepts all terms of this Agreement.

F. Dispute Resolution. In the event that the staff representatives for the two parties are unable to reach Agreement on a disputed item pursuant to this Agreement, the Manager for Transit and the City Manager for the City shall confer to resolve disputes that arise under this Agreement within thirty (30) days upon the request of either Party. Transit and City agree that they shall have no right to seek relief in a court of law until and unless the Dispute Resolution process has been exhausted.

G. Entire Agreement. This Agreement contains all of the agreements of the Parties with respect to any matter covered or mentioned in this Agreement and no prior agreements shall be effective for any purpose.

H. Modification. No provisions of this Agreement may be amended or modified except by written agreement signed by the Parties.

I. Full Force and Effect. Any provision of this Agreement which is declared invalid or illegal shall in no way affect or invalidate any other provision hereof and such other provisions shall remain in full force and effect.

J. No Waiver. Failure or delay of the City to declare any breach or default immediately upon occurrence shall not waive such breach or default. Failure of the City to declare one breach or default does not act as a waiver of the City's right to declare another breach or default.

K. Authority. Each individual executing this Agreement on behalf of the City and Transit represents and warrants that such individuals are duly authorized to execute and deliver this Agreement on behalf of the Contractor or the City.

L. Notices. Any notices required to be given by the Parties shall be delivered at the addresses set forth below. Any notices may be delivered personally or may be deposited in the United States mail, postage prepaid, to the address set forth below. Any notice so posted in the United States mail shall be deemed received three (3) days after the date of mailing.

M. Counterparts. This Agreement may be executed in any number of counter-parts, which counterparts shall collectively constitute the entire Agreement.

N. Traffic Control Plans. During the construction and/or maintenance of a bus stop, Transit or its contractor shall comply with the Manual on Uniform Traffic Control Devices for Streets and Highways and the state of Washington's modifications thereto. If determined necessary by the City, Transit or its contractor shall submit a Signing and Traffic Control Plan to the City for approval prior to construction or maintenance. No lane closures shall be allowed except as approved by the City.

O. Working Hours. Work within the right of way shall be restricted to the hours of 8 a.m. to 5 p.m., and no work shall be allowed on the right of way on Saturday, Sunday, or holidays as defined by RCW 1.16.050, or the day before a holiday or a holiday weekend, unless authorized by the City.

P. Excavation. No excavation shall be made or obstacle placed within the limits of the City's right of way in such a manner as to interfere with the construction of, operation of, maintenance of

and/or travel by motorized vehicles, unless authorized by the City's approval of a Signing and Traffic Control Plan. Activity related to routine maintenance is exempt.

Q. Drainage. If any work performed by Transit under this Agreement interferes in any way with the drainage of a street, Transit shall wholly and at its own expense make such provisions as the City may direct to fully mitigate the drainage impacts.

R. Permitting. Transit shall be responsible for obtaining any necessary Federal or State Permits required for construction of the bus stop prior to the beginning of construction. I

S. Inadvertent Discovery Plan. If any archaeological or historical resources are discovered during construction of a bus stop, Transit shall immediately stop work, notify the State, and retain a qualified archaeologist who shall evaluate the site and make recommendations regarding the continuance of work.

T. Worksite Cleanup. Upon completion of any work authorized by this Agreement, all rubbish and debris shall be immediately removed and the right of way shall be left neat and presentable to the City's satisfaction. Transit agrees to take corrective action if directed by the City.

Agreed to and made effective on the last date set forth below:

Cowlitz Transit Authority (d.b.a. RiverCities Transit)	City of Kelso
By: 	By: _____
Name: <u>Todd J. McDanel</u>	Name: _____
Title: <u>CHAIR</u>	Title: _____
Address: <u>254 Oregon Way</u> <u>Longview, Wa 98632</u>	Address: _____ _____ _____
Phone: <u>360-442-5662</u>	Phone: _____

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE:

Contract Award for:
West Main Realignment Phase I
Project No. 580504

Agenda Item: _____

Dept. of Origin: Community Development/Eng

For Agenda of: September 3, 2013

PRESENTED BY:

Michael Kardas, P.E.
Community Development Director / City Engineer

Cost of Item: \$4,208,014.70

City Manager: Steve Taylor

AGENDA ITEM ATTACHMENTS:

Bid Tabulation

SUMMARY STATEMENT:

The West Main Re-alignment has been a planned project since the year 2000. It is intended to improve regional traffic flow in the area of the intersection of Ocean Beach Highway and Cowlitz Way. The main feature of this revision is the movement of traffic from West Main Street to Catlin Street. Work has been divided into two distinct projects. This is the first project with limits between the Allen Street Bridge and W. 4th Avenue. Thirteen right-of-way purchases were required to accomodate the proposed improvements.

This construction contract provides for roadway widening, drainage improvements, and utility upgrades. Four buildings will be demolished to make way for the new road alignment.

FINANCIAL SUMMARY:

Six responses were received and ranged from the high bid of \$5,330,611.70 to low bid of \$4,208,014.70. Rotschy, Inc. of Vancouver submitted the lowest response. Their bid was \$448,200 below the engineer's estimate.

This contract can be awarded within the available funding sources.

WSDOT Quick Response Saftey Grant	\$1,140,000
Transportation Improvement Board	\$3,660,000
City of Kelso Contribution	<u>\$ 416,000</u>
	\$5,216,000

RECOMMENDED ACTION:

Staff recommends that the City Council award the above-referenced project to the lowest qualified bidder, Rotschy, Inc of Vancouver, WA in the amount of \$4,208,014.70.

EROSION CONTROL AND LANDSCAPING															
52	ESC LEAD	1	L.S.	\$1,000	\$1,000	1	L.S.	\$ 8,000.00	\$ 8,000.00	1	L.S.	\$ 5,500.00	\$ 5,500.00		
53	INLET PROTECTION	120	EACH	\$50	\$6,000	120	EACH	\$ 55.00	\$ 6,600.00	120	EACH	\$ 55.00	\$ 6,600.00		
54	SEDIMENT FENCE	630	L.F.	\$3	\$1,890	630	L.F.	\$ 4.00	\$ 2,520.00	630	L.F.	\$ 2.00	\$ 1,260.00		
55	PSIPE TREES, 2" CAL.	41	EACH	\$250	\$10,250	41	EACH	\$ 280.00	\$ 11,480.00	41	EACH	\$ 290.00	\$ 11,890.00		
56	PSIPE TREES, 5'-6" HT.	4	EACH	\$250	\$1,000	4	EACH	\$ 200.00	\$ 800.00	4	EACH	\$ 205.00	\$ 820.00		
57	PSIPE TREES, 10'-" HT.	14	EACH	\$350	\$4,900	14	EACH	\$ 280.00	\$ 3,920.00	14	EACH	\$ 290.00	\$ 4,060.00		
58	PSIPE SHRUBS, 1 GAL.	1,117	EACH	\$8	\$8,936	1,117	EACH	\$ 10.00	\$ 11,170.00	1,117	EACH	\$ 10.00	\$ 11,170.00		
59	PSIPE SHRUBS, 2 GAL.	219	EACH	\$15	\$3,285	219	EACH	\$ 28.00	\$ 6,132.00	219	EACH	\$ 29.00	\$ 6,351.00		
60	PSIPE GROUNDCOVER, 4" POTS	1,483	EACH	\$4	\$5,932	1,483	EACH	\$ 6.00	\$ 8,898.00	1,483	EACH	\$ 6.00	\$ 8,898.00		
61	PSIPE PLUGS, 1" X 6"	3,210	EACH	\$1.00	\$3,210	3,210	EACH	\$ 2.50	\$ 8,025.00	3,210	EACH	\$ 2.50	\$ 8,025.00		
62	SEED INSTALLATION (SEED MIX NO. 1)	361	S.Y.	\$1.50	\$542	361	S.Y.	\$ 4.00	\$ 1,444.00	361	S.Y.	\$ 4.00	\$ 1,444.00		
63	SEED INSTALLATION (SEED MIX NO. 2)	73	S.Y.	\$3.50	\$256	73	S.Y.	\$ 10.00	\$ 730.00	73	S.Y.	\$ 10.00	\$ 730.00		
64	TOPSOIL TYPE A	630	C.Y.	\$40	\$25,200	630	C.Y.	\$ 32.00	\$ 20,160.00	630	C.Y.	\$ 33.00	\$ 20,790.00		
65	FINE COMPOST	210	C.Y.	\$50	\$10,500	210	C.Y.	\$ 38.00	\$ 7,980.00	210	C.Y.	\$ 39.00	\$ 8,190.00		
66	BARK MULCH	198	C.Y.	\$55	\$10,890	198	C.Y.	\$ 45.00	\$ 8,910.00	198	C.Y.	\$ 46.00	\$ 9,108.00		
67	PLANT BED EDGER	568	L.F.	\$10	\$5,680	568	L.F.	\$ 6.30	\$ 3,578.40	568	L.F.	\$ 6.00	\$ 3,408.00		
68	ROOT BARRIER	2,027	L.F.	\$9	\$18,243	2,027	L.F.	\$ 8.70	\$ 17,634.90	2,027	L.F.	\$ 9.00	\$ 18,243.00		
69	LANDSCAPE RESTORATION	2,200	S.F.	\$2.00	\$4,400	2,200	S.F.	\$ 5.00	\$ 11,000.00	2,200	S.F.	\$ 5.00	\$ 11,000.00		
70	IRRIGATION SYSTEM	1	L.S.	\$24,000	\$24,000	1	L.S.	\$ 35,000.00	\$ 35,000.00	1	L.S.	\$ 33,000.00	\$ 33,000.00		
71	IRRIGATION SLEEVE	872	L.F.	\$10	\$8,720	872	L.F.	\$ 8.50	\$ 7,412.00	872	L.F.	\$ 6.50	\$ 5,668.00		
TRAFFIC															
72	ILLUMINATION SYSTEM	1	L.S.	\$445,000	\$445,000	1	L.S.	\$ 310,000.00	\$ 310,000.00	1	L.S.	\$ 199,071.00	\$ 199,071.00		
73	TRAFFIC SIGNAL SYSTEM MODIFICATION - W MAIN ST/1ST AVE	1	L.S.	\$250,000	\$250,000	1	L.S.	\$ 200,000.00	\$ 200,000.00	1	L.S.	\$ 130,000.00	\$ 130,000.00		
74	TRAFFIC SIGNAL SYSTEM - W MAIN ST / 2ND AVE	1	L.S.	\$185,000	\$185,000	1	L.S.	\$ 285,000.00	\$ 285,000.00	1	L.S.	\$ 200,000.00	\$ 200,000.00		
75	TRAFFIC SIGNAL SYSTEM - CATLIN ST / 5TH AVE	1	L.S.	\$110,000	\$110,000	1	L.S.	\$ 105,000.00	\$ 105,000.00	1	L.S.	\$ 75,000.00	\$ 75,000.00		
76	TRAFFIC SIGNAL SYSTEM MODIFICATION - W COWLITZ WAY / CATLI	1	L.S.	\$140,000	\$140,000	1	L.S.	\$ 75,000.00	\$ 75,000.00	1	L.S.	\$ 60,000.00	\$ 60,000.00		
77	TRAFFIC SIGNAL SYSTEM MODIFICATION - W MAIN ST / 5TH AVE	1	L.S.	\$50,000	\$50,000	1	L.S.	\$ 6,000.00	\$ 6,000.00	1	L.S.	\$ 5,000.00	\$ 5,000.00		
78	TRAFFIC SIGNAL SYSTEM MODIFICATION - W MAIN ST / W COWLITZ	1	L.S.	\$50,000	\$50,000	1	L.S.	\$ 8,500.00	\$ 8,500.00	1	L.S.	\$ 8,000.00	\$ 8,000.00		
79	INTERCONNECT SYSTEM	1	L.S.	\$50,000	\$50,000	1	L.S.	\$ 27,000.00	\$ 27,000.00	1	L.S.	\$ 20,000.00	\$ 20,000.00		
80	PERMANENT SIGNING	1	L.S.	\$22,000	\$22,000	1	L.S.	\$ 20,000.00	\$ 20,000.00	1	L.S.	\$ 19,000.00	\$ 19,000.00		
81	PROFIED PLASTIC LINE	12,260	L.F.	\$1	\$10,421	12,260	L.F.	\$ 1.75	\$ 21,455.00	12,260	L.F.	\$ 1.65	\$ 20,229.00		
82	PROFIED PLASTIC WIDE LANE LINE	3,635	L.F.	\$4	\$13,086	3,635	L.F.	\$ 3.60	\$ 13,086.00	3,635	L.F.	\$ 3.50	\$ 12,722.50		
83	PAINT LINE	1,170	L.F.	\$1	\$585	1,170	L.F.	\$ 0.65	\$ 760.50	1,170	L.F.	\$ 0.65	\$ 760.50		
84	PLASTIC STOP LINE	785	L.F.	\$10	\$8,046	785	L.F.	\$ 6.30	\$ 4,945.50	785	L.F.	\$ 6.50	\$ 5,102.50		
85	PLASTIC CROSSHATCH MARKING	370	L.F.	\$7	\$2,590	370	L.F.	\$ 3.50	\$ 1,295.00	370	L.F.	\$ 3.50	\$ 1,295.00		
86	PLASTIC CROSSWALK LINE	3,720	S.F.	\$4	\$15,252	3,720	S.F.	\$ 3.50	\$ 13,020.00	3,720	S.F.	\$ 3.50	\$ 13,020.00		
87	PLASTIC TRAFFIC ARROW	35	EACH	\$130	\$4,550	35	EACH	\$ 270.00	\$ 9,450.00	35	EACH	\$ 280.00	\$ 9,800.00		
88	PLASTIC TRAFFIC LETTER	4	EACH	\$80	\$320	4	EACH	\$ 100.00	\$ 400.00	4	EACH	\$ 102.00	\$ 408.00		
89	PLASTIC BICYCLE LANE SYMBOL	5	EACH	\$180	\$900	5	EACH	\$ 180.00	\$ 900.00	5	EACH	\$ 185.00	\$ 925.00		
90	TEMPORARY PAVEMENT MARKING	12,000	L.F.	\$1	\$12,000	12,000	L.F.	\$ 0.25	\$ 3,000.00	12,000	L.F.	\$ 0.50	\$ 6,000.00		
OTHER ITEMS															
91	CURB AND GUTTER TYPE A	3,860	L.F.	\$12	\$46,320	3,860	L.F.	\$ 10.50	\$ 40,530.00	3,860	L.F.	\$ 12.00	\$ 46,320.00		
92	DUAL-FACED CEMENT CONC TRAFFIC CURB	1,560	L.F.	\$12	\$18,720	1,560	L.F.	\$ 14.50	\$ 22,620.00	1,560	L.F.	\$ 16.00	\$ 24,960.00		
93	STANDARD STRAIGHT CURB	816	L.F.	\$12	\$9,792	816	L.F.	\$ 17.00	\$ 13,872.00	816	L.F.	\$ 16.00	\$ 13,056.00		
94	DRIVEWAY APPROACH	761	S.Y.	\$50	\$38,050	761	S.Y.	\$ 54.00	\$ 41,094.00	761	S.Y.	\$ 52.00	\$ 39,572.00		
95	SIDEWALK	3,085	S.Y.	\$35	\$107,975	3,085	S.Y.	\$ 46.00	\$ 141,910.00	3,085	S.Y.	\$ 42.00	\$ 129,570.00		
96	CURB RAMP	53	EACH	\$1,500	\$79,500	53	EACH	\$ 625.00	\$ 33,125.00	53	EACH	\$ 725.00	\$ 38,425.00		
97	CONCRETE MEDIAN	30	S.Y.	\$40	\$1,200	30	S.Y.	\$ 37.00	\$ 1,110.00	30	S.Y.	\$ 49.00	\$ 1,470.00		
98	CHAIN LINK FENCE TYPE 3	110	L.F.	\$20	\$2,200	110	L.F.	\$ 39.00	\$ 4,290.00	110	L.F.	\$ 40.00	\$ 4,400.00		
99	COATED CHAIN LINK FENCE TYPE 4 MODIFIED	100	L.F.	\$40	\$4,000	100	L.F.	\$ 43.00	\$ 4,300.00	100	L.F.	\$ 44.00	\$ 4,400.00		
100	DOUBLE 20 FT CHAIN LINK GATE	1	EACH	\$1,800	\$1,800	1	EACH	\$ 2,000.00	\$ 2,000.00	1	EACH	\$ 1,960.00	\$ 1,960.00		
101	CONCRETE RETAINING WALL	390	S.F.	\$75	\$29,250	390	S.F.	\$ 75.00	\$ 29,250.00	390	S.F.	\$ 63.00	\$ 24,570.00		
102	BOLLARD TYPE 1	2	EACH	\$800	\$1,600	2	EACH	\$ 1,000.00	\$ 2,000.00	2	EACH	\$ 1,000.00	\$ 2,000.00		
				TOTAL SCHEDULE A	\$4,287,601					TOTAL SCHEDULE A	\$ 4,352,168.30			TOTAL SCHEDULE A	\$ 3,831,856.50

SCHEDULE B - SANITARY SEWER AND WATER ITEMS																	
SANITARY SEWER, AND WATER MAINS																	
103	DUCTILE IRON PIPE FOR WATER MAIN 6 IN. DIAM	74	EACH	\$45	\$3,330	74	EACH	\$ 56.00	\$ 4,144.00	74	EACH	\$ 50.00	\$ 3,700.00				
104	HYDRANT ASSEMBLY	2	EACH	\$3,200	\$6,400	2	EACH	\$ 5,200.00	\$ 10,400.00	2	EACH	\$ 3,000.00	\$ 6,000.00				
105	RESETTING EXISTING HYDRANT	3	EACH	\$2,500	\$7,500	3	EACH	\$ 890.00	\$ 2,670.00	3	EACH	\$ 720.00	\$ 2,160.00				
106	SERVICE CONNECTION, 3/4 IN. DIAM.	4	EACH	\$1,400	\$5,600	4	EACH	\$ 1,125.00	\$ 4,500.00	4	EACH	\$ 1,910.00	\$ 7,640.00				
SUBTOTAL SCHEDULE B					\$22,830	SUBTOTAL SCHEDULE B					\$ 21,714.00	SUBTOTAL SCHEDULE B			\$ 19,500.00		
					Sales Tax (8.0%)	\$1,826						Sales Tax (8.0%)	\$ 1,737.12	Sales Tax (8.0%)			\$ 1,560.00
TOTAL SCHEDULE B					\$24,656	TOTAL SCHEDULE B					\$ 23,451.12	TOTAL SCHEDULE B			\$ 21,060.00		
SCHEDULE C - CITY UTILITY UPGRADES																	
SANITARY SEWER, AND WATER MAINS																	
107	PVC SANITARY SEWER PIPE, 4 INCH DIAM	120	L.F.	\$45	\$5,400	120	L.F.	\$ 65.00	\$ 7,800.00	120	L.F.	\$ 70.00	\$ 8,400.00				
108	PVC SANITARY SEWER PIPE, 8 INCH DIAM	1,131	L.F.	\$55	\$62,205	1,131	L.F.	\$ 80.00	\$ 90,480.00	1,131	L.F.	\$ 85.00	\$ 96,135.00				
109	PVC SANITARY SEWER PIPE, 12 INCH DIAM	180	L.F.	\$65	\$11,700	180	L.F.	\$ 90.00	\$ 16,200.00	180	L.F.	\$ 76.00	\$ 13,680.00				
110	MANHOLE, 48 INCH DIAM, TYPE 1	5	EACH	\$2,700	\$13,500	5	EACH	\$ 3,850.00	\$ 19,250.00	5	EACH	\$ 3,300.00	\$ 16,500.00				
111	DROP MANHOLE CONNECTION	3	EACH	\$1,800	\$5,400	3	EACH	\$ 2,300.00	\$ 6,900.00	3	EACH	\$ 450.00	\$ 1,350.00				
112	SEWER CLEANOUT	4	EACH	\$450	\$1,800	4	EACH	\$ 1,200.00	\$ 4,800.00	4	EACH	\$ 300.00	\$ 1,200.00				
113	CONNECT TO EXISTING SANITARY SEWER	1	EACH	\$450	\$450	1	EACH	\$ 1,100.00	\$ 1,100.00	1	EACH	\$ 680.00	\$ 680.00				
114	TRENCH SAFETY SYSTEM	1	L.S.	\$1,400	\$1,400	1	L.S.	\$ 6,000.00	\$ 6,000.00	1	L.S.	\$ 1,400.00	\$ 1,400.00				
115	REPLACE CEMENT CONCRETE PANEL	400	S.Y.	\$250	\$100,000	400	S.Y.	\$ 117.00	\$ 46,800.00	400	S.Y.	\$ 120.00	\$ 48,000.00				
116	DUCTILE IRON PIPE FOR WATER MAIN 6 IN. DIAM	70	L.F.	\$45	\$3,150	70	L.F.	\$ 70.00	\$ 4,900.00	70	L.F.	\$ 45.00	\$ 3,150.00				
117	DUCTILE IRON PIPE FOR WATER MAIN 8 IN. DIAM	1,400	L.F.	\$45	\$63,000	1,400	L.F.	\$ 71.00	\$ 99,400.00	1,400	L.F.	\$ 60.00	\$ 84,000.00				
118	REMOVAL AND REPLACEMENT OF UNSUITABLE MATERIAL	75	C.Y.	\$45	\$3,375	75	C.Y.	\$ 60.00	\$ 4,500.00	75	C.Y.	\$ 55.00	\$ 4,125.00				
119	GATE VALVE 6 IN.	1	EACH	\$1,200	\$1,200	1	EACH	\$ 975.00	\$ 975.00	1	EACH	\$ 670.00	\$ 670.00				
120	GATE VALVE 8 IN.	14	EACH	\$1,350	\$18,900	14	EACH	\$ 1,250.00	\$ 17,500.00	14	EACH	\$ 950.00	\$ 13,300.00				
121	HYDRANT ASSEMBLY	1	EACH	\$3,200	\$3,200	1	EACH	\$ 4,500.00	\$ 4,500.00	1	EACH	\$ 3,025.00	\$ 3,025.00				
122	SERVICE CONNECTION, 3/4 IN. DIAM.	17	EACH	\$1,400	\$23,800	17	EACH	\$ 1,125.00	\$ 19,125.00	17	EACH	\$ 1,950.00	\$ 33,150.00				
SUBTOTAL SCHEDULE C					\$318,480	SUBTOTAL SCHEDULE C					\$ 350,230.00	SUBTOTAL SCHEDULE C			\$ 328,765.00		
					Sales Tax (8.0%)	\$25,478						Sales Tax (8.0%)	\$ 28,018.40	Sales Tax (8.0%)			\$ 26,301.20
TOTAL SCHEDULE C					\$343,958	TOTAL SCHEDULE C					\$ 378,248.40	TOTAL SCHEDULE C			\$ 355,066.20		
PROJECT TOTAL (SCHEDULE A + B + C)					\$4,656,216	TOTAL (SCHEDULE A + B + C)					\$ 4,753,867.82	TOTAL (SCHEDULE A + B + C)			\$ 4,207,982.70		

		Tapani, Inc.				Colf Construction, Co.				3 Kings Environmental, Inc.			
ITEM NUMBER	SCHEDULE A - STREET AND STORM SEWER			UNIT PRICE	COST	QUANTITY	UNIT	UNIT PRICE	COST	QUANTITY	UNIT	UNIT PRICE	COST
1	MOBILIZATION	1	L.S.	\$ 259,000.00	\$ 259,000.00	1	L.S.	\$ 350,000.00	\$ 350,000.00	1	L.S.	\$ 315,000.00	\$ 315,000.00
2	ARCHAEOLOGICAL AND HISTORICAL SALVAGE	1	EST.	\$ 2,000.00	\$ 2,000.00	1	EST.	\$ 2,000.00	\$ 2,000.00	1	EST.	\$ 2,000.00	\$ 2,000.00
3	ROADWAY SURVEYING	1	L.S.	\$ 19,000.00	\$ 19,000.00	1	L.S.	\$ 30,000.00	\$ 30,000.00	1	L.S.	\$ 67,725.00	\$ 67,725.00
4	TRAINING	400	HR	\$ 5.00	\$ 2,000.00	400	HR	\$ 50.00	\$ 20,000.00	400	HR	\$ 45.00	\$ 18,000.00
TRAFFIC CONTROL													
5	OTHER TEMPORARY TRAFFIC CONTROL	1	L.S.	\$ 18,000.00	\$ 18,000.00	1	L.S.	\$ 10,000.00	\$ 10,000.00	1	L.S.	\$ 11,340.00	\$ 11,340.00
6	TRAFFIC CONTROL SUPERVISOR	1	L.S.	\$ 9,500.00	\$ 9,500.00	1	L.S.	\$ 20,000.00	\$ 20,000.00	1	L.S.	\$ 32,250.00	\$ 32,250.00
7	FLAGGERS AND SPOTTERS	1,240	HR	\$ 70.00	\$ 86,800.00	1,240	HR	\$ 50.00	\$ 62,000.00	1,240	HR	\$ 49.00	\$ 60,760.00
8	CONSTRUCTION SIGNS CLASS A	560	S.F.	\$ 9.00	\$ 5,040.00	560	S.F.	\$ 15.00	\$ 8,400.00	560	S.F.	\$ 20.00	\$ 11,200.00
9	OTHER TRAFFIC CONTROL LABOR	840	HR	\$ 55.00	\$ 46,200.00	840	HR	\$ 45.00	\$ 37,800.00	840	HR	\$ 56.00	\$ 47,040.00
10	PORTABLE TEMPORARY TRAFFIC CONTROL SIGNAL	1	L.S.	\$ 30,000.00	\$ 30,000.00	1	L.S.	\$ 5,000.00	\$ 5,000.00	1	L.S.	\$ 37,625.00	\$ 37,625.00
11	SEQUENTIAL ARROW SIGN	1,500	HR	\$ 2.00	\$ 3,000.00	1,500	HR	\$ 4.00	\$ 6,000.00	1,500	HR	\$ 5.00	\$ 7,500.00
12	PORTABLE CHANGEABLE MESSAGE SIGN	1,500	HR	\$ 6.00	\$ 9,000.00	1,500	HR	\$ 4.00	\$ 6,000.00	1,500	HR	\$ 12.00	\$ 18,000.00
GRADING													
13	CLEARING AND GRUBBING	1	L.S.	\$ 5,000.00	\$ 5,000.00	1	L.S.	\$ 50,000.00	\$ 50,000.00	1	L.S.	\$ 8,040.00	\$ 8,040.00
14	REMOVAL OF STRUCTURE AND OBSTRUCTION	1	L.S.	\$ 140,000.00	\$ 140,000.00	1	L.S.	\$ 150,000.00	\$ 150,000.00	1	L.S.	\$ 174,815.00	\$ 174,815.00
15	BUILDING DEMOLITION	1	L.S.	\$ 200,000.00	\$ 200,000.00	1	L.S.	\$ 200,000.00	\$ 200,000.00	1	L.S.	\$ 140,000.00	\$ 140,000.00
16	HAZARDOUS MATERIAL ABATEMENT	1	EST.	\$ 5,000.00	\$ 5,000.00	1	EST.	\$ 5,000.00	\$ 5,000.00	1	EST.	\$ 5,000.00	\$ 5,000.00
17	SAWCUT ASPHALT AND CEMENT CONCRETE	3,870	L.F.	\$ 2.00	\$ 7,740.00	3,870	L.F.	\$ 2.00	\$ 7,740.00	3,870	L.F.	\$ 5.00	\$ 19,350.00
18	ROADWAY EXCAVATION, INCL HAUL	14,300	C.Y.	\$ 11.00	\$ 157,300.00	14,300	C.Y.	\$ 17.00	\$ 243,100.00	14,300	C.Y.	\$ 19.00	\$ 271,700.00
19	COMMON BORROW, INCL. HAUL	1,900	C.Y.	\$ 4.50	\$ 8,550.00	1,900	C.Y.	\$ 10.00	\$ 19,000.00	1,900	C.Y.	\$ 10.00	\$ 19,000.00
BASES													
20	CRUSHED SURFACING BASE COURSE	15,140	TON	\$ 22.00	\$ 333,080.00	15,140	TON	\$ 17.00	\$ 257,380.00	15,140	TON	\$ 20.00	\$ 302,800.00
21	MAINTENANCE ROCK	240	C.Y.	\$ 37.50	\$ 9,000.00	240	C.Y.	\$ 20.00	\$ 4,800.00	240	C.Y.	\$ 30.00	\$ 7,200.00
SURFACE TREATMENT AND PAVEMENTS													
22	HMA FOR PAVEMENT REPAIR CL. 1/2 IN. PG 64-22	200	TON	\$ 205.00	\$ 41,000.00	200	TON	\$ 135.00	\$ 27,000.00	200	TON	\$ 190.00	\$ 38,000.00
23	HMA CL 1/2 IN. PG 64-22	8,850	TON	\$ 73.50	\$ 650,475.00	8,850	TON	\$ 73.50	\$ 650,475.00	8,850	TON	\$ 85.00	\$ 752,250.00
24	ASPHALT PRICE COST ADJUSTMENT	1	CALC	\$ 18,000.00	\$ 18,000.00	1	CALC	\$ 18,000.00	\$ 18,000.00	1	CALC	\$ 18,000.00	\$ 18,000.00
25	PLANING BITUMINOUS PAVEMENT	2,810	S.Y.	\$ 3.80	\$ 10,678.00	2,810	S.Y.	\$ 6.00	\$ 16,860.00	2,810	S.Y.	\$ 5.00	\$ 14,050.00
26	HMA DRIVEWAY	527	S.Y.	\$ 49.00	\$ 25,823.00	527	S.Y.	\$ 35.00	\$ 18,445.00	527	S.Y.	\$ 50.00	\$ 26,350.00
27	CONCRETE DRIVEWAY	77	S.Y.	\$ 61.50	\$ 4,735.50	77	S.Y.	\$ 80.00	\$ 6,160.00	77	S.Y.	\$ 65.00	\$ 5,005.00
28	GRAVEL DRIVEWAY	76	S.Y.	\$ 16.00	\$ 1,216.00	76	S.Y.	\$ 20.00	\$ 1,520.00	76	S.Y.	\$ 18.00	\$ 1,368.00
STORM SEWER, SANITARY SEWER, AND WATER MAINS													
29	DUCTILE IRON STORM SEWER PIPE, 12 IN. DIAM.	121	L.F.	\$ 91.00	\$ 11,011.00	121	L.F.	\$ 70.00	\$ 8,470.00	121	L.F.	\$ 100.00	\$ 12,100.00
30	STORM SEWER PIPE, 12 IN. DIAM.	1,836	L.F.	\$ 42.00	\$ 77,112.00	1,836	L.F.	\$ 60.00	\$ 110,160.00	1,836	L.F.	\$ 50.00	\$ 91,800.00
31	STORM SEWER PIPE, 18 IN. DIAM.	765	L.F.	\$ 56.00	\$ 42,840.00	765	L.F.	\$ 80.00	\$ 61,200.00	765	L.F.	\$ 75.00	\$ 57,375.00
32	STORM SEWER PIPE, 24 IN. DIAM.	116	L.F.	\$ 105.00	\$ 12,180.00	116	L.F.	\$ 110.00	\$ 12,760.00	116	L.F.	\$ 105.00	\$ 12,180.00
33	SLOTTED DRAIN	142	L.F.	\$ 80.00	\$ 11,360.00	142	L.F.	\$ 100.00	\$ 14,200.00	142	L.F.	\$ 100.00	\$ 14,200.00
34	STORM SEWER MANHOLE, 48 IN. DIAM.	13	EACH	\$ 3,200.00	\$ 41,600.00	13	EACH	\$ 3,500.00	\$ 45,500.00	13	EACH	\$ 2,500.00	\$ 32,500.00
35	STORM SEWER MANHOLE, 60 IN. DIAM.	1	EACH	\$ 5,300.00	\$ 5,300.00	1	EACH	\$ 5,000.00	\$ 5,000.00	1	EACH	\$ 4,100.00	\$ 4,100.00
36	STORM SEWER MANHOLE, 72 IN. DIAM.	1	EACH	\$ 13,850.00	\$ 13,850.00	1	EACH	\$ 10,000.00	\$ 10,000.00	1	EACH	\$ 7,725.00	\$ 7,725.00
37	TESTING STORM SEWER PIPE	2,838	L.F.	\$ 2.50	\$ 7,095.00	2,838	L.F.	\$ 2.00	\$ 5,676.00	2,838	L.F.	\$ 4.00	\$ 11,352.00
38	TRENCH SAFETY SYSTEM	1	L.S.	\$ 5,800.00	\$ 5,800.00	1	L.S.	\$ 30,000.00	\$ 30,000.00	1	L.S.	\$ 8,500.00	\$ 8,500.00
39	PRECAST CATCH BASIN	21	EACH	\$ 1,750.00	\$ 36,750.00	21	EACH	\$ 1,600.00	\$ 33,600.00	21	EACH	\$ 1,355.00	\$ 28,455.00
40	COMBINATION INLET	7	EACH	\$ 2,600.00	\$ 18,200.00	7	EACH	\$ 1,800.00	\$ 12,600.00	7	EACH	\$ 1,700.00	\$ 11,900.00
41	FIELD INLET	2	EACH	\$ 2,200.00	\$ 4,400.00	2	EACH	\$ 2,000.00	\$ 4,000.00	2	EACH	\$ 1,850.00	\$ 3,700.00
42	OFFSET CURB INLET	2	EACH	\$ 6,200.00	\$ 12,400.00	2	EACH	\$ 2,400.00	\$ 4,800.00	2	EACH	\$ 5,295.00	\$ 10,590.00
43	THRU-CURB INLET	1	EACH	\$ 4,600.00	\$ 4,600.00	1	EACH	\$ 2,200.00	\$ 2,200.00	1	EACH	\$ 815.00	\$ 815.00
44	PRECAST CATCH BASIN WITH BEEHIVE GRATE	1	EACH	\$ 1,800.00	\$ 1,800.00	1	EACH	\$ 1,500.00	\$ 1,500.00	1	EACH	\$ 1,400.00	\$ 1,400.00
45	ADJUST CATCH BASIN	8	EACH	\$ 550.00	\$ 4,400.00	8	EACH	\$ 300.00	\$ 2,400.00	8	EACH	\$ 870.00	\$ 6,960.00
46	ADJUST MANHOLE	21	EACH	\$ 400.00	\$ 8,400.00	21	EACH	\$ 400.00	\$ 8,400.00	21	EACH	\$ 745.00	\$ 15,645.00

47	CONNECTION TO EXISTING DRAINAGE STRUCTURE	5	EACH	\$ 2,000.00	\$ 10,000.00	5	EACH	\$ 500.00	\$ 2,500.00	5	EACH	\$ 1,835.00	\$ 9,175.00		
48	REMOVAL AND REPLACEMENT OF UNSUITABLE MATERIAL	160	C.Y.	\$ 60.00	\$ 9,600.00	160	C.Y.	\$ 20.00	\$ 3,200.00	160	C.Y.	\$ 45.00	\$ 7,200.00		
49	ADJUST VALVE BOX	43	EACH	\$ 130.00	\$ 5,590.00	43	EACH	\$ 150.00	\$ 6,450.00	43	EACH	\$ 300.00	\$ 12,900.00		
50	ADJUST WATER METER BOX TO FINISH GRADE	7	EACH	\$ 105.00	\$ 735.00	7	EACH	\$ 150.00	\$ 1,050.00	7	EACH	\$ 225.00	\$ 1,575.00		
51	BIORETENTION FACILITY	63	S.Y.	\$ 108.00	\$ 6,804.00	63	S.Y.	\$ 40.00	\$ 2,520.00	63	S.Y.	\$ 108.00	\$ 6,804.00		
EROSION CONTROL AND LANDSCAPING															
52	ESC LEAD	1	L.S.	\$ 2,000.00	\$ 2,000.00	1	L.S.	\$ 5,000.00	\$ 5,000.00	1	L.S.	\$ 10,000.00	\$ 10,000.00		
53	INLET PROTECTION	120	EACH	\$ 75.00	\$ 9,000.00	120	EACH	\$ 40.00	\$ 4,800.00	120	EACH	\$ 35.00	\$ 4,200.00		
54	SEDIMENT FENCE	630	L.F.	\$ 4.00	\$ 2,520.00	630	L.F.	\$ 3.00	\$ 1,890.00	630	L.F.	\$ 4.00	\$ 2,520.00		
55	PSIPE TREES, 2" CAL.	41	EACH	\$ 280.00	\$ 11,480.00	41	EACH	\$ 350.00	\$ 14,350.00	41	EACH	\$ 265.00	\$ 10,865.00		
56	PSIPE TREES, 5'-6" HT.	4	EACH	\$ 200.00	\$ 800.00	4	EACH	\$ 250.00	\$ 1,000.00	4	EACH	\$ 100.00	\$ 400.00		
57	PSIPE TREES, 10' HT.	14	EACH	\$ 280.00	\$ 3,920.00	14	EACH	\$ 200.00	\$ 2,800.00	14	EACH	\$ 935.00	\$ 13,090.00		
58	PSIPE SHRUBS, 1 GAL.	1,117	EACH	\$ 10.00	\$ 11,170.00	1,117	EACH	\$ 10.00	\$ 11,170.00	1,117	EACH	\$ 15.00	\$ 16,755.00		
59	PSIPE SHRUBS, 2 GAL.	219	EACH	\$ 28.00	\$ 6,132.00	219	EACH	\$ 15.00	\$ 3,285.00	219	EACH	\$ 21.00	\$ 4,599.00		
60	PSIPE GROUNDCOVER, 4" POTS	1,483	EACH	\$ 6.00	\$ 8,898.00	1,483	EACH	\$ 5.00	\$ 7,415.00	1,483	EACH	\$ 8.00	\$ 11,864.00		
61	PSIPE PLUGS, 1" X 6"	3,210	EACH	\$ 2.50	\$ 8,025.00	3,210	EACH	\$ 3.00	\$ 9,630.00	3,210	EACH	\$ 6.00	\$ 19,260.00		
62	SEED INSTALLATION (SEED MIX NO. 1)	361	S.Y.	\$ 4.00	\$ 1,444.00	361	S.Y.	\$ 4.00	\$ 1,444.00	361	S.Y.	\$ 3.00	\$ 1,083.00		
63	SEED INSTALLATION (SEED MIX NO. 2)	73	S.Y.	\$ 10.00	\$ 730.00	73	S.Y.	\$ 5.00	\$ 365.00	73	S.Y.	\$ 14.00	\$ 1,022.00		
64	TOPSOIL TYPE A	630	C.Y.	\$ 32.00	\$ 20,160.00	630	C.Y.	\$ 25.00	\$ 15,750.00	630	C.Y.	\$ 41.00	\$ 25,830.00		
65	FINE COMPOST	210	C.Y.	\$ 38.00	\$ 7,980.00	210	C.Y.	\$ 30.00	\$ 6,300.00	210	C.Y.	\$ 41.00	\$ 8,610.00		
66	BARK MULCH	198	C.Y.	\$ 45.00	\$ 8,910.00	198	C.Y.	\$ 40.00	\$ 7,920.00	198	C.Y.	\$ 53.00	\$ 10,494.00		
67	PLANT BED EDGER	568	L.F.	\$ 6.30	\$ 3,578.40	568	L.F.	\$ 5.00	\$ 2,840.00	568	L.F.	\$ 12.00	\$ 6,816.00		
68	ROOT BARRIER	2,027	L.F.	\$ 8.70	\$ 17,634.90	2,027	L.F.	\$ 10.00	\$ 20,270.00	2,027	L.F.	\$ 11.00	\$ 22,297.00		
69	LANDSCAPE RESTORATION	2,200	S.F.	\$ 5.70	\$ 12,540.00	2,200	S.F.	\$ 2.00	\$ 4,400.00	2,200	S.F.	\$ 3.00	\$ 6,600.00		
70	IRRIGATION SYSTEM	1	L.S.	\$ 31,800.00	\$ 31,800.00	1	L.S.	\$ 30,000.00	\$ 30,000.00	1	L.S.	\$ 33,325.00	\$ 33,325.00		
71	IRRIGATION SLEEVE	872	L.F.	\$ 6.50	\$ 5,668.00	872	L.F.	\$ 7.00	\$ 6,104.00	872	L.F.	\$ 21.00	\$ 18,312.00		
TRAFFIC															
72	ILLUMINATION SYSTEM	1	L.S.	\$ 289,062.00	\$ 289,062.00	1	L.S.	\$ 314,062.00	\$ 314,062.00	1	L.S.	\$ 310,740.00	\$ 310,740.00		
73	TRAFFIC SIGNAL SYSTEM MODIFICATION - W MAIN ST/1ST AVE	1	L.S.	\$ 187,279.00	\$ 187,279.00	1	L.S.	\$ 187,279.00	\$ 187,279.00	1	L.S.	\$ 201,325.00	\$ 201,325.00		
74	TRAFFIC SIGNAL SYSTEM - W MAIN ST / 2ND AVE	1	L.S.	\$ 266,062.00	\$ 266,062.00	1	L.S.	\$ 266,062.00	\$ 266,062.00	1	L.S.	\$ 286,015.00	\$ 286,015.00		
75	TRAFFIC SIGNAL SYSTEM - CATLIN ST / 5TH AVE	1	L.S.	\$ 97,962.00	\$ 97,962.00	1	L.S.	\$ 97,962.00	\$ 97,962.00	1	L.S.	\$ 105,310.00	\$ 105,310.00		
76	TRAFFIC SIGNAL SYSTEM MODIFICATION - W COWLITZ WAY / CATLIN	1	L.S.	\$ 68,221.00	\$ 68,221.00	1	L.S.	\$ 68,221.00	\$ 68,221.00	1	L.S.	\$ 73,335.00	\$ 73,335.00		
77	TRAFFIC SIGNAL SYSTEM MODIFICATION - W MAIN ST / 5TH AVE	1	L.S.	\$ 5,592.00	\$ 5,592.00	1	L.S.	\$ 5,592.00	\$ 5,592.00	1	L.S.	\$ 6,015.00	\$ 6,015.00		
78	TRAFFIC SIGNAL SYSTEM MODIFICATION - W MAIN ST / W COWLITZ	1	L.S.	\$ 7,784.00	\$ 7,784.00	1	L.S.	\$ 7,784.00	\$ 7,784.00	1	L.S.	\$ 8,365.00	\$ 8,365.00		
79	INTERCONNECT SYSTEM	1	L.S.	\$ 24,200.00	\$ 24,200.00	1	L.S.	\$ 49,200.00	\$ 49,200.00	1	L.S.	\$ 26,015.00	\$ 26,015.00		
80	PERMANENT SIGNING	1	L.S.	\$ 28,000.00	\$ 28,000.00	1	L.S.	\$ 21,300.00	\$ 21,300.00	1	L.S.	\$ 22,895.00	\$ 22,895.00		
81	PROFILED PLASTIC LINE	12,260	L.F.	\$ 2.10	\$ 25,746.00	12,260	L.F.	\$ 2.10	\$ 25,746.00	12,260	L.F.	\$ 2.00	\$ 24,520.00		
82	PROFILED PLASTIC WIDE LANE LINE	3,635	L.F.	\$ 4.30	\$ 15,630.50	3,635	L.F.	\$ 4.00	\$ 14,540.00	3,635	L.F.	\$ 4.00	\$ 14,540.00		
83	PAINT LINE	1,170	L.F.	\$ 1.50	\$ 1,755.00	1,170	L.F.	\$ 2.00	\$ 2,340.00	1,170	L.F.	\$ 0.70	\$ 819.00		
84	PLASTIC STOP LINE	785	L.F.	\$ 4.10	\$ 3,218.50	785	L.F.	\$ 5.00	\$ 3,925.00	785	L.F.	\$ 7.00	\$ 5,495.00		
85	PLASTIC CROSSHATCH MARKING	370	L.F.	\$ 4.00	\$ 1,480.00	370	L.F.	\$ 4.00	\$ 1,480.00	370	L.F.	\$ 4.00	\$ 1,480.00		
86	PLASTIC CROSSWALK LINE	3,720	S.F.	\$ 4.10	\$ 15,252.00	3,720	S.F.	\$ 4.10	\$ 15,252.00	3,720	S.F.	\$ 4.00	\$ 14,880.00		
87	PLASTIC TRAFFIC ARROW	35	EACH	\$ 275.00	\$ 9,625.00	35	EACH	\$ 275.00	\$ 9,625.00	35	EACH	\$ 290.00	\$ 10,150.00		
88	PLASTIC TRAFFIC LETTER	4	EACH	\$ 175.00	\$ 700.00	4	EACH	\$ 175.00	\$ 700.00	4	EACH	\$ 110.00	\$ 440.00		
89	PLASTIC BICYCLE LANE SYMBOL	5	EACH	\$ 385.00	\$ 1,925.00	5	EACH	\$ 400.00	\$ 2,000.00	5	EACH	\$ 195.00	\$ 975.00		
90	TEMPORARY PAVEMENT MARKING	12,000	L.F.	\$ 0.50	\$ 6,000.00	12,000	L.F.	\$ 0.20	\$ 2,400.00	12,000	L.F.	\$ 0.30	\$ 3,600.00		
OTHER ITEMS															
91	CURB AND GUTTER TYPE A	3,860	L.F.	\$ 12.10	\$ 46,706.00	3,860	L.F.	\$ 20.00	\$ 77,200.00	3,860	L.F.	\$ 12.00	\$ 46,320.00		
92	DUAL-FACED CEMENT CONC TRAFFIC CURB	1,560	L.F.	\$ 16.50	\$ 25,740.00	1,560	L.F.	\$ 20.00	\$ 31,200.00	1,560	L.F.	\$ 22.00	\$ 34,320.00		
93	STANDARD STRAIGHT CURB	816	L.F.	\$ 18.00	\$ 14,688.00	816	L.F.	\$ 15.00	\$ 12,240.00	816	L.F.	\$ 21.00	\$ 17,136.00		
94	DRIVEWAY APPROACH	761	S.Y.	\$ 50.00	\$ 38,050.00	761	S.Y.	\$ 60.00	\$ 45,660.00	761	S.Y.	\$ 61.00	\$ 45,660.00		
95	SIDEWALK	3,085	S.Y.	\$ 43.00	\$ 132,655.00	3,085	S.Y.	\$ 30.00	\$ 92,550.00	3,085	S.Y.	\$ 48.00	\$ 148,080.00		
96	CURB RAMP	53	EACH	\$ 750.00	\$ 39,750.00	53	EACH	\$ 2,000.00	\$ 106,000.00	53	EACH	\$ 795.00	\$ 42,135.00		
97	CONCRETE MEDIAN	30	S.Y.	\$ 75.00	\$ 2,250.00	30	S.Y.	\$ 100.00	\$ 3,000.00	30	S.Y.	\$ 132.00	\$ 3,960.00		
98	CHAIN LINK FENCE TYPE 3	110	L.F.	\$ 39.00	\$ 4,290.00	110	L.F.	\$ 40.00	\$ 4,400.00	110	L.F.	\$ 42.00	\$ 4,620.00		
99	COATED CHAIN LINK FENCE TYPE 4 MODIFIED	100	L.F.	\$ 43.00	\$ 4,300.00	100	L.F.	\$ 42.00	\$ 4,200.00	100	L.F.	\$ 46.00	\$ 4,600.00		
100	DOUBLE 20 FT CHAIN LINK GATE	1	EACH	\$ 1,900.00	\$ 1,900.00	1	EACH	\$ 1,886.00	\$ 1,886.00	1	EACH	\$ 2,025.00	\$ 2,025.00		
101	CONCRETE RETAINING WALL	390	S.F.	\$ 80.00	\$ 31,200.00	390	S.F.	\$ 40.00	\$ 15,600.00	390	S.F.	\$ 82.00	\$ 31,980.00		
102	BOLLARD TYPE 1	2	EACH	\$ 950.00	\$ 1,900.00	2	EACH	\$ 1,100.00	\$ 2,200.00	2	EACH	\$ 900.00	\$ 1,800.00		
				TOTAL SCHEDULE A	\$ 4,032,277.80					TOTAL SCHEDULE A	\$ 4,269,205.00			TOTAL SCHEDULE A	\$ 4,527,811.00

STORM SEWER, SANITARY SEWER, AND WATER MAINS					
29	DUCTILE IRON STORM SEWER PIPE, 12 IN. DIAM.	121	L.F.	\$ 105.00	\$ 12,705.00
30	STORM SEWER PIPE, 12 IN. DIAM.	1,836	L.F.	\$ 105.00	\$ 192,780.00
31	STORM SEWER PIPE, 18 IN. DIAM.	765	L.F.	\$ 225.00	\$ 172,125.00
32	STORM SEWER PIPE, 24 IN. DIAM.	116	L.F.	\$ 385.00	\$ 44,660.00
33	SLOTTED DRAIN	142	L.F.	\$ 75.00	\$ 10,650.00
34	STORM SEWER MANHOLE, 48 IN. DIAM.	13	EACH	\$ 5,500.00	\$ 71,500.00
35	STORM SEWER MANHOLE, 60 IN. DIAM.	1	EACH	\$ 7,500.00	\$ 7,500.00
36	STORM SEWER MANHOLE, 72 IN. DIAM.	1	EACH	\$ 12,500.00	\$ 12,500.00
37	TESTING STORM SEWER PIPE	2,838	L.F.	\$ 5.00	\$ 14,190.00
38	TRENCH SAFETY SYSTEM	1	L.S.	\$ 150,000.00	\$ 150,000.00
39	PRECAST CATCH BASIN	21	EACH	\$ 1,800.00	\$ 37,800.00
40	COMBINATION INLET	7	EACH	\$ 1,900.00	\$ 13,300.00
41	FIELD INLET	2	EACH	\$ 2,500.00	\$ 5,000.00
42	OFFSET CURB INLET	2	EACH	\$ 1,500.00	\$ 3,000.00
43	THRU-CURB INLET	1	EACH	\$ 4,100.00	\$ 4,100.00
44	PRECAST CATCH BASIN WITH BEEHIVE GRATE	1	EACH	\$ 4,200.00	\$ 4,200.00
45	ADJUST CATCH BASIN	8	EACH	\$ 400.00	\$ 3,200.00
46	ADJUST MANHOLE	21	EACH	\$ 300.00	\$ 6,300.00
47	CONNECTION TO EXISTING DRAINAGE STRUCTURE	5	EACH	\$ 400.00	\$ 2,000.00
48	REMOVAL AND REPLACEMENT OF UNSUITABLE MATERIAL	160	C.Y.	\$ 45.00	\$ 7,200.00
49	ADJUST VALVE BOX	43	EACH	\$ 185.00	\$ 7,955.00
50	ADJUST WATER METER BOX TO FINISH GRADE	7	EACH	\$ 425.00	\$ 2,975.00
51	BIORETENTION FACILITY	63	S.Y.	\$ 150.00	\$ 9,450.00
EROSION CONTROL AND LANDSCAPING					
52	ESC LEAD	1	L.S.	\$ 15,000.00	\$ 15,000.00
53	INLET PROTECTION	120	EACH	\$ 75.00	\$ 9,000.00
54	SEDIMENT FENCE	630	L.F.	\$ 3.00	\$ 1,890.00
55	PSIPE TREES, 2" CAL.	41	EACH	\$ 285.00	\$ 11,685.00
56	PSIPE TREES, 5'-6' HT.	4	EACH	\$ 205.00	\$ 820.00
57	PSIPE TREES, 10'' HT.	14	EACH	\$ 285.00	\$ 3,990.00
58	PSIPE SHRUBS, 1 GAL.	1,117	EACH	\$ 11.00	\$ 12,287.00
59	PSIPE SHRUBS, 2 GAL.	219	EACH	\$ 30.00	\$ 6,570.00
60	PSIPE GROUNDCOVER, 4" POTS	1,483	EACH	\$ 7.00	\$ 10,381.00
61	PSIPE PLUGS, 1" X 6"	3,210	EACH	\$ 3.00	\$ 9,630.00
62	SEED INSTALLATION (SEED MIX NO. 1)	361	S.Y.	\$ 5.00	\$ 1,805.00
63	SEED INSTALLATION (SEED MIX NO. 2)	73	S.Y.	\$ 12.00	\$ 876.00
64	TOPSOIL TYPE A	630	C.Y.	\$ 33.00	\$ 20,790.00
65	FINE COMPOST	210	C.Y.	\$ 40.00	\$ 8,400.00
66	BARK MULCH	198	C.Y.	\$ 47.00	\$ 9,306.00
67	PLANT BED EDGER	568	L.F.	\$ 7.00	\$ 3,976.00
68	ROOT BARRIER	2,027	L.F.	\$ 9.00	\$ 18,243.00
69	LANDSCAPE RESTORATION	2,200	S.F.	\$ 6.00	\$ 13,200.00
70	IRRIGATION SYSTEM	1	L.S.	\$ 34,000.00	\$ 34,000.00
71	IRRIGATION SLEEVE	872	L.F.	\$ 10.00	\$ 8,720.00
TRAFFIC					
72	ILLUMINATION SYSTEM	1	L.S.	\$ 310,000.00	\$ 310,000.00
73	TRAFFIC SIGNAL SYSTEM MODIFICATION - W MAIN ST/1ST AVE	1	L.S.	\$ 300,000.00	\$ 300,000.00
74	TRAFFIC SIGNAL SYSTEM - W MAIN ST / 2ND AVE	1	L.S.	\$ 205,000.00	\$ 205,000.00
75	TRAFFIC SIGNAL SYSTEM - CATLIN ST / 5TH AVE	1	L.S.	\$ 105,500.00	\$ 105,500.00
76	TRAFFIC SIGNAL SYSTEM MODIFICATION - W COWLITZ WAY / CATLIN ST	1	L.S.	\$ 80,000.00	\$ 80,000.00
77	TRAFFIC SIGNAL SYSTEM MODIFICATION - W MAIN ST / 5TH AVE	1	L.S.	\$ 10,000.00	\$ 10,000.00
78	TRAFFIC SIGNAL SYSTEM MODIFICATION - W MAIN ST / W COWLITZ	1	L.S.	\$ 15,000.00	\$ 15,000.00
79	INTERCONNECT SYSTEM	1	L.S.	\$ 30,000.00	\$ 30,000.00
80	PERMANENT SIGNING	1	L.S.	\$ 25,000.00	\$ 25,000.00
81	PROFIED PLASTIC LINE	12,260	L.F.	\$ 2.00	\$ 24,520.00
82	PROFIED PLASTIC WIDE LANE LINE	3,635	L.F.	\$ 4.00	\$ 14,540.00
83	PAINT LINE	1,170	L.F.	\$ 1.00	\$ 1,170.00
84	PLASTIC STOP LINE	785	L.F.	\$ 7.00	\$ 5,495.00
85	PLASTIC CROSSHATCH MARKING	370	L.F.	\$ 4.00	\$ 1,480.00
86	PLASTIC CROSSWALK LINE	3,720	S.F.	\$ 4.00	\$ 14,880.00
87	PLASTIC TRAFFIC ARROW	35	EACH	\$ 300.00	\$ 10,500.00
88	PLASTIC TRAFFIC LETTER	4	EACH	\$ 120.00	\$ 480.00
89	PLASTIC BICYCLE LANE SYMBOL	5	EACH	\$ 200.00	\$ 1,000.00
90	TEMPORARY PAVEMENT MARKING	12,000	L.F.	\$ 0.30	\$ 3,600.00
OTHER ITEMS					
91	CURB AND GUTTER TYPE A	3,860	L.F.	\$ 17.00	\$ 65,620.00
92	DUAL-FACED CEMENT CONC TRAFFIC CURB	1,560	L.F.	\$ 24.00	\$ 37,440.00
93	STANDARD STRAIGHT CURB	816	L.F.	\$ 21.00	\$ 17,136.00
94	DRIVEWAY APPROACH	761	S.Y.	\$ 55.00	\$ 41,855.00

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE:

Contract Award for:
Sunrise St. Waterline Replacement
Project No. 591303

Agenda Item: _____

Dept. of Origin: Community Development/Eng

For Agenda of: September 3, 2013

PRESENTED BY:

Michael Kardas, P.E.
Community Development Director / City Engineer

Cost of Item: \$139,884.84

City Manager: Steve Taylor

AGENDA ITEM ATTACHMENTS:

Bid Tabulation

SUMMARY STATEMENT:

This contract provides for waterline distribution improvements on the 1200 and 1300 block of Sunrise Street in the City of Kelso. The major work elements being 600 LF of ductile iron water distribution pipe, two fire hydrants, one blow-off assembly, new residential water service connections, one catch basin, 40 LF of 12" HDPE and 125 tons of new HMA pavement restoration.

Two bids were received for this project ranging from a high bid of \$147,712.33 to the low bid of \$139,884.84. The bid award is based on the Base Bid total. Brookhart Excavation, LLC submitted the qualified low bid of \$139,884.84.

FINANCIAL SUMMARY:

The qualified low bid for the for this project is \$24,848.64 above the Engineer's Estimate of \$115,036.20. Money is available in the Water Capital Reserve fund.

RECOMMENDED ACTION:

Staff recommends that the City Council make a motion to award the above-referenced project to the lowest bidder, Brookhart Excavation, LLC in the amount of \$139,884.84

Sunrise St. WaterLine Replacement													
Project # 591303													
Bid Tabulation 8.23.13													
	Engineer's Estimate				Brookhart Excavation, LLC				RC Northwest, Inc.				
Item			Unit				Unit				Unit		
No.	Description	Quan	Price	Amount	Quan	Price	Amount	Quan	Price	Amount	Price	Amount	
1	Mobilization	1	L.S.	\$ 10,000.00	\$ 10,000.00	1	L.S.	\$ 4,500.00	\$ 4,500.00	1	L.S.	\$ 7,150.00	\$ 7,150.00
2	Other Traffic Control Labor	1	L.S.	\$ 500.00	\$ 500.00	1	L.S.	\$ 250.00	\$ 250.00	1	L.S.	\$ 500.00	\$ 500.00
3	Flaggers and Spotters	150	HR	\$ 50.00	\$ 7,500.00	150	HR	\$ 42.00	\$ 6,300.00	150	HR	\$ 53.00	\$ 7,950.00
4	Crushed Surfacing Top Course	675	TON	\$ 20.00	\$ 13,500.00	675	TON	\$ 18.00	\$ 12,150.00	675	TON	\$ 17.25	\$ 11,643.75
5	HMA for Pavement Repair Cl. 1/2" PG 64-22	125	TON	\$ 125.00	\$ 15,625.00	125	TON	\$ 140.00	\$ 17,500.00	125	TON	\$ 125.00	\$ 15,625.00
6	Ductile Iron Pipe for Water Main 4 In. Diam.	270	L.F.	\$ 33.00	\$ 8,910.00	270	L.F.	\$ 57.00	\$ 15,390.00	270	L.F.	\$ 68.00	\$ 18,360.00
7	Ductile Iron Pipe for Water Main 8 In. Diam.	330	L.F.	\$ 30.00	\$ 9,900.00	330	L.F.	\$ 60.00	\$ 19,800.00	330	L.F.	\$ 72.00	\$ 23,760.00
8	Removal and Replacement of Unsuitable Material	10	C.Y.	\$ 28.00	\$ 280.00	10	C.Y.	\$ 18.00	\$ 180.00	10	C.Y.	\$ 50.00	\$ 500.00
9	Trench Safety System	1	L.S.	\$ 600.00	\$ 600.00	1	L.S.	\$ 500.00	\$ 500.00	1	L.S.	\$ 200.00	\$ 200.00
10	Construction Surveying	1	L.S.	\$ 1,500.00	\$ 1,500.00	1	L.S.	\$ 1,600.00	\$ 1,600.00	1	L.S.	\$ 3,000.00	\$ 3,000.00
11	Connection to Existing Water Main	2	EA	\$ 900.00	\$ 1,800.00	2	EA	\$ 2,051.00	\$ 4,102.00	2	EA	\$ 2,100.00	\$ 4,200.00
12	Blow-off Assembly	1	L.S.	\$ 2,000.00	\$ 2,000.00	1	L.S.	\$ 2,300.00	\$ 2,300.00	1	L.S.	\$ 2,000.00	\$ 2,000.00
13	Gate Valve 4 In.	1	EA	\$ 500.00	\$ 500.00	1	EA	\$ 1,060.00	\$ 1,060.00	1	EA	\$ 555.00	\$ 555.00
14	Gate Valve 8 In.	3	EA	\$ 1,300.00	\$ 3,900.00	3	EA	\$ 1,449.00	\$ 4,347.00	3	EA	\$ 1,000.00	\$ 3,000.00
15	Fire Hydrant Assembly	2	EA	\$ 4,500.00	\$ 9,000.00	2	EA	\$ 5,187.00	\$ 10,374.00	2	EA	\$ 4,500.00	\$ 9,000.00
16	Service Connection 1" service line	11	EA	\$ 1,300.00	\$ 14,300.00	11	EA	\$ 1,600.00	\$ 17,600.00	11	EA	\$ 1,800.00	\$ 19,800.00
17	Double Service Connection 1" service lines	1	EA	\$ 1,800.00	\$ 1,800.00	1	EA	\$ 1,900.00	\$ 1,900.00	1	EA	\$ 2,500.00	\$ 2,500.00
18	Remove Existing Storm System	1	LS	\$ 500.00	\$ 500.00	1	LS	\$ 2,500.00	\$ 2,500.00	1	LS	\$ 1,000.00	\$ 1,000.00
19	Install Type 1 Catch Basin	1	EA	\$ 1,300.00	\$ 1,300.00	1	EA	\$ 1,050.00	\$ 1,050.00	1	EA	\$ 1,100.00	\$ 1,100.00
20	12" HDPE Storm Pipe	40	LF	\$ 40.00	\$ 1,600.00	40	LF	\$ 88.00	\$ 3,520.00	40	LF	\$ 50.00	\$ 2,000.00
21	Storm Outfall	1	LS	\$ 500.00	\$ 500.00	1	LS	\$ 300.00	\$ 300.00	1	LS	\$ 500.00	\$ 500.00
22	Trim and Clean-up	1	LS	\$ 1,000.00	\$ 1,000.00	1	LS	\$ 2,300.00	\$ 2,300.00	1	LS	\$ 1,500.00	\$ 1,500.00
				Sub Total	\$106,515.00			Sub Total	\$129,523.00			Sub Total	\$135,843.75
				8% Sales Tax	\$8,521.20			8% Sales Tax	\$10,361.84			8% Sales Tax	\$10,867.50
				Total	\$115,036.20			Total	\$139,884.84			Total	\$146,711.25

AGENDA SUMMARY SHEET

AGENDA ITEM: Ordinance 1st reading.
Budget revision #2 for the 2013 fiscal year.

SUBMITTED BY: Brian Butterfield

AGENDA ITEM # _____

FOR AGENDA OF: 9/3/2013

ORIGINATING DEPT: Finance

DATE SUBMITTED: 8/23/2013

COST OF ITEM: _____

AMT. BUDGETED _____

CITY ATTY. APPROVAL _____

CITY MGR. APPROVAL _____

AGENDA ITEM PAPERWORK:

SUMMARY STATEMENT/DEPT. RECOMMENDATION:

The major highlights of this revised budget include anticipated grant revenues for the clean up of the former Terry's Salvage Yard. The rest of the revisions have to do with reallocating monies to new capital projects from monies previously allocated to lower priority projects.

Revisions include the following:

General Fund:

- \$567,700 increase in expenditures for the clean up of the former Terry's Salvage Yard.
Increase will be funded entirely by grants.

Water Capital Fund:

- \$1,045,000 decrease in water related capital expenditures.

Sewer Capital Fund:

- \$801,300 increase in sewer related capital projects. These projects include the Ayers/Harris Street Sewer Replacements for \$652,000 and the 1st Avenue sewer replacement project for \$250,000.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KELSO AMENDING THE 2013 BUDGET TO REFLECT REVENUES AND APPROPRIATE FUNDS TO COVER EXPENDITURES OVER AND ABOVE THOSE ANTICIPATED AT THE TIME SAID BUDGET WAS ADOPTED.

THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS FOLLOWS:

SECTION 1. That by reason of the inability of the City and its officials to foresee and compute with accuracy the actual revenue and necessary expenditures of public funds for the current expenses of the City, it is deemed necessary to make the following amendment to the budget by adjusting the following line items by the amounts set forth below for the 2013 Budget, to-wit:

GENERAL FUND

Revenues

001-00-333-00-00	EPA Brownfield Grant	\$ 56,770.00
001-00-334-00-00	DOE Remedial Action Grant	<u>\$ 510,930.00</u>
		\$ 567,700.00

Expenditures

001-13-539-90-41-1	Remedial Action Grant	\$ 567,700.00
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WATER/SEWER FUND

Revenues

403-25-308-00-00	Beginning Fund Balance	\$ 166,500.00
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Expenditures

403-25-597-00-01-0	Transfer to Water Capital Fund	\$ (600,000.00)
403-25-597-10-01-0	Transfer to Sewer Capital Fund	<u>\$ 766,500.00</u>
		\$ 166,500.00

WATER CAPITAL RESERVE FUND

Revenues

404-17-308-00-00	Beginning Fund Balance	\$ (445,000.00)
404-17-397-00-00	Transfer From Water/Sewer	<u>\$ (600,000.00)</u>
		\$ (1,045,000.00)

Expenditures

404-17-594-09-00-1	Mill Street Test Well	\$ 15,000.00
404-17-594-10-00-2	Water Master Plan	\$ 35,000.00
404-17-594-11-00-1	AMI	\$ (1,300,000.00)
404-17-594-13-00-1	Clydesdale Court	\$ (30,000.00)
404-17-594-13-00-2	N.E 20 th Avenue Waterline	\$ (20,000.00)
404-17-594-13-00-3	Ranney Well Generator	\$ (80,000.00)
404-17-594-13-00-4	Pump Station Meter Installation	\$ 5,000.00
404-17-594-13-00-5	Backwash Recovery Evaluation	\$ (50,000.00)
404-17-594-13-00-6	Longview Intertie	\$ 50,000.00
404-17-594-13-00-7	Sunrise Waterline	\$ 140,000.00
404-17-594-13-00-8	1 st Avenue Waterline	\$ 150,000.00
404-17-594-13-00-9	Source Capacity Study	<u>\$ 40,000.00</u>
		\$ (1,045,000.00)

SEWER CAPITAL RESERVE FUND

Revenues

408-28-308-00-00	Beginning Fund Balance	\$ 34,800.00
408-28-397-00-00	Transfer From Water/Sewer Fund	<u>\$ 766,500.00</u>
		\$ 801,300.00

Expenditures

408-28-508-00-00-0	Ending Fund Balance	\$ (55,200.00)
408-28-535-10-00-1	N. Kelso Sewer Rehab Phase V	\$ 5,000.00
408-28-594-09-00-1	Catlin Pump Station Pump Replacement	\$ (10,000.00)
408-28-594-12-00-1	Telemetry	\$ 45,000.00
408-28-594-13-00-1	Clark St. Pump Station Pump Replacement	\$ (10,000.00)
408-28-594-13-00-2	Pump Station UST Evaluation	\$ (17,000.00)
408-28-594-13-00-3	Manasco Drive Interceptor	\$ (70,000.00)
408-28-594-13-00-4	Coweeman Lane Sewer Replacement	\$ (34,000.00)
408-28-594-13-00-5	Pump Station Meter Installation	\$ 10,000.00
408-28-594-13-00-7	Ayers/Harris Street Sewer Replacement	\$ 652,500.00
408-28-594-13-00-8	1 st Avenue Sewer Replacement	\$ 250,000.00
408-28-594-13-00-9	Manhole Lining Project	<u>\$ 35,000.00</u>
		\$ 801,300.00

SECTION 2. It is hereby ordered that the aforesaid sum be and the same is hereby appropriated in excess of the budget of the City of Kelso for 2013 and further that said budget be and the same is hereby amended accordingly.

SECTION 3. This Ordinance shall be in full force and effect five days after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this _____ day of September 2013.

MAYOR

ATTEST/AUTHENTICATION:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED: _____

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE: An Ordinance of the City of Kelso repealing Ordinance 3205 codified at KMC 2.26 Public Records Disclosure and adopting a new KMC 2.26 Public Records Disclosure to replace the repealed chapter.

Agenda Item: _____

Dept. of Origin: _____ City Manager _____

For Agenda of: September 3, 2013

Originator: _____

PRESENTED BY:

Steve Taylor

City Attorney: Janean Parker

City Manager: Steve Taylor

Agenda Item Attachments:

Proposed Ordinance

Exhibit A – Updated Chapter 2.26 Public Records Disclosure

Exhibit B – Current Chapter 2.26 Public Records Disclosure

SUMMARY STATEMENT:

In 1993, Ordinance 3205 was adopted to address the disclosure of public records. Since that time, there have been several judicial interpretations and amendments to the state law, including a complete recodification of the statutes at RCW 42.56 and the adoption of state model rules. The proposed code changes are intended to update the City's municipal code to reflect the current state of the law and current best practices in order to better serve the purposes of the Public Records Act. Some of the proposed changes include: providing up to ten, standard, black and white copies, at no charge and requiring a 10% deposit on requests estimated to exceed \$25.00.

RECOMMENDED ACTION:

Make a motion to approve Ordinance repealing the current KMC 2.26 and adopting a new KMC 2.26.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KELSO REPEALING
ORDINANCE 3205 CODIFIED AT KMC 2.26 PUBLIC RECORDS
DISCLOSURE AND ADOPTING A NEW KMC 2.26 PUBLIC RECORDS
DISCLOSURE TO REPLACE THE REPEALED CHAPTER**

WHEREAS, Ordinance 3205 was adopted in 1993 to address the disclosure of public records; and

WHEREAS, there have been several judicial interpretations and amendments to the state law, including a complete recodification of the statutes at RCW 42.56 and the adoption of state model rules; and

WHEREAS, the City Council wishes to update the City's municipal code to reflect the current state of the law and current best practices in order to better serve the purposes of the Public Records Act which are to provide full access to public records, protect records from damage or disorganization, prevent excessive interference with other essential functions of the City and provide the "fullest assistance" to the requestors and the most timely possible action on public records requests;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS FOLLOWS:

SECTION 1. REPEALER. That Ordinance No. 3205, codified at Kelso Municipal Code Chapter 2.26 Public Records Disclosure is hereby repealed in its entirety and replaced as set forth herein.

SECTION 2. NEW CHAPTER 2.26 KMC. That a new Kelso Municipal Code Chapter 2.26—Public Records Disclosure—is hereby adopted as set forth in Exhibit A attached hereto and incorporated by this reference.

SECTION 3. SAVINGS CLAUSE. That Ordinance No. 3205 that is repealed by this Ordinance shall remain in full force and effect until the effective date of this Ordinance.

SECTION 4. SEVERABILITY. The provisions of this Ordinance are declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect 5 days after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of _____, 2013.

ATTEST/AUTHENTICATION:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED:_____

Exhibit A.

Chapter 2.26 PUBLIC RECORDS DISCLOSURE

2.26.010. Purpose.

A. The Washington Public Records Act at 42.56 RCW requires public agencies to make available for inspection and copying nonexempt public records in accordance with published rules. The purpose of this Public Records Act is to provide the public with full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. In carrying out its responsibilities under the Public Records Act, the City of Kelso will be guided by the provisions of the Act describing its purposes and interpretation.

B. The purpose of this Chapter is to establish the policies and procedures by which City staff will review and respond to requests for public records within the framework of the Public Records Act.

2.26.020. Municipal Services and Central Office.

The City of Kelso is a Washington municipal corporation that provides a full range of traditional municipal services to its various departments. The central office is located at

Kelso City Hall
203 South Pacific
Kelso, WA 98626.

Several field offices exist throughout the City. The most current City organizational chart is located in the City Clerk's Office.

2.26.030. Definitions.

“Public Record” shall mean any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by the City of Kelso.

“Public Records Act” shall mean RCW 42.56 as now enacted or hereafter amended.

“Writing” shall mean “handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

“Public Records Officer” shall mean the City Clerk of the City of Kelso or his or her designee or such other person as may be designated by the City Manager as the Public Records Officer

2.26.040. Public Records Officer.

- A. The Public Records Officer will oversee compliance with this Chapter and the Public Records Act.
- B. The Public Records Officer may designate other city staff to assist in processing any request. The Public Records Officer may delegate the responsibilities of processing requests to other Departments which in turn may designate a records coordinator to facilitate access to public records within that department. Each such coordinator shall be identified to and coordinate any response through the Public Records Officer.
- C. Any person wishing to request access to public records of the City of Kelso or seeking assistance in making such a request should contact the Public Records Officer:

Public Records Officer
City of Kelso, Clerk’s Office
203 South Pacific Avenue, Suite 102
P.O. Box 819
Kelso, WA 98626
360-423-0900 (telephone)
360-425-9807 (fax)
publicdisclosure@kelso.gov (e-mail)

Records for public records from the Police Department shall be made to:

Kelso Police Department
Attn: Public Records Section
City of Kelso
201 South Pacific Avenue,
P.O. Box 935
Kelso, WA 98626
360-423-1271 (telephone)
360-423-0577(fax)
publicdisclosure@kelso.gov (e-mail)

Information and public records request forms are also available at the City’s website at www.kelso.gov.

- D. The Public Records Officer is authorized to adopt such policies and procedures as may be necessary for the implementation of this Chapter and the Public Records Act for the review of and response to public records requests.

2.26.050. Availability of public records.

- A. The City of Kelso hereby finds that maintaining a central index of all City records is unduly burdensome and would interfere with City operations for the following reasons:

1. The City is small in staff size with limited resources.
2. There are multiple departments with subdivisions thereof, which maintain separate database or record keeping systems for the indexing of records and information.
3. The City has a large number of diverse records stored in multiple locations and in multiple computer and filing systems.
4. It is unduly burdensome to maintain a central index of records.

B. The City Clerk maintains and shall make available to the public, indexes of ordinances, resolutions, and policies adopted by the City Council, minutes of regular meetings of the City Council and any amendments, revisions and repeals thereof. These and any other indexes maintained for City use will be made available for review by the public upon request to the Public Records Officer unless exempted by state law.

C. The City shall maintain its records in a reasonably organized manner and take reasonable steps to protect records from damage and disorganization.

D. Public Records are generally available for inspection and copying during normal business hours of Monday through Friday, 9 am to 5 pm, excluding legal holidays. Records must be inspected at the offices of the City. Requestors shall not be permitted to remove any records from the City without permission of the Public Records Officer.

2.26.060. Making a request for records.

All requests to inspect and copy public records shall be in writing, on forms prescribed by the Public Records Officer, and shall identify the records sought for inspection and copying. The request should include the following information:

1. Name of the requestor
2. Address of the requestor
3. Date of the request
4. Telephone, email, or other contact information of the requestor
5. Identification of the public records sought, adequate for the Public Records Officer to locate the records
6. Whether the requestor intends to inspect the records or obtain a photocopy of the records at the costs set forth by separate resolution.

2.26.070. Processing of records requests.

A. The Public Records Officer will process requests in the order allowing the most requests to be processed in the most efficient manner.

B. Within five business days of receipt of the request, the Public Records Officer will do one or more of the following:

1. Make the records available for inspection or copying; or
2. Identify an internet location where the record can be accessed. Requestors who cannot access the internet may be provided hard copies or access to a City computer terminal to access the record; or
3. If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor; or
4. Provide a reasonable estimate of when records will be available; or

5. If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The Public Records Officer may revise the estimate of when records will be available; or
 6. Deny the request.
- C. If the City does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the Public Records Officer to determine the reason for the failure to respond.
- D. In the event that the requested records contain information that may affect rights of others and/or may be exempt from disclosure, the Public Records Officer may, prior to providing the records, give notice to those persons. Such notice should be given to make it possible for those receiving the notice to seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will typically include a copy of the request.
- E. Some records are exempt from disclosure, in whole or in part. If the City believes that a record or portion of a record is exempt from disclosure and should be withheld, the Public Records Officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld.

2.26.080. Inspection and Copying of Records.

- A. The City will provide a space for persons to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the City to copy.
- B. Parties wishing to inspect electronic records may be provided copies of the records on a CD or other storage device, may be directed to an internet address where the records can be accessed, or may receive records by email. If a requestor cannot access records in these ways, the City may provide hard copies or allow a requestor to view copies on a City computer.
- C. The requestor must make arrangements to claim or review the assembled records within thirty days of notification that the records are available for inspection or copying. If the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the City may close the request and re-file the assembled records.
- D. After inspection is complete, the Public Records Officer shall make the requested copies or arrange for copying. The requestor shall pay any applicable deposit prior to copies being made. Full payment for copies must be received prior to delivery of the requested copies.
- E. When the request is for a large number of records or when a portion of responsive records is more readily available than others, the Public Records Officer may provide access for inspection and copying in installments if he or she reasonably determines that it would be practical to provide the records in that way.
- F. If, within thirty days, the requestor fails to inspect the available installments, the Public Records Officer may discontinue the search for the remaining records and close the request.

2.26.090. Completion and Closing of Requests.

- A. When the search for requested records is complete and all requested records are provided for inspection, the Public Records Officer will indicate that the City has completed a reasonable search for the requested records and made any located, nonexempt records available for inspection and copying.

B. When the requestor (1) withdraws the request, (2) fails to fulfill his or her obligation to timely inspect the records or (3) fails to pay the required amount due for requested copies, the Public Records Officer will close the request and indicate to the requestor that the City has closed the request.

C. When the requestor has inspected the records, or when the City has notified the requestor that copies of all the requested records are available for payment and delivery or pick up, or that no responsive records exist, a request shall be deemed completed.

D. If, after the City has informed the requestor that it has provided responsive records, the City becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them as soon as possible. However, a public records request is not continuing in nature. If a requestor desires additional records created or obtained by the City after the date of the original request, the requestor must submit a new request.

2.26.100. No Duty to Create New Records.

The City is not obligated to create new records to satisfy a records request; however, the City may, at its discretion, create such new records to fulfill the request where the City deems that method of response more expedient.

2.26.110. Electronic Records.

A. The process for requesting electronic records is the same as for requesting public records in hard copy.

B. When a requestor seeks records in an electronic format, the Public Records Officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the City and is generally commercially available, or in a format that is reasonably translatable from the format in which the City keeps the record.

C. With the consent of the requestor, the City may provide customized access if the record is not reasonably translatable into the format requested.

2.26.120. Exemptions.

A. Public records described in RCW 42.56.210 through RCW 42.56.480, as now effective or as subsequently revised, and any other public records exempt from public inspection and copying by the laws of the State of Washington shall not be available for public inspection and copying; provided, however, that when exempt portions of public records can be redacted, the remainder thereof shall be open to public inspection and copying.

B. The Public Records Officer shall, for informational purposes only, publish and maintain a list of current laws outside the Public Records Act that exempts or prohibits disclosure of records or information of the City. The failure to list an exemption shall not affect the efficacy of any exemption.

C. The City is prohibited by statute from disclosing lists of individuals for commercial purposes.

2.26.130. Cost of providing copies.

- A. The City Council shall, by separate resolution, establish and amend as needed a schedule of fees for copying or otherwise providing a requestor with public records.
- B. There shall be no fee for inspecting public records.
- C. A requestor may obtain up to ten (10) pages of standard black and white 8.5 x 11 photocopies at no charge.
- D. In the event that the City determines that materials need to be copied by an outside vendor due to the volume of the request, the workload of City staff, the size or type of record requested, or for any other reason, the requestor will be charged the actual amount invoiced to the City by the copying vendor.
- E. The requestor will be charged for the actual costs of envelopes, packaging, postage, and electronic storage devices or materials necessary for producing the records.
- F. In the event a request is estimated to exceed fifty dollars (\$50.00), the City may require the requestor to deposit an amount not to exceed 10% of the estimated cost of copying prior to the duplication of the records.
- G. Payment in full for the cost of copying records requested shall be made prior to the City providing the copies to the requestor.

2.26.140 Review of Denials of Public Records.

- A. Any person who objects to the initial denial or partial denial of a records request may petition in writing to the Public Records Officer for a review of that decision. The petition must include a copy of or shall reasonably identify the written statement by the Public Records Officer denying the request.
- B. The Public Records Officer will promptly provide the petition and any relevant information to the City Manager. The City Manager will consider the petition and either affirm or reverse the denial within two business days following the Public Records Officer's receipt of the petition, or within such time as the City and the requestor mutually agree.
- C. Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial, regardless of any internal administrative appeal.

Exhibit B
Chapter 2.26
PUBLIC RECORDS DISCLOSURE

Sections:

- [2.26.010](#) City clerk—Duties.
- [2.26.020](#) Request for records.
- [2.26.030](#) Response to request.
- [2.26.040](#) Information exempt from public inspection.
- [2.26.050](#) Record copy charge.
- [2.26.060](#) Alteration of cost schedule.
- [2.26.070](#) Payment of cost of transcription of verbatim written transcript for court proceedings.
- [2.26.080](#) Disclosure prohibited.
- [2.26.090](#) Other obligations of city clerk.

2.26.010 City clerk—Duties.

The city clerk shall insure that current indexes of the city's public records are available for public inspection as required by law. (Ord. 3205 § 1, 1993)

2.26.020 Request for records.

All persons desiring to make, inspect or receive a copy of any public record of the city must make their request to the city clerk, or his/her designee, on forms specified by the city clerk. (Ord. 3205 § 2, 1993)

2.26.030 Response to request.

A. Responses to requests for records will be made promptly. If the request is for a record maintained or indexed other than in the city clerk's office, the requester will be advised that their request has been forwarded to the appropriate department. Provided, however, request for police documents shall be made to the police department directly. All assistance necessary to help the requester shall be provided either by an employee of the city clerk's office or of the particular department. The giving of such assistance shall not unreasonably disrupt the operation of the city or the other duties of assisting employees. If the written request includes a request for copies, a payment in accordance with the city's fee schedule shall be paid.

B. Whenever a member of the public has requested to inspect an identifiable public record and that request has been denied, such a person may submit a written request and have such denial reviewed by the city attorney. The review of the denial by the city attorney shall be as prompt as possible. (Ord. 3205 § 3, 1993)

2.26.040 Information exempt from public inspection.

The following shall be exempt from public inspection and copying:

A. Personal information and any files maintained for prisoners.

B. Personal information and any files maintained for city employees, appointees, or elected officials to the extent the disclosure would violate their right to privacy.

C. Information required of any taxpayer or city license holder in connection with the assessment or collection of any tax or license fee if the disclosure of the information to other persons would violate the taxpayer or licensee's right to privacy or would result in unfair competitive disadvantage to such taxpayer or licensee.

D. Specific intelligence information and specific investigative files compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

E. Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, if disclosure would endanger any person's life, physical safety, or property, or if the complainant has indicated a desire for nondisclosure.

F. Test questions, scoring keys and other examination data used to administer license, employment or civil service examination.

G. Except as provided by RCW Chapter 8.26, the contents of any real estate appraisals made for or by any agency, including the city, relative to the acquisition of property by the city until the project is abandoned or until such time as all of the property has been acquired, but in no event shall disclosure be denied for more than three years after the date of the appraisal.

H. Valuable formulas, designs, drawings and research data obtained or produced by the city, its officers, employees, and agents within five years of any request for disclosure thereof, when disclosure would produce private gain and public loss.

I. Preliminary drafts, notes, recommendations and intra-agency memorandums in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

J. Records which are relevant to a controversy to which the city or any of its officers, employees or agents is a party, but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

K. Any library record which could disclose the identity of a user of library materials.

L. Lists of individuals requested for commercial purposes.

M. Any public record access which the Cowlitz County Superior Court has found would damage any person or vital government function.

N. Residence address and telephone number of city employees or volunteers.

O. Residence address and telephone number of city utility customers.

P. Applications for employment, including name of applicant, resume, and other related material submitted with respect to an applicant.

The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital government interests, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons. (Ord. 3205 § 4, 1993)

2.26.050 Record copy charge.

A. Copies of any disclosable public record (or portions thereof) including, but not limited to, maps, reports, codes, plans, and tape recordings, shall be made and provided by the city upon request and payment of the actual cost incidental to reproducing the same. The city clerk, in consultation with appropriate departments, is directed to prepare and have on file as a public

document a schedule of such costs of reproduction. In determining the cost of reproduction, all costs incident to such reproduction shall be includable factors, including labor and mailing costs.

B. Where the request is for a certified copy, there shall be an additional charge to cover the additional expense and time required for certification.

C. Payment for the cost of reproduction of all public records shall be made at the time the request for public records is submitted to the city clerk. If there is uncertainty as to the amount required, the amount tendered shall be based upon estimates established by the city clerk in the schedule of the cost of reproduction. If the actual amount of the cost of reproduction exceeds the amount tendered, the balance shall be paid upon delivery of the requested copy or copies. In the event the amount tendered exceeds the actual cost, the balance shall be refunded at the time of the delivery of the copy or copies. Except as specifically provided herein, there shall be no refunds. (Ord. 3205 § 5, 1993)

2.26.060 Alteration of cost schedule.

When a change in the established cost schedule is required, the city clerk, in consultation with appropriate department(s), shall change the schedule by filing a new schedule. (Ord. 3205 § 6, 1993)

2.26.070 Payment of cost of transcription of verbatim written transcript for court proceedings.

A. Whenever the city is required to prepare a verbatim written transcript of any proceeding of the city in response to a writ of review or other action filed in the Superior Court or any other state or federal court, the cost of preparing the same shall be borne by the party filing the action. The party filing such action shall pay to the city clerk the estimated cost of the preparation of the transcript (as established by the city clerk), including copying costs and the city clerk shall thereafter make a provision for the preparation of the transcript.

B. Should the actual cost incurred by the city in preparation of the transcript exceed the amount deposited with the city clerk, the party making such deposit shall be required to reimburse the city for such additional amount within ten days of notification that such amount is due or prior to the time the transcript is required to be filed with the court, whichever occurs first. Should the actual cost incurred by the city be less than the estimated cost deposited, such credit due shall be reimbursed by the city to the party making the deposit. (Ord. 3205 § 7, 1993)

2.26.080 Disclosure prohibited.

The city shall not be required to permit public inspection and/or copying of any record to the extent public disclosure is prohibited, restricted or limited by state or federal laws. (Ord. 3205 § 8, 1993)

2.26.090 Other obligations of city clerk.

The city clerk shall insure that public records are available for inspection and copying during regular business hours of the city and that such public records are protected from abuse or destruction. (Ord. 3205 § 9, 1993)

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE: An Ordinance of the City of Kelso repealing Ordinance 3573 codified at KMC 12.24 Parades and adopting a new KMC 12.24 Special Events to replace the repealed chapter.

Agenda Item: _____

Dept. of Origin: _____ City Manager _____

For Agenda of: September 3, 2013

Originator: _____

PRESENTED BY:

Steve Taylor

City Attorney: Janean Parker

City Manager: Steve Taylor

Agenda Item Attachments:

Ordinance

Exhibit A – New Chapter 12.24 Special Events

Exhibit B – Current Chapter 12.24 Parades

SUMMARY STATEMENT:

In 2005, Ordinance 3573 was adopted to address the use of the public right-of-way for special events but was limited to only addressing events that could be classified as a parade. The proposed code changes are intended to expand the scope of the code provisions to address other uses of the right-of-way, clarify and consolidate the permitting process for these events, protect the public's investment in infrastructure and facilities, and mitigate other potential risks associated with the assemblage of large groups.

RECOMMENDED ACTION:

Make a motion to adopt Ordinance amending KMC Chapter 12.24 on second reading.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KELSO REPEALING ORDINANCE 3573 CODIFIED AT KMC 12.24 PARADES AND ADOPTING A NEW KMC 12.24 SPECIAL EVENTS TO REPLACE THE REPEALED CHAPTER

WHEREAS, Ordinance 3573 was adopted in 2005 to address the use of the public right-of-way for special events limited to the definition of parade; and

WHEREAS, the City wishes to expand the scope of the code provisions to encompass other uses of the right-of-way; and

WHEREAS, the City wishes to clarify and consolidate the permitting process for the use of the right-of-way for special events; and

WHEREAS, the City Council wishes to update the City's municipal code to better serve the needs of the community, protect the public's investment in infrastructure and facilities, and mitigate potential risks associated with the assemblage of large groups by adopting policies and procedures that address a comprehensive list of special events that may impact any City owned property, including right-of-ways;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS FOLLOWS:

SECTION 1. REPEALER. That Ordinance No. 3753, codified at Kelso Municipal Code Chapter 12.24 Parades is hereby repealed in its entirety and replaced as set forth herein.

SECTION 2. NEW CHAPTER 12.24 KMC. That a new Kelso Municipal Code Chapter 12.24—Parades—is hereby adopted as set forth in Exhibit A attached hereto and incorporated by this reference.

SECTION 3. SAVINGS CLAUSE. That Ordinance No. 3753 that is repealed by this Ordinance shall remain in full force and effect until the effective date of this Ordinance.

SECTION 4. SEVERABILITY. The provisions of this Ordinance are declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect 5 days after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of _____, 2013.

ATTEST/AUTHENTICATION:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED: _____

Exhibit A

Chapter 12.24 SPECIAL EVENTS

Sections:

- [12.24.010](#) Definitions.
- [12.24.020](#) Permit – Required.
- [12.24.030](#) Permit – Application – Fee.
- [12.24.035](#) Permit – Exceptions.
- [12.24.040](#) Permit – Application – Contents.
- [12.24.050](#) Permit – Application – Filing.
- [12.24.060](#) Bond required.
- [12.24.070](#) Insurance required – Hold harmless/indemnification.
- [12.24.080](#) Permit – Issuance standards.
- [12.24.090](#) Traffic control.
- [12.24.100](#) Appeal procedure.
- [12.24.110](#) Permit revocation or suspension.
- [12.24.120](#) Rules and policy.
- [12.24.130](#) Violation – Penalty.

12.24.010 Definitions.

- A. “Applicant” means the person, firm or entity making application for a permit.
- B. “City manager” shall mean the city manager or his/her designee.
- C. “Parade” means any march or procession consisting of people, animals, bicycles, vehicles, or combination thereof, except wedding processions and funeral processions, upon any public street or sidewalk which does not comply with adopted traffic regulations or controls.

D. "Run" means an organized procession or race consisting of people, bicycles, or other vehicular devices or combination thereof upon the public street or sidewalk.

E. "Public property" means a street or other public place (i.e., park) under the control and authority of the City.

F. "Private event" means an event which uses public property for the purpose of monetary or personal gain by any person, partnership, group, organization, company or corporation or which is closed to the general public.

G. "Special event" means:

1. Any activity of a temporary nature on public property which affects the ordinary use of public rights-of-way, public parking lots, public parks, intersections, sidewalks or streets, or which would significantly impact the need for City-provided emergency services such as police, fire or medical aid, for purposes which include, but are not limited to, parades, walks/runs, street dances, fundraisers, sales, auctions, bikeathons, shows or exhibitions, filming/movie events, carnivals, circuses, car shows, horse shows, fairs and block parties, or other activity, demonstration or exhibition; or
2. Any activity, function, or event, which is open to the general public.
3. A private event.

H. "Street" or "streets" means any public roadway, sidewalk, or portions thereof in the City of Kelso dedicated to the public use.

12.24.020 Permit – Required.

No person shall conduct a special event upon public property unless a permit has been obtained from the community development director.

12.24.030 Permit – Application – Fee.

The fee for a special event shall be determined by resolution.

A. No fee shall be imposed when prohibited by the First and Fourteenth Amendments to the United States Constitution, or Article I, Section 3, 4, 5 or 11 of the Washington Constitution. Political or religious activity intended primarily for the communication or expression of ideas shall be presumed to be a constitutionally protected event. Factors that may be considered in evaluating whether or not the fee applies include the nature of the event; the extent of commercial activity, such as the sales of food, goods, and services; product advertising or promotion, or other business participation in the event; the use or application of any funds raised; if part of an annual tradition or a series,

previous events in the sequence; and the public perception of the event.

12.24.035 Permit – Exceptions.

The following activities are exempt from the requirement to obtain a special events permit, although such activities must still comply with all other applicable laws:

- A. A funeral procession by a licensed mortuary;
- B. Activities conducted by a governmental agency acting within the scope of its authority; and
- C. Lawful picketing on sidewalks.

12.24.040 Permit – Application – Contents.

The application for a special event permit shall include the following:

- A. The name, address, and telephone number of the applicant and any event organizer, if different than the applicant;
- B. Payment of the applicable special event permit fee
- B. A certification that the applicant will be financially responsible for any City fees or costs that may be imposed for the special event, including the posting of the bond required in KMC 12.24.060, and compliance with the insurance requirements in KMC 12.24.070;
- C. A certification that the applicant will comply with the hold harmless and indemnification provisions in KMC 12.24.070;
- D. If the special event is designed to be held by, on behalf of, or for any organization other than the applicant, the applicant for the special event permit shall file a written communication from such organization:
 - 1. Authorizing the applicant to apply for the special event permit on its behalf;
 - 2. Certifying that the applicant will be financially responsible for any costs or fees that may be imposed for the special event;
 - 3. A copy of the tax exemption letter issued for any applicant claiming to be a tax-exempt nonprofit organization;
- E. A statement of the purpose of the special event;

F. The proposed location for the special event, including both a map and written narrative, which shall include the locations for assembly, production, viewing, disbanding, parking, staging and any other activities related to the special event;

G. Dates and times when the special event and associated activities are to be conducted;

M. Proposed alternate routes, sites or times, where applicable;

N. The approximate number of persons, animals or vehicles that will constitute the special event;

O. The kinds of animals anticipated to be part of the special event;

P. A description of the types of vehicles to be used in the special event;

Q. The number of bands or other musical units and the nature of any equipment to be used to produce sounds or noise;

R. The number and location of portable sanitation facilities;

S. Other equipment or services necessary to conduct the special event with due regard for participant and public health and safety;

T. The number of persons proposed or required to monitor or facilitate the special event and provide spectator or participant control and direction for special events using City streets, sidewalks, or facilities;

U. Provisions for first aid or emergency medical services, or both, based on special event risk factors;

V. Insurance and surety bond information;

W. Any special or unusual requirements that may be imposed or created by virtue of the proposed special event activity; and

X. Any other information required by the community development director

12.24.050 Permit – Application – Filing.

A completed application for a special event permit shall be filed with the community development department at least six weeks before the date on which the event will occur. The community development director shall obtain review and approval of the permit from appropriate City departments and other agencies to include police, fire, public works, building and planning, risk management, and others as may be determined necessary by the Director. The Director

shall notify the applicant of approval, conditional approval, or denial within three weeks of submitting a complete application.

12.24.060 Bond required.

The community development director may require a cash deposit or performance bond in an amount determined by the director to be necessary to guarantee that the public property will be cleaned and returned to the condition in which it was found. The community development director shall determine the amount of bond or deposit by considering type of event, projected number of participants and spectators, the sponsor's experience, and other factors related to the condition and use of the City property.

12.24.070 Insurance required – Hold harmless/indemnification.

A. The applicant shall provide the City with a certificate of insurance demonstrating proof of liability insurance with a combined single limit of \$1,000,000 per occurrence, and \$2,000,000 in aggregate or such other amounts as may be established by the City's insurance carrier. Evidence of insurance shall be filed with the application and shall name the City of Kelso as an additional insured. Depending upon the nature of the special event and its risk to the public and private individuals, the community development director may increase or reduce the liability limits for a given event after consultation with the City's insurance carrier.

B. The applicant shall defend, indemnify, and hold harmless the City, its officers, officials, employees and volunteers from and against any and all claims, suits, actions, or liabilities for injury or death of any person, or for loss or damage to property, which arises out of the applicant's event, or from any activity, work or thing done, permitted, or suffered by applicant which arises from the applicant's event, except only such injury or damage as shall have been occasioned by the sole negligence of the City.

12.24.080 Permit – Issuance or denial.

A. The Director shall approve, conditionally approve, or deny an application based on the recommendations of City departments involved in the review process of the application for a special events permit and the grounds specified in this Chapter. If the application is denied or conditionally approved, the Director shall inform the applicant of the grounds for denial, or the reason for a change in the date, time, route, or location of the event. The applicant shall be notified of any permit conditions at the time the application is approved.

B. The Director may condition the issuance of a special events permit by imposing reasonable requirements concerning time, place, and manner of the event, and such requirements as are necessary to protect the safety and rights of persons and property, and the control of traffic. Such conditions include but are not limited to the following:

1. Alteration of the date, time, hours of operation, route, or location of the event proposed on the event application.
2. Conditions concerning the area of assembly and disbanding of an event along a route.
3. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street.
4. Conditions where traffic congestion may be anticipated, encouraging use of transit and carpooling.
5. Requirements for the use of traffic cones or barricades.
6. Requirements for the provision of first aid and sanitary facilities.
7. Requirements for the provision of fire, police, emergency medical protection, and parks and public works crews for maintenance and cleanup, if necessary.
8. Requirements for coordination with the Fire Department and emergency personnel for emergency treatment and evacuation of people who may need immediate care, cardiopulmonary resuscitation, or ambulance service; emergency communication; fire suppression equipment within structures; and maintenance of unobstructed emergency passageways.
9. Requirement for use of personnel to monitor the event and provide notice of permit conditions to event participants.
10. Restrictions on the number and type of vehicles, animals, or structures at an event.
11. Compliance with animal protection ordinances and laws.
12. Requirements for use of garbage containers, cleanup, and restoration of City and private property.
13. Restrictions on the use of amplified sound.
14. Notice to residents and/or businesses regarding any activity that would require a street closure.

C. The following conditions may be grounds for permit denial:

1. The applicant fails to submit a completed application within the required timeline;
2. The time, route, or size of the event will unreasonably disrupt the movement of traffic along streets;
3. The size or nature of the event requires supervision by a significant number of police officers that causes unreasonable expense or diversion of police duties;
4. The applicant has failed to remit all fees, documents, or proof of bonds;
5. The applicant has failed to conduct a previously authorized special event in accordance with law or the terms of a permit, or both;

6. The applicant has failed to provide sufficient safety, health or sanitation equipment services, or facilities;
7. The applicant has not provided sufficient off-site parking or shuttle service, or both, when required to minimize substantial adverse impacts on general parking and traffic circulation caused by the event;
8. The special event will substantially interfere with any other special event for which a permit has already been granted or with the provision of City services in support of other scheduled special events or governmental functions;
9. The special event would block traffic lanes or close streets during peak commuter hours on weekdays between 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. on streets designated as arterials by the City's public works department.

12.24.090 Traffic control.

The community development director may require any reasonable and necessary traffic control with the applicant responsible for the expense. The community development director shall notify the applicant of any City-projected traffic control expense and collect this amount before a permit is issued

12.24.100 Appeal procedure.

Upon denial of a permit by the community development director, an applicant may appeal to the city council by filing a written notice of the appeal within 10 days from the community development director's decision. Upon such appeal, the city council may reverse, affirm, or modify the community development director's determination.

12.24.110 Permit revocation or suspension.

The special event permit issued under this chapter is temporary and vests no permanent rights in the applicant, and may be immediately revoked or suspended by the community development director if:

- A. The applicant has made a misstatement of material fact in the information supplied;
- B. The applicant has failed to fulfill a term or condition of the permit in a timely manner;
- C. The applicant requests the cancellation of the permit or cancels the event;
- D. The activity endangers or threatens persons or property, or otherwise jeopardizes the health, safety or welfare of persons or property;

E. The activity conducted is in violation of any of the terms or conditions of the special event permit;

F. An emergency or occurrence requires the cancellation or termination of the event in order to protect the public health or safety; or

G. The applicant fails to prepay expenses.

The City shall refund the permit fee in the event of revocation caused by an emergency or supervening occurrence. All other refunds shall be at the discretion of the community development director

12.24.120 Rules and policy.

To implement the special event permit, the community development director may develop and adopt rules, policies and forms consistent with this chapter. All adopted rules, policies and forms shall be filed with the city clerk.

12.24.130 Violation – Penalty.

Violation of this chapter is a class 1 civil infraction, punishable by a maximum penalty of two hundred and fifty dollars, plus statutory assessments.

Exhibit B

Chapter 12.24 PARADES

Sections:

- [12.24.010](#) Parade defined.
- [12.24.020](#) Permit required.
- [12.24.030](#) Permit—Who may obtain.
- [12.24.040](#) Permit application.
- [12.24.050](#) Application—Initial review by chief of police.
- [12.24.060](#) Secondary review and issuance of permit.
- [12.24.070](#) Conditional permit (upon payment of costs).
- [12.24.080](#) Contents of permit.
- [12.24.090](#) Possession of permit.
- [12.24.100](#) Unauthorized parades.
- [12.24.110](#) Review of denial of permit application.

12.24.010 Parade defined.

The term “parade” as used in this chapter shall mean any person, animal, vehicle, machine or wagon, or any group of persons, animals, vehicles, machinery or wagons, which may be assembled in any march, procession or similar display, in or upon any street or public way of the city. “Parade” shall not mean otherwise lawful public gatherings without a procession, such as, but not limited to, one or more persons engaged in political speech or displaying hand-held political signs. (Ord. 3573 § 1, 2005)

12.24.020 Permit required.

It shall be unlawful for any parade to be organized, engaged in, aided, formed, started or conducted without a permit having been first obtained therefor. (Ord. 3573 § 1, 2005)

12.24.030 Permit—Who may obtain.

All parades shall be sponsored and conducted by an organization or group of persons having sufficient individual members to adequately control the spacing of groups within the parade and to maintain order in the conduct of the parade. All permits herein provided for shall be applied

for and issued to and in the name of such organization and/or group of persons. (Ord. 3573 § 1, 2005)

12.24.040 Permit application.

Any organization or group of persons desiring to organize, form, start or conduct a parade within the city shall, not less than fifteen days prior to the proposed date of such parade, make written application therefor to the city of Kelso at the City Clerk's Office, 203 South Pacific, Kelso, WA, 98626. Such application shall contain the following information:

- A. The name, address and telephone number of the organization or group of persons seeking the permit and the person or persons to be in charge of the proposed parade. If the applicant is a group or organization, a single person responsible for speaking on its behalf shall be listed;
- B. The date upon which the parade is to be conducted;
- C. The hours when such parade will start and terminate;
- D. The route to be traveled, the starting point and the termination point;
- E. The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals and description of the vehicles;
- F. The location, by streets, of any assembly areas for such parades;
- G. The time at which units of the parade will begin to assemble at any such assembly area or areas;
- H. The purpose for which the parade is to be conducted. (Ord. 3573 § 1, 2005)

12.24.050 Application—Initial review by chief of police.

The chief of police or his designee shall examine the applicant's written application for a parade permit and make any changes or alterations deemed necessary in order that traffic control, fire protection and police activities will not be unduly interfered with.

For the purposes of this section, the chief of police or his designee shall have the authority to require such changes or alterations in the applicant's parade plans as may be necessary for such purpose. If changes are necessary, the chief of police or his designee shall contact the applicant

no later than five days prior to the event to explain the changes to the applicant. If the chief of police or his designee deems it necessary, he may require a meeting with the applicant to discuss changes. (Ord. 3573 § 1, 2005)

12.24.060 Secondary review and issuance of permit.

After initial review, but not less than five days prior to the event, the chief of police or his designee, together with the director of public works or his designee and director of community development or his designee, shall conduct a secondary review of the application and shall issue to the applicant a parade permit when, from their consideration of the application and from such other information as may otherwise be obtained, they find:

- A. That the conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- B. That the conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;
- C. That the concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- D. That the conduct of such parade will not interfere with the movement of fire-fighting equipment en route to a fire;
- E. That the conduct of the parade is not unreasonably likely to cause injury to persons or property, to provide disorderly conduct or create a disturbance;
- F. That the parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.
- G. That the parade not cause an undue burden on city of Kelso by necessitating extra staffing of police, emergency personnel, or others that may be deemed necessary to accommodate the crowds. (Ord. 3573 § 1, 2005)

12.24.070 Conditional permit (upon payment of costs).

A. In the event the parade is deemed likely to cause an undue burden on the city of Kelso by necessitating extra staffing of police, emergency personnel, or others that may be necessary to accommodate crowds, an applicant may be required to pay a portion of the estimated cost up to thirty percent and sign a promise to pay the balance within a time designated by the chief of police or his designee. This provision shall not apply to parades sponsored by the city of Kelso.

B. Conditional Permit (Liability Insurance, Hold Harmless, and Indemnification). At the discretion of the director of public works, community development director, and chief of police, proof of adequate liability may be a condition of the permit. Issuance of any permits may be conditioned on proof of adequate liability insurance in favor of the city and an agreement that applicant shall hold the city harmless and indemnify the city against any and all claims arising from the parade. (Ord. 3573 § 1, 2005)

12.24.080 Contents of permit.

Each parade permit shall contain the following information:

A. The starting time of the parade;

B. The route of the parade;

C. The assembly point for units of the parade;

D. Such other information as the chief of police or acting chief of police shall find necessary to the enforcement of this chapter. (Ord. 3573 § 1, 2005)

12.24.090 Possession of permit.

The person or persons responsible for the conduct of any parade for which a permit has been issued shall have such permit in his possession during the conduct of the parade and shall exhibit the same, upon request, to any police officer of the city. (Ord. 3573 § 1, 2005)

12.24.100 Unauthorized parades.

Any parade conducted without a permit, or any parade conducted not in accordance with the terms of a permit issued therefor, may be summarily disbanded by the chief of police or his duly authorized agent if he has probable cause to believe that such unauthorized parade is, or will cause, a disturbance of the peace or a disorderly proceeding or is disruptive of the normal flow of

traffic on the public ways. Any participant in such a parade who shall willfully fail to comply with an order to disband so issued shall be guilty of a misdemeanor. (Ord. 3573 § 1, 2005)

12.24.110 Review of denial of permit application.

Any person, organization, or group of persons whose application for a parade permit as required herein is denied by the chief of police may appeal the denial of such parade permit application to the Kelso city manager or his designee. A hearing on such denial shall be held upon such terms and conditions as the Kelso city manager deems appropriate. (Ord. 3573 § 1, 2005)

AGENDA SUMMARY SHEET
Business of the City Council
City of Kelso, Washington

SUBJECT TITLE:

An ordinance of the City of Kelso, Washington amending chapter 3.40 of the Kelso Municipal Code establishing purchasing procedures.

Agenda Item: _____

Dept. of Origin: _____ City Manager _____

For Agenda of: September 3, 2013

Originator: _____

PRESENTED BY:

Steve Taylor

City Attorney: **Janean Parker**

City Manager: **Steve Taylor**

Agenda Item Attachments:

Proposed Ordinance

Exhibit A – New KMC Chapter 3.40 Purchasing Procedures

Exhibit B – Current KMC Chapter 3.40 Purchasing Procedures

SUMMARY STATEMENT:

The City is required to make purchases and procure services in accordance with the Revised Code of Washington. The City desires to update the policies and procedures used to adhere to the applicable statutes and provide for the efficient operation of the City government. The proposed code changes are intended to increase efficiency and streamline the City's purchasing process. The revisions also remove elements that are no longer applicable.

RECOMMENDED ACTION:

Make a motion to adopt Ordinance amending KMC Chapter 3.40 on second reading.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON AMENDING
CHAPTER 3.40 OF THE KELSO MUNICIPAL CODE ESTABLISHING
PURCHASING PROCEDURES.**

WHEREAS, it is necessary for the City to purchase and acquire materials, equipment, and services to meet the general public service needs of its residents and businesses, and to engage in the construction of public works projects; and

WHEREAS, the City is required to make purchases and procure services in accordance with the Revised Code of Washington, and the City Council desires to update the policies and procedures used to adhere to the applicable statutes and provide for the efficient operation of the City government;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS FOLLOWS:

SECTION 1. That Kelso Municipal Code 3.40 is hereby amended as set forth in Exhibit A, attached hereto and hereby incorporated.

SECTION 2. SEVERABILITY. The provisions of this Ordinance are declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect 5 days after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of

_____, 2013.

ATTEST/AUTHENTICATION:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED: _____

Exhibit A

Chapter 3.40 PURCHASING PROCEDURES

Sections:

3.40.010 Established.

3.40.020 Finance director—Cooperative purchasing authorized when.

3.40.030 Unauthorized purchases.

3.40.040 Responsibility for unauthorized purchases.

3.40.050 Small works roster procedures.

3.40.010 City procurement policies and procedures resolution.

Procurement procedures for all city public works, capital improvements, and other purchases of materials, equipment, supplies, and contractual services, excepting professional services are hereby established in accordance with the Revised Code of Washington and set forth within the most current version of the City's adopted procurement policies and procedures resolution.

3.40.020 Finance director—Cooperative purchasing authorized when.

The finance director, or his or her designee, is authorized to join cooperative purchasing arrangements with other public agencies similarly authorized, when the best interest of the city would be served thereby.

3.40.030 Unauthorized purchases.

Except as provided in the City's procurement policies, no city employee shall purchase or contract for any supplies, materials, equipment or contractual service or make any contract within the purview of these policies other than through the office designated in the policies, and its staff. Any purchase or contract made contrary to the provisions of the procurement policies shall not be approved by any city officer and the city shall not be bound thereby, except as may be required or provided by law.

3.40.040 Responsibility for unauthorized purchases.

Any city employee making a purchase or contract contrary to the provisions of the procurement policies or accepting for delivery to the city any items purchased contrary to the provisions of these policies shall be personally responsible for payment of same. To the extent that the city may be required to pay for same, the city shall be entitled to recover the full amount of such payment from such employee.

3.40.050 Small works roster procedures.

As authorized by RCW 35.23.352, or as hereafter amended, the city may maintain a small works roster comprised of all contractors who have requested to be on the roster and are, where required by law, properly licensed or registered to perform such work in this state. The

procedures established by state law and within the City's procurement policies for the use of such roster shall be strictly complied with.

Exhibit B
Chapter 3.40
PURCHASING PROCEDURES

Sections:

- [3.40.010](#) Established.
- [3.40.020](#) Finance director—Powers and responsibilities.
- [3.40.030](#) Finance director—Cooperative purchasing authorized when.
- [3.40.040](#) Competitive bidding required when.
- [3.40.050](#) Open market purchases.
- [3.40.060](#) Award to other than low bidder—Filing of statement required.
- [3.40.070](#) Finance director—Authority to reject bids for open market purchases.
- [3.40.080](#) Noncompetitive and special purchases.
- [3.40.090](#) Emergency purchases authorized when.
- [3.40.100](#) Unauthorized purchases.
- [3.40.110](#) Responsibility for unauthorized purchases.
- [3.40.120](#) Inspection of deliveries and services for contract specifications conformance.
- [3.40.130](#) Contract and purchase order examination—Approval procedure.
- [3.40.140](#) Authority to sign contracts.
- [3.40.150](#) Bids required for public works and improvements when.
- [3.40.160](#) Procedure when bids are required by state law.
- [3.40.170](#) Criteria for determining lowest and best responsible bidder.
- [3.40.180](#) Filing of statements on award to other than low bidder.
- [3.40.190](#) Small works roster procedures.

3.40.010 Established.

There are established procurement procedures for all city public works, capital improvements and other purchases of materials equipment, supplies and contractual services, excepting professional services. (Ord. 3626 § 1, 2006; prior code § 6.02.010)

3.40.020 Finance director—Powers and responsibilities.

A. The finance director shall be responsible for all city government purchasing and shall, subject to the exceptions stated in this chapter, make all purchases of materials, supplies, equipment and

contractual services, except professional services, for all departments, offices, commissions and other agencies of the city government.

B. The duties and responsibilities designated in this chapter to be performed by the finance director or the purchasing manager shall be performed under the direction and control of the city manager. (Ord. 3626 § 1, 2006; prior code § 6.02.020)

3.40.030 Finance director—Cooperative purchasing authorized when.

The finance director is authorized to join cooperative purchasing arrangements with other public agencies similarly authorized, when the best interest of the city would be served thereby. (Ord. 3626 § 1, 2006; prior code § 6.02.030)

3.40.040 Competitive bidding required when.

Any purchase of supplies, materials, equipment or services, including the printing of supplies, shall be made upon call for bids when such is required by state law. (Ord. 3626 § 1, 2006; prior code § 6.02.040)

3.40.050 Open market purchases.

All purchases of materials, supplies, equipment and contractual services for which competition bidding is not required may be made on the open market. All open market purchases shall be based on competitive prices or bids solicited by the department head or finance director by direct mail request to prospective vendors, by personal contact, or by any other appropriate means. The finance director shall award the bid on open market purchases to such bidder as shall be determined to be the lowest and best responsible bidder. (Ord. 3626 § 1, 2006; prior code § 6.02.050)

3.40.060 Award to other than low bidder—Filing of statement required.

When the award for purchase on the open market is not given to the lowest bidder in price, a statement of the reasons for placing the order elsewhere shall be prepared and filed with the other papers relating to the transaction and shall be open to public inspection during regular office hours. (Ord. 3626 § 1, 2006; prior code § 6.02.060)

3.40.070 Finance director—Authority to reject bids for open market purchases.

The finance director shall have authority to reject all bids, or parts thereof, for any one or more supplies or contractual services when the public interest will be served thereby, and upon rejection of such bid, shall include the reason therefor in the records of the transaction, which shall be open for public inspection. (Ord. 3626 § 1, 2006; prior code § 6.02.070)

3.40.080 Noncompetitive and special purchases.

The finance director shall be authorized to make open market purchases when not prohibited by state law without obtaining competitive bids therefor under the following conditions:

A. Items of Special Design. When an item required is of special design, shape or manufacture to match or fit in with an existing installation and competitive bidding is impracticable;

B. Surplus or Distress Sales. When it is possible to procure obvious bargains in surplus or distress material, supplies or equipment;

C. Items for Quick Delivery. When the obtaining of competitive bids will cause delay resulting in an appreciable loss to the city;

D. Small Items Not Stocked—Monthly Purchase Orders. The purchasing manager shall be authorized to establish monthly purchase orders with vendors for the purchase of items costing less than one hundred dollars or perishable items which cannot be stocked by the departments and are available at usual market prices. Such vendors shall be selected on the basis of best overall price policies, breadth and depth of stocks and delivery service. (Ord. 3626 § 1, 2006; prior code § 6.02.080)

3.40.090 Emergency purchases authorized when.

The city manager or his designated agent is authorized to make emergency purchases when such purchases are authorized or permitted by state law. (Ord. 3626 § 1, 2006; prior code § 6.02.090)

3.40.100 Unauthorized purchases.

Except as provided in this chapter, no city employee shall purchase or contract for any supplies, materials, equipment or contractual service or make any contract within the purview of this chapter other than through the office designated in this chapter, and its staff. Any purchase or contract made contrary to the provisions of this chapter shall not be approved by any city officer

and the city shall not be bound thereby, except as may be required or provided by law. (Ord. 3626 § 1, 2006; prior code § 6.02.100)

3.40.110 Responsibility for unauthorized purchases.

Any city employee making a purchase or contract contrary to the provisions of this chapter or accepting for delivery to the city any items purchased contrary to the provisions of this chapter shall be personally responsible for payment of same. To the extent that the city may be required to pay for same, the city shall be entitled to recover the full amount of such payment from such employee. (Ord. 3626 § 1, 2006; prior code § 6.02.110)

3.40.120 Inspection of deliveries and services for contract specifications conformance.

The finance director, or department head when authorized, shall inspect or supervise the inspection of all deliveries of supplies, materials, equipment or contractual services to determine the conformance with the specifications set forth in the order or contract. (Ord. 3626 § 1, 2006; prior code § 6.02.120)

3.40.130 Contract and purchase order examination—Approval procedure.

The city manager or his designated agent shall examine all contracts, purchase orders and other documents which involve financial obligations against the city and approve the same only upon ascertaining that moneys have been appropriated and that an unexpended and unencumbered balance is available to meet the same. The director of finance is the disbursing officer and is designated the approving authority for the collection and fund disposition of the retainage as provided in RCW 60.28.010. (Ord. 3626 § 1, 2006; prior code § 6.02.130)

3.40.140 Authority to sign contracts.

All contracts for purchase of supplies, materials, equipment or services required by this chapter shall be executed on behalf of the city by the mayor, city manager or the finance director. (Ord. 3626 § 1, 2006; prior code § 6.02.140)

3.40.150 Bids required for public works and improvements when.

Except when otherwise authorized by Chapters 39.04 and 39.28 RCW relating to emergency public works, or other applicable general state law as now enacted or as hereafter amended, all public works and improvements shall be done by contract, pursuant to public notice and call for competitive bids whenever the estimate cost of such public work or improvement, including the

cost of materials, supplies and equipment, will exceed the sum fixed by state law. (Ord. 3626 § 1, 2006; prior code § 6.02.150)

3.40.160 Procedure when bids are required by state law.

When a call for bids is required by state law, the procedures established by state law shall be strictly followed. (Ord. 3626 § 1, 2006; prior code § 6.02.160)

3.40.170 Criteria for determining lowest and best responsible bidder.

In determining lowest and best responsible bidder, in addition to price, the following may be considered:

- A. The ability, capacity and skill of the bidder to perform the contract;
- B. Whether the bidder can perform the contract promptly, or within the time specified, without delay or interference;
- C. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- D. The quality of performance of previous contracts by the bidder;
- E. The previous and existing compliance by the bidder with laws and ordinances relating to contracts;
- F. The efficiency of the financial resources and ability of the bidder to perform the contract;
- G. The quality, availability and adaptability of the materials, supplies or equipment to the particular use required;
- H. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
- I. The number and scope of conditions attached to the bid. (Ord. 3626 § 1, 2006; prior code § 6.02.170)

3.40.180 Filing of statements on award to other than low bidder.

When the award is not given to the lowest bidder in price, the reasons for making the award otherwise shall be stated in the city council's minutes. (Ord. 3626 § 1, 2006; prior code § 6.02.180)

3.40.190 Small works roster procedures.

As authorized by RCW 35.23.352, or as hereafter amended, the city may maintain a small works roster comprised of all contractors who have requested to be on the roster and are, where required by law, properly licensed or registered to perform such work in this state. The procedures established by state law for the use of such roster shall be strictly complied with. (Ord. 3626 § 1, 2006; prior code § 6.02.190)

AGENDA SUMMARY SHEET
Business of the City Council
City of Kelso, Washington

SUBJECT TITLE:

An Ordinance of the City of Kelso adding section 2.80.035 relating to general contract execution and amending Kelso Municipal Code sections 2.80.050 and 2.80.055 relating to the approval of minor contracts and administration of change orders.

Agenda Item: _____

Dept. of Origin: _____ City Manager _____

For Agenda of: September 3, 2013

Originator: _____

City Attorney: **Janean Parker**

City Manager: **Steve Taylor**

PRESENTED BY:

Steve Taylor

Agenda Item Attachments:

Proposed Ordinance

Exhibit A – Current KMC 2.80.050 and 2.80.055

SUMMARY STATEMENT:

The City is required to enter into contracts for the purchase and acquisition of materials, equipment, and services as well as construction of public works projects and procure those materials, equipment, and services in accordance with the Revised Code of Washington. The proposed code amendments are intended to increase the efficiency of the City's contract approval and procurement process while ensuring the lawful execution and administration of these contracts. Elements that are no longer necessary will be removed. These revisions also increase the City Manager's monetary limit for contract and change order approval will be increased from \$20,000 to \$65,000 in accordance with current state law.

RECOMMENDED ACTION:

Make a motion to approve Ordinance adding Section 2.80.035 and amending Sections 2.80.050 and 2.80.055 on second reading.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON ADDING SECTION 2.80.035 RELATING TO GENERAL CONTRACT EXECUTION AND AMENDING KELSO MUNICIPAL CODE SECTIONS 2.80.050 AND 2.80.055 RELATING TO THE APPROVAL OF MINOR CONTRACTS AND ADMINISTRATION OF CHANGE ORDERS.

WHEREAS, the City is required to enter into contracts for the purchase and acquisition of materials, equipment, and services to meet the general public service needs of its residents and businesses and engage in the construction of public works projects; and

WHEREAS, the City is required to procure materials, equipment, and services and engage in the construction of public works projects in accordance with the Revised Code of Washington and has adopted policies and procedures to ensure the lawful execution and administration of procurement contracts; and

WHEREAS, the City Council has found it necessary to amend its procedures for the authorization of contracts and administration of change orders relating to public works projects;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS FOLLOWS:

SECTION 1. That Kelso Municipal Code Sections 2.80.035 is hereby adopted as provided below:

2.80.035 Authority to sign contracts.

All contracts for purchase of supplies, materials, equipment or services required by this chapter shall be executed on behalf of the city by the mayor, city manager or the finance director.

SECTION 2. That Kelso Municipal Code Sections 2.80.050 and 2.80.055 are hereby amended as provided below:

2.80.050 Minor contracts – Execution authority.

A. The City Council hereby authorizes the city manager to execute minor personal service, purchasing, public works and other routine contracts without individual approval of each contract by the City Council. The city manager may seek Council authorization to execute any such contract should it be deemed appropriate. In exercising this authority, the city manager shall have discretion to interchange line item appropriations, so long as the total budgeted funds are not exceeded.

B. For the purpose of this section, a “minor contract” is defined to mean a contract having a dollar amount of sixty-five thousand dollars or less.

2.80.055 Change orders – Authority and limitations.

In the event it becomes reasonably necessary to make alterations and changes to the scope of work of a contract for the proper completion of the work, such change orders shall be_

administered in accordance with the most current version of the City's adopted procurement policies and procedures resolution.

SECTION 3. SEVERABILITY. The provisions of this Ordinance are declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect 5 days after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of

_____, 2013.

ATTEST/AUTHENTICATION:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED: _____

Exhibit A

**Chapter 2.80
CITY CONTRACTS**

2.80.050 Minor contracts—Execution authority.

A. The city council hereby authorizes the city manager to execute minor personal service, purchasing, public works and other routine contracts without individual approval of each contract by the city council. The city manager may seek council authorization to execute any such contract should it be deemed appropriate. In exercising this authority, the city manager shall have discretion to interchange line item appropriations, so long as the total budgeted funds are not exceeded.

B. For the purposes of this section, a “minor contract” is defined to mean a contract having a dollar amount of twenty thousand dollars or less. (Ord. 3428 § 1, 1999; Ord. 3234 § 5, 1994; Ord. 3137 § 5, 1990)

2.80.055 Change orders—Authority and limitations.

In the event it becomes reasonably necessary to make alterations and changes to the scope of work of a contract for the proper completion of the work, such changes will be set forth in a contract change order which will specify, in addition to the work done in connection with the change, adjustments of contract time, if any, and the basis of compensation for such work. A contract change order will not become effective until approved by the city council or by the city manager as set forth below:

A. The city manager is hereby authorized to approve change orders up to and not to exceed three hundred thousand dollars per change order, subject to the following two limitations:

1. The total amount of all change orders under any one contract not yet ratified by the city council shall not exceed three hundred thousand dollars.
2. The total amount of all change orders not yet ratified by the city council shall not exceed ten percent of the initial contract price or twenty thousand dollars, whichever is greater.

B. After issuing any change order, the city manager shall report such action in writing to the city council not later than at its next regularly scheduled meeting or as soon thereafter as is practical. The city council may ratify the change order and, if so ratified, such change order will not be considered against the limits set forth in subsections A1 and 2 of this section. (Ord. 3708 § 1, 2009; Ord. 3428 § 2, 1999)

AGENDA SUMMARY SHEET
Business of the City Council
City of Kelso, Washington

SUBJECT TITLE:

A RESOLUTION REPEALING RESOLUTION NO.
565 AND AMENDING THE CITY'S
PROCUREMENT POLICIES AND PROCEDURES.

Agenda Item: _____

Dept. of Origin: _____ City Manager _____

For Agenda of: September 3, 2013

Originator: _____

PRESENTED BY:

Steve Taylor

City Attorney: Janean Parker

City Manager: Steve Taylor

Agenda Item Attachments:

Proposed Resolution

Exhibit A - City of Kelso Procurement Policies and Procedures

SUMMARY STATEMENT:

The City is required to enter into contracts for the purchase and acquisition of materials, equipment, and services for the construction of public works projects and procure those materials, equipment, and services in accordance with the Revised Code of Washington. Staff has undergone a complete revision of the City's procurement policies and is presenting the final document to Council for consideration and adoption by resolution. The new policies are consistent with the municipal code amendments related to purchasing and contract authorization that are on the September 3rd meeting agenda. The provisions of the new procurement policies are intended to increase the efficiency of the City's contract approval and procurement process while ensuring the lawful execution and administration of these contracts. Also consistent with the KMC amendments, the City Manager's monetary limit for contract approval and change orders has been increased in the policies from \$20,000 to \$65,000.

RECOMMENDED ACTION:

Move to adopt the Resolution amending the City's Procurement policies and procedures.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KELSO,
WASHINGTON ADOPTING UPDATES TO THE CITY'S
PROCUREMENT POLICIES AND PROCEDURES AND REPEALING
RESOLUTION NO. 565 RELATING TO THE ADMINISTRATION OF
CERTAIN PURCHASES BY THE CITY.**

WHEREAS, it is necessary for the City to purchase and acquire materials, equipment, and services to meet the general public service needs of its residents and businesses, and to engage in the construction of public works projects; and

WHEREAS, the City is required to make purchases and procure services in accordance with the Revised Code of Washington, and the City Council desires to update the policies and procedures used to adhere to the applicable statutes and provide for the efficient operation of the City government; and

WHEREAS, Resolution No. 565 relating to the administration of purchases made between the values \$7,500 and \$15,000 are no longer applicable to the City's established procurement procedures and practices;

NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF KELSO DO HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City of Kelso Procurement Policies and Procedures as set forth in Exhibit A, attached hereto and hereby incorporated is adopted.

SECTION 2. Resolution No. 565 in its entirety is hereby repealed.

SECTION 3. This resolution shall be effective immediately upon its adoption.

ADOPTED by the City Council and **SIGNED** by the Mayor this _____ day of _____, 2013.

MAYOR

ATTEST/AUTHENTICATION:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED: _____

City of Kelso



Procurement Policies & Procedures

Adopted

This document supersedes any and all previous
purchasing/procurement policies

City of Kelso Procurement Policies & Procedures

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Policy

All employees must follow established policies and procedures for procurement of equipment, materials, and services. Adherence to policies and procedures will ensure that public purchases and contracts are open, fair, and at the best value to the public.

Procedures are divided into four major areas: 1) Procurement of Goods and Services, 2) Bidding Requirements, 3) Reimbursement of Expenses, and 4) Other Issues.

Procurement of Goods and Services

City purchases are subject to authorization & quote/bid requirements as follows:

General Purchases:

≤ \$7,500 No Competitive Bids Required, Department Head Approval if budgeted
 > \$7,500 ≤ \$15,000 Competitive Bid Required, Department Head Approval if budgeted
 > \$15,000 ≤ \$65,000 Competitive Bid Required, City Manager Signs Approves if budgeted
 Over \$65,000 Competitive Bid Required, City Council Approves

Public Works Projects: (when small works roster procedure is NOT used) (RCW 35.22.620)

≤ \$2,500 No Competitive Bids Required, Department Head Approval if budgeted
 > \$2,500 ≤ \$15,000 Written Quotes Required, City Manager Approves if budgeted
 > \$15,000 ≤ \$65,000 Competitive Bid Required, City Manager Signs Approves if budgeted
 Over \$65,000 Competitive Bid Required, Council Approves

One Craft or Trade, or Street Signalizing or Street Lighting:

≤ \$2,500 No Competitive Bids Required, Department Head Approval if budgeted
 > \$2,500 ≤ \$15,000 Written Quotes Required, City Manager Approves if budgeted
 > \$15,000 ≤ \$40,000 Competitive Bid Required, City Manager Signs Approves if budgeted
 Over \$40,000 Competitive Bid Required, Council Approves

Two or More Crafts or Trades:

≤ \$2,500 No Competitive Bids Required, Department Head Approval if budgeted
 > \$2,500 ≤ \$15,000 Written Quotes Required, City Manager Approves if budgeted
 > \$15,000 ≤ \$65,000 Competitive Bid Required, City Manager Signs Approves if budgeted
 Over \$65,000 Competitive Bid Required, Council Approves

Professional and Personal Services Contracts: (Ongoing contracts must be approved by Council every 3 years)

No Competitive bid required, Department Head Selection
 \$0 ≤ \$65,000 Department Head Approves, City Manager Approves
 Over \$65,000 Council Approves

Architectural & Engineering Services: (RCW 39.80) (Contract cannot exceed 3 years without new RFQ)

Firms can be chosen dependent upon qualifications from the Shared Consultant Roster – no competitive bid or Open Request for Qualifications required– A contract and price is then negotiated based on scope of work and value.

\$0 ≤ \$65,000 Department Head Approves, City Manager Approves
 Over \$65,000 Council Approves

NOTE: Purchases may not be broken into multiple projects or purchases to avoid compliance with state statutes and City policies.

Public Works Projects and Prevailing Wage Laws

Public works projects (“...all work, construction, alteration, repair or improvement that is executed at the cost of the state or any other local public agency...”) including maintenance when performed by contract, are governed by chapter 39.12 RCW Prevailing Wages on Public Works requirements, *regardless of contract amount*. It is the *responsibility of the contracting employer to notify the vendor of prevailing wage requirements and obtain compliance documentation prior to awarding any public works contract*. Public works contracts will only be awarded to contractors who document compliance with the Washington State Prevailing Wage Law. The department head or designee managing the project is responsible for collecting compliance documents. *Failure to follow prevailing wage laws will result in delayed or denied payment to the vendor. The City CANNOT pay for public works projects that are in violation of prevailing wage laws.* (See Exhibit 7.)

Professional and Personal Services

Professional or personal services are those services involving specialized skill, education, and special knowledge. These services include, but are not limited to, architectural, engineering, design services, accounting, art, bond brokerage, insurance brokerage, legal, real estate appraisal, relocation assistance, title abstracts, surveying, soils analysis, and core testing. Procurement of professional and personal services will be in accordance with RCW 39.80 and RCW 39.29.

A competitive process is not required for professional or personal services, other than professional engineering or architectural services for the design of City improvements.

Non-Architectural and Non-Engineering Services (RCW 39.29)

Professional and technical services include disciplines such as attorneys, computer programmers, financial analysts, bond counsels, artists, planners, and real estate appraisers.

Purchase of professional services requires completion of a City professional services contract that describes services to be performed and negotiated price.

Prior experience with the City, time-frame for completing projects, and the value of a negotiated agreement will be considered when choosing a consultant/firm to perform professional services, as defined in this section.

Architectural, Engineering and Design Services (RCW 39.80)

State statutes require advance notice of the requirement for architectural, engineering and design services, evaluation of firms’ qualifications and performance, and negotiation with firms in accordance with adjudged qualifications. Architectural, engineering and design services contracts will be reviewed by the City Attorney to ensure RCW compliance.

Verbal Quotes

Purchases requiring verbal quotes must be documented by a properly completed verbal quote log. Verbal quote logs may be obtained from Engineering. (Exhibit 1)

Sole Source Purchases

A “sole source” is characterized as meeting one or more of the following standards: (a) the City department has conducted a screening process whereby it can justify purchase of a specific product; (b) the City requires legitimate specifications to which only one vendor can successfully respond; or (c) the product is available only through one manufacturer (or distributor) and the manufacturer so certifies. In any such case where the purchase exceeds \$5,000, the vendor shall certify that the City is getting the lowest price it offers anyone. Purchases in excess of \$5,000 from a sole source vendor require prior approval of the Department Director or designee. (Exhibit 2)

Unauthorized Purchases

Except as provided in this policy, no city employee shall purchase or contract for any supplies, materials, equipment or contractual service or make any contract with the purview of this policy other than through the office designated in this chapter, and its staff. Any purchase or contract made contrary to the provisions of this policy shall not be approved by any city officer and the city shall not be bound thereby, except as may be required or provided by law.

Responsibility for Unauthorized Purchases

Any city employee making a purchase or contract contrary to the provisions of this policy or accepting for delivery to the city any items purchased contrary to the provisions of this policy shall be personally responsible for payment of same. To the extent that the city may be required to pay for same, the city shall be entitled to recover the full amount of such payment from such employee.

Conflicts of Interest

The City will not accept donations of materials or services in return for a commitment to continue or initiate a purchasing agreement. No employee will participate in procurement when they are aware of a conflict of interest, or accept gifts or gratuities from existing or potential vendors in return for a commitment to continue or initiate a purchasing relationship.

Bid Procedures

1. Authorization Request

Request from Department Head the authorization to call for bids. In special circumstances, the City Manager may waive portions of the bid procedures. The “special circumstances” are limited to items where publication of bids may impinge on the safety of staff or City assets (Drug Task Force vehicles for example).

2. Publication of Notice (when not using the small works roster process)

After City Manager authorization, the requesting department director (or designee) will publish the Call for Bids in the official newspaper or a newspaper of general circulation most likely to bring responsive bids and ensure notice is posted on the City web page, at least 14 days prior to bid submittal deadline.

3. Notice Contents

Notice (or advertisement) for bids should contain definite specifications and procedures for bidders to use to estimate their bids. At a minimum, a bid notice for public works must include:

- Project title;
- Nature and scope of work;
- Where contract documents (plans and specifications) can be reviewed or obtained;
- Cost to obtain a set of contract documents;
- Place, date, and time that bids are due;
- Statement that a bid bond must accompany the bid;
- Statement that the City retains the right to reject any and all bids and to waive minor irregularities in the bidding process;
- Statement that the contract involves “public work,” and that workers shall receive the prevailing rate of wage pursuant to the Prevailing Wages on Public Works Act (Chapter 39.12 RCW);
- List of the applicable prevailing wage rates; and
- Statement that the City is an equal opportunity employer and invites responsive bids from all qualified responsible bidders.

In addition, provide evaluation criteria; minimum qualifications; date, time, and location of pre-bid conference (if applicable); name, address, and telephone number of the project contact; and number of required copies will help bidders prepare responsive submittals.

4. Bid Opening

Bids are submitted to the City Clerk or designee, where they are time and date stamped and processed. Bid opening will be announced to Mayor, City Manager and department heads by department head or designee responsible for the project when required.

5. Report on Bids

The responsible department head or designee will prepare a report and recommendation on all bids received over \$65,000.00 for Council review and approval.

6. Bid Award

The City may select the qualified contractor whose proposal is most advantageous to the City.

7. Rejection of Bids

The City reserves the right to reject any bid not in substantial compliance with the bid documents, or all prescribed public bidding procedures and requirements and may reject for good cause any or all bids upon a finding of the City that it is in the public interest to do so.

The following shall apply to bid solicitations:

- Selection of a winning offer is based primarily on lowest responsive bid. Quality and expertise, however, must also be a consideration.
- To ensure consistency and fair process, the City will use standard forms, documents, contracts, and terms and conditions, when practical. The Engineering Department will maintain templates for bid-related documents for use by departments.
- Minimum qualifications are stated to ensure respondents are reasonably qualified. Minimum qualifications cannot be used to eliminate qualified vendors. Minimum qualifications should be tested against the marketplace to ensure they aren't overly restrictive.
- When practical, the City will conduct a pre-bid conference to allow a thorough discussion of the City's intent, scope, specifications, and terms. Interested companies should be encouraged to attend.

Exemptions to Competitive Bidding Requirements

Section 39.04.280 RCW provides uniform exemptions to competitive bidding requirements utilized by municipalities when awarding contracts for public works and contracts for purchases.

Competitive bidding requirements may be waived for:

1. Purchases clearly and legitimately limited to a single source of supply (Sole Source Vendor):

If, after conducting a good faith review of available resources, the requesting department director determines that there is only one source of the required materials, supplies, or equipment, a purchase contract may be awarded without complying with established bid requirements. The requesting department director will submit a written request for sole source procurement to the City Manager for approval, and conduct price, terms, and delivery negotiations, as appropriate. The vendor must certify in writing that the City is getting the lowest offered price.

2. Noncompetitive and special purchases

The finance director shall be authorized to make open market purchases when not prohibited by state law without obtaining competitive bids. Therefore, under the following conditions:

- A. Items of Special Design. When an item required is of special design, shape, or manufacture to match or fit in with an existing installation and competitive bidding is impracticable;
- B. Surplus or Distress Sale. When it is possible to procure obvious bargains in surplus or distress material, supplier, or equipment;
- C. Items for Quick Delivery. When the obtaining of competitive bids will cause delay resulting in an appreciable loss to the city;
- D. Small Items Not Stocked-Monthly Purchase Orders. The department head or his/her designee shall be authorized to establish monthly purchase orders with vendors for the purchase of items costing less than one hundred dollars or perishable items which cannot be stocked by the departments and are available at usual market prices. Such vendors shall be selected on the basis of best overall price policies, breadth and depth of stocks, and delivery service.

3. Open Market Purchases.

All purchases of materials, supplies, equipment, and contractual services for which competitive bidding is not required may be made on the open market. All open market purchases shall be based on competitive prices or bids solicited by the department head or his/her designee by direct mail request to prospective vendors, by personal contact, or by any other appropriate means. The department head or his/her designee shall award the bid on open market purchases to such bidder as shall be determined to be the lowest and best responsible bidder.

4. Purchases involving special facilities or market conditions:

The City Manager may waive established bidding requirements if an opportunity arises to purchase favorably-priced equipment at an auction, or supplies or used goods that will be sold before the City can conduct the bid process.

5. Surplus Property:

The City may acquire surplus property from another government without the use of bids (RCW 39.33.010).

6. Purchases in the event of an emergency:

"Emergency" is defined as "...unforeseen circumstances beyond the control of the municipality that either: (a) Present a real, immediate threat to the proper performance of essential functions; or (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken." If an emergency situation has been declared, the City Manager may waive competitive bidding requirements and the City may award all necessary contracts to purchase goods, materials, or services to address the emergency situation. Purchase order(s) must be properly documented as pertaining to an emergency as soon as possible following the event. If a contract is awarded without competitive bidding due to a declared emergency, the City Council must adopt a resolution certifying the emergency situation existed no later than two weeks following the award of the contract.

7. Interlocal Agreements

Interlocal Cooperative Purchasing Agreements

Pursuant to RCW 39.34, bidding is not required when purchases of materials, supplies, or equipment are made under State standard contracts or similar contracts executed by and through other local governments which have complied with state bidding requirements. The other government's bid process must have been conducted within the previous 12 month period to be valid for use by the City of Kelso. In addition, the City of Kelso must conduct a screening

process whereby it can justify the purchase through an Interlocal Agreement. The screening process and results must be clearly documented in writing. All other procurement approval requirements must be met.

Approval and authority for entering into an Interlocal Cooperative Purchasing Agreement will be determined by the anticipated cost of the procurement. Blanket Interlocal Cooperative Purchasing Agreements where the costs of the potential purchases are not known will be treated as purchases over \$15,000 as described under the General Purchases.

In addition, the City may make a bid call with another government entity as a joint purchase complying with the bid requirements of the participating jurisdictions. Purchases made pursuant to any such agreement shall be separately invoiced to the respective purchasers in accordance with the purchases made by each; and each such purchaser shall be responsible for payment for its own purchases only. Purchases made for the City under a purchasing contract executed by a state, or agency or subdivision thereof, or by another governmental unit or public benefit nonprofit corporation shall be exempt from competitive bidding and related requirements.

When practical, the City should include language in its solicitations that allows other public agencies to purchase from the City of Kelso's bids or quotations, provided that the other agencies allow similar rights and reciprocal privileges to the City of Kelso.

Purchasing Cooperatives That Meet Washington State Revised Code of Washington and City Bidding Requirements

Pursuant to chapter 39.34 RCW, bidding is not required when purchases of materials, supplies, or equipment are made under State standard contracts or similar contracts executed by and through purchasing cooperatives which have complied with state bidding requirements. The purchasing cooperative's bid process must have been conducted within the previous 12 month period to be valid for use by the City of Kelso. In addition, the City of Kelso must conduct a screening process whereby it can justify the purchase through a purchasing cooperative. The screening process and results must be clearly documented in writing. All other procurement approval requirements must be met.

6. Competitive Negotiations

Telecommunication Systems/Services

Competitive negotiation can be used as an alternative to the competitive bidding procedures for the acquisition of electronic data processing and telecommunications systems; energy saving or energy related equipment or services; or when it is determined in writing that the use of competitive bidding is neither practical nor advantageous to the City.

"Electronic data processing" includes, but is not limited to, systems that comprise a combination of equipment or units to provide input of source data, and storage and processing of data and output in predetermined form, including a central processing unit (CPU) or main frame (RCW 36.92.020). In other words: hardware, software, firmware, "smart cards" or any combination thereof.

Eligible purchases (RCW 39.35A.030) are those for "equipment, materials, or supplies that are expected, upon installation, to reduce the energy use or energy cost of an existing building or facility, and the services associated with the equipment, materials, or supplies, including but not limited to design, engineering, financing, installation, project management, guarantees, operations, and maintenance." (RCW 39.35A.020(1)) The procurement may be structured on a performance basis, rather than a design specification, so that the City may specify a result, rather

than the type or model of equipment. (RCW 39.35A.020(3))

The approval requirements found in Authorization & Quote/bid requirements as listed on page 3 also apply to procurement by competitive negotiation. The approving officer shall determine in writing that competitive bidding is either not practical or not advantageous to the City.

Requisitions for electronic data processing systems shall be routed through and approved by the Finance Director or designee for compatibility certification prior to purchase. This will allow for the appraisal of the present supply of devices, and the possible elimination of an unnecessary expenditure of City funds.

A request for proposals should be prepared and submitted to enough qualified sources, to permit reasonable competition consistent with the requirements of the purchase. The request for proposal should identify significant evaluation factors, including price, and their relative importance. The City reserves the right to determine the number of sources considered to be adequate.

The City will provide procedures for technical evaluation of the proposals received, identification of qualified sources, and selection criteria for awarding the contract.

The City may select the qualified vendor whose proposal is most advantageous to the City, with price and other factors considered. If the City is unable to negotiate a contract successfully, the City may terminate negotiations and proceed to negotiate with the second most advantageous proposer, and so on.

Small Works Roster

RCW 39.04 provides uniform small works roster provisions to award contracts for construction, building, renovation, remodeling, alteration, repair, or improvement of real property. The Small Works Roster may be used for public works projects valued below \$300,000.

The Small Works Roster maintained by the Community Development Department/Engineering Division allows the City to evaluate the professional qualifications on file when a proposed project is scheduled.

Use of the Small Works Roster allows the City to preclude the advertisement requirements of the formal competitive process. *All other bidding requirements are the same.*

- For each project, the City will secure telephone or written quotations from (whenever possible) at least three appropriate contractors on the Roster. Whenever possible, at least one of the contractors invited to submit a proposal will be a minority- or woman-owned firm. The City may invite proposals from more than three or all appropriate contractors on the Roster and is, in fact, encouraged to invite proposals from all contractors in the related category of work.
- The contract must be awarded to the contractor submitting the lowest responsible quote.
- Once a contractor has been invited to submit a proposal, that contractor will not be offered another opportunity until all other appropriate contractors on the Roster have been given the opportunity to submit a proposal on a project. (to assure fairness in opportunity, always send to all contractors in the appropriate category of work).

Vendors/contractors selected from the Small Works Roster are not relieved from observing applicable legal requirements such as Performance Bond, Prevailing Wage, Labor and Material Bonding, etc. Payment Bond and Performance Bond may be waived on project less than \$35,000.00.

Change Orders

For Change Orders Within City Council Authorized Budget Appropriations

Upon recommendation of the project/contract manager, and demonstration that a Change Order is necessary and reasonable, the City Manager is authorized to approve any and all Change Orders subject to the following limitations:

1. The total amount of any one change order shall not exceed \$65,000.
2. The total amount of all change orders under any one contract not yet ratified by the City Council shall not exceed ten percent of the initial contract price or \$300,000, whichever is less.
3. The total amount of the contract with all approved change orders is within the City Council authorized budget appropriation for the project.

For Change Orders in Excess of City Council Authorized Budget Appropriations

Upon recommendation of the project/contract manager, and demonstration that a Change Order is necessary the City Manager shall submit to the City Council, a Change Order Request to include the amount of requested funds and a written justification describing why the additional funds are necessary and the benefits to be derived.

If the City Council approves the Change Order Request, the City Manager shall take the necessary actions to enact the Change Order and complete the work in an expeditious manner in accordance with the City Council's direction.

If the City Council denies the Change Order Request, the City Manager shall report back to the Mayor and City Council with options as to how to accomplish the project/contract within the funds allocated.

In the event of an emergency or the need to take immediate or expeditious action necessary to protect or maintain the public health, safety, or welfare; or to prevent damage to public or private property, and with approval of the Mayor, the City Manager is authorized to enact Change Orders in excess of the legally authorized expenditure level. The City Manager shall timely report such actions to the City Council.

Travel Expenses

All expense payments or reimbursements for travel and/or subsistence expenses must meet the requirements set forth in the City of Kelso Travel Policy, which establishes policy and procedure related to obtaining travel authorization, advance travel funds, and expenditure or reimbursement for travel and subsistence expenses incurred in conduct of business of the City. Refer to the City of Kelso Travel Policy and Procedures for details.

Payment Processing

Approvals

Vendor invoices shall be signed for approval by the department head or designee. Reimbursements payable to City employees shall be signed for approval as follows:

- Council – approved by the Mayor, City Manager, or designee.
- Mayor – approved by the City Manager or designee.
- City Manager – approved by the Mayor or designee.
- Department Director – approved by the City Manager.
- Other employees – approved by the direct supervisor or Department Director or designee.

Employees may not approve their own reimbursement.

Accounts Payable

Invoices that are received by accounts payable via the US Postal Service will be date-stamped and routed to department heads or designee the day that they are received. Other invoices may be received directly by the department head or other staff, such as when items are picked up at will-call or services are performed on-site. For all invoices, department heads or designees will verify that the invoiced items have been received and that the invoiced amount is correct. There is one accounts payable check cycle scheduled each month, generally on the Thursday following the 3rd Tuesday of each month. All claims submitted not later than the 5th of the month will be processed in this cycle.

Hand-Issued Checks

Departments should avoid requests for hand-issued checks by submitting approved invoices to Accounts Payable as soon as invoices are received. If extenuating circumstances exist, a check may be hand-issued to avoid incurring penalties, interest, or late charges. Submit requests for hand-issued checks to Finance. Manual checks must be pre-approved by the Finance Director.

Store-Issued Charge Cards

Store-issued charge cards are not permitted.

Bank Credit Cards

Bank credit cards may be issued with the approval of the City Manager. They are to be used solely for City-authorized business purposes. Please see Credit Card Policy for additional details.

Petty Cash

Petty cash funds cover minor disbursements. Employees may be reimbursed from petty cash funds for authorized purchases that do not exceed the established petty-cash limit. Refer to Petty Cash Policy for additional details.

Budget Adjustments

Each department's authorizing staff must ensure that purchases are initiated only when departmental appropriations are sufficient to cover the anticipated cost. Expenditures that exceed departmental appropriations require the City Manager's approval.

Exhibit 2

Sole Source Vendor Statement

Date: _____

To: Finance Director & Accounts Payable

From: _____(dept. name & name of person signing this form)

To Whom It May Concern:

This form justifies the proposed sole source purchase described below. In accordance with State of Washington regulations, City of Kelso must procure material, equipment, supplies and services by competitive means when the purchase is in excess of \$7,500. However, in unusual circumstances the competitive process may be waived and sole source purchasing approved, provided the requesting party can adequately justify its use. In any such case where the purchase exceeds \$7,500, the vendor shall certify in writing that the City is getting the lowest price it offers. Purchases in excess of \$7,500 from a sole source vendor require prior approval of the Department Director or designee.

“Sole Source” means the product is unique and can be purchases from only one vendor.

If one of the reasons 1 through 4 below applies to this purchase, you need only to check the applicable reason and describe item being purchased below. If reasons 5 or 6 apply, please provide the item description and explanation below.

- 1. Proprietary. The item is under patent, copyright, or proprietary design.
- 2. Replacement part. The purchase is for replacement parts or components.
- 3. Technical service. The purchase is for technical service in connection with the assembly installation or servicing of equipment of a technical or specialized nature.
- 4. Continuation of work. We now require additional work, additional item or additional service, but we did not know it would be needed when the original order was placed.
- 5. Urgent requirement. Need must be met immediately. Please explain below the nature of the urgency, including an explanation of why the purchase is critical and why only the suggested vendor can meet it. (if this item is checked, there must be a resolution following within 2 weeks ratified by City Council)
- 6. Exclusive capability. Only one supplier qualified. No other suppliers known. Please explain below.

Item Description:

If explanations 5 or 6 were used, please provide an explanation below. Explain why the identified vendor is recommended:

Department Director or Designee

Finance Director

Exhibit 3

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
KELSO DECLARING _____ AS THE SOLE
SUPPLIER OF _____ FOR
_____**

WHEREAS, state law (cite), and the City’s own purchasing ordinance requires purchases of materials and supplies over Seven Thousand Five Hundred dollars (\$7,500.00) to be competitively bid; and

WHEREAS, the City must purchase _____ at a cost over _____; and

WHEREAS, the City has found _____; and

WHEREAS, a competitive bidding process would likely only produce one bid; and

WHEREAS, RCW 35.23.352(9) authorizes sole source purchasing without calling for bids; and

WHEREAS, the (statute) requires a resolution by Council declaring an exemption from bidding under the sole source provision.

NOW, THEREFORE, THE CITY COUNCIL DO HEREBY RESOLVE:

_____ Is the sole source for _____.

ADOPTED by City Council and **SIGNED** by the Mayor this _____ day of _____, 2013.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Exhibit 4**Washington State Prevailing Wage Law**

The Prevailing Wages on Public Works Act (Chapter 39.12 RCW) requires that employees of government contractors be paid prevailing wages for all public work. Agencies awarding public works contracts include state agencies, counties, municipalities and all political subdivisions of the state.

All public agencies, contractors performing public work, and construction workers on public works construction should be aware of their rights and legal responsibilities. Failing to comply with the provisions of Chapter 39.12

RCW may subject contractors and/or public agencies to liability for all unpaid prevailing wages and penalties.

The Department of Labor and Industries (L&I) administers the prevailing wage law. The Office of the Attorney General provides legal counsel to L&I and prosecutes violators. The State Auditor's Office ascertains if a public agency's policies, procedures and practices meet the requirements of the law.

Do not rely on this plain language description without reading the laws and regulations. The informal discussions below are meant to be helpful when read in conjunction with the laws and WAC rules. They are not meant to be a substitute for reading and understanding the laws. After reading the laws and regulations, please do not hesitate to contact the Prevailing Wage Office with any questions you may have.

The Prevailing Wages on Public Works Act

Enacted in 1945, the Washington State Public Works Act, also known as the "prevailing wage law", is a worker protection act. It requires that workers be paid prevailing wages when employed on public works projects, and on public building service maintenance contracts. (RCW 39.04.010, RCW 39.12.010, and RCW 39.12.020)

The Public Works Act is modeled after the federal Davis-Bacon Act, which was enacted to protect the employees of contractors performing public works construction from substandard earnings, and to preserve local wage standards.

The Public Works Act regulates wages paid to workers, laborers and mechanics performing public work. It does not apply to work that is clerical, executive, administrative or professional in nature. For example, the Act does not apply to the work of a secretary, engineer or administrator, unless they are performing construction work, alteration work, repair work, etc. Prevailing Wage application depends on the work that is performed, regardless of the worker's job title. Any doubts or questions regarding the applicability of the prevailing wage law should be directed to the Prevailing Wage Office. (RCW 39.12.020 and WAC 296-128-510 through 530)

What Is Public Work?

Public work is all work, construction, alteration, repair or improvement that is executed at the cost of the state or any other local public agency. This includes, but is not limited to, demolition, remodeling, renovation, road construction, building construction, ferry construction and utilities construction. (RCW 39.04.010)

What Is Prevailing Wage?

Prevailing Wage is defined as the hourly wage, usual benefits and overtime, paid in the largest city in each county, to the majority of workers, laborers, and mechanics. Prevailing wages are established, by the Department of Labor and Industries, for each trade and occupation employed in the performance of public work. They are established separately for each county, and are reflective of local wage conditions.

Awarding Agencies' Responsibilities

A. Contracts for Public Work: Employers are not responsible for making the legal determination of whether a contract does or does not meet the definition of a “public works” contract. Public agencies, in awarding a contract, must make the determination of whether that contract involves “public work” and communicate it to the employers in the bid specifications and contracts. The law does not allow public agencies to place this burden upon the employer. For example, it is insufficient to state, “Contractors shall comply with the prevailing wage law, if applicable”. Agencies should seek the advice of legal counsel regarding when a contract is for public work. Before acting on advice that a contract is not for public work, agencies should contact the Prevailing Wage Office for a determination of the applicability of the statute. (RCW 39.04.010, RCW 39.12.030, RCW 39.12.040, and RCW 39.12.042)

B. Prevailing Wage Provisions: Awarding agencies must stipulate in bid specifications and contracts for public work that workers shall receive the prevailing rate of wage. Those documents must also contain a list of the applicable prevailing wage rates. Compliance with the law is not met by referring contractors to the department or other sources to obtain wage rate information. RCW 39.12.030

C. Public Building Service Maintenance Contracts: Public building service maintenance (janitorial) contracts of more than one year duration must include wage language recognizing the potential for future variance in applicable prevailing wages each year after the first year of the contract. RCW 39.12.020 and WAC 296-127-023

D. Disbursal of Public Funds: Agencies may not make any payments where employers have not submitted an Intent form that has been approved by the Industrial Statistician. Agencies may not release retainage until all employers have submitted an Affidavit form that has been certified by the Industrial Statistician. The requirement to submit these forms should also be stated in the contract. RCW 39.12.030, RCW 39.12.040 and RCW 39.12.042

E. Turnkey Projects (lessee/lessor relationships between public and private parties): Prevailing wages must be paid for any work, construction, alteration, repair or improvement, other than ordinary maintenance, that the state or a municipality causes to be performed by a private party through a contract to rent, lease, or purchase at least fifty percent of the project by one or more state agencies or municipalities. RCW 39.04.260. It is the responsibility of the awarding agency to make an accurate determination as to whether the entire project falls within RCW 39.04.260 prior to entering into a lease relationship for space in a privately owned building. The determination is based on whether the awarding agency is causing the work to be performed and when at least fifty percent of the leased space is going to be occupied by one or more public agencies. If RCW 39.04.260 applies, all work performed in conjunction with the project is covered, not just the tenant improvements, and the project is subject to all provisions of RCW 39.12. Should the awarding agency fail to comply with all the provisions of RCW 39.04.260 and RCW 39.12.040, the awarding agency can be held responsible for any unpaid prevailing wages.

F. Contract Administration: Though not legally required, the following activities are recommended to ensure compliance with the Public Works Act.

- I. Job site inspections should be performed on a routine or periodic basis to verify compliance. These inspections should include checking to see that a copy of the Intent is posted at the job site.

Workers should be randomly interviewed to verify that prevailing wages are received. Apprentice workers should be asked to show their registration cards.

II. References should be checked when the agency is empowered to select the lowest responsible bidder. The department can advise an agency regarding an employer's history of wage claims. Check the Contractor Debarment List to find out if a contractor is debarred from bidding on public works projects.

III. Verify Contractor Registration Status and Verify Workers' Compensation Premium Status. Find out whether a contractor or other employer has an industrial insurance (workers' compensation) account with L&I and that their premiums are up to date.

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KELSO, WASHINGTON, CREATING AND APPROVING A MASTER FEE SCHEDULE, AND REPEALING RESOLUTION NO. 647 PERTAINING TO FINANCE DEPARTMENT FEES.

Agenda Item: _____

Dept. of Origin: _____ City Manager _____

For Agenda of: September 3, 2013

Originator: _____

PRESENTED BY:

Steve Taylor

City Attorney: Janean Parker

City Manager: Steve Taylor

Agenda Item Attachments:

Proposed Resolution
Exhibit A – Master Fee Schedule
Resolution No. 647

SUMMARY STATEMENT:

The City of Kelso charges fees for services that vary between departments. Some fees are adopted by ordinance, others by resolution, and others were calculated by their respective departments to recover costs of providing specific services for applicants. In order to provide consistency in the annual review of fees and a central document for the public's ease of use, staff is proposing a Master Fee Schedule to be adopted by resolution. The first iteration of the Master Fee Schedule will include schedules for Administration, Police, and the Library and implement the public records copying charges reflected in the Public Records Policy ordinance that is on the September 3rd agenda for second reading and final consideration. The remaining schedules will be added to the resolution for Council's consideration as each department analyzes and prepares recommendations to recover the cost of providing these services.

City utility rates and capital recovery charges will continue to be adopted and updated by individual ordinances as required by Section 2.10 (5) of the City Charter.

Additionally, the resolution repeals Resolution No. 647 which established a fee for checks returned to the City for Non Sufficient Funds at \$15.00. The new fee of \$35.00 for NSF checks is contained within Schedule A of the Master Fee Schedule.

RECOMMENDED ACTION:

Move to adopt the Resolution creating and approving a Master Fee Schedule.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KELSO, WASHINGTON, CREATING AND APPROVING A MASTER FEE SCHEDULE, AND REPEALING RESOLUTION NO. 647 PERTAINING TO FINANCE DEPARTMENT FEES.

WHEREAS, it is the general policy of the City to establish fees that are reflective of the cost of services provided by the City; and

WHEREAS, the City has found it necessary to employ the use of a master fee schedule for the establishment of fees for City programs, permits and services, and periodically the fee schedule must be updated to incorporate new or modified services; and

WHEREAS, the City Council desires to create the resolution and accompanying Master Fee Schedule.

WHEREAS, the City Council finds it necessary to repeal Resolution No. 647, adopted in 1991, pertaining to fees charged when drafts and checks tendered to the City are returned or dishonored by the drawee bank or other such depository in order to be consistent with the Master Fee Schedule.

NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF KELSO DO HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Master Fee Schedule Established. A master fee schedule is hereby established and is comprised of the schedules attached hereto as Exhibit A and incorporated by reference, consisting of the fees and rates necessary to recover costs associated with providing the services identified therein.

SECTION 2. That Resolution No. 647 be repealed in its entirety.

SECTION 3. This resolution shall be effective immediately upon its adoption.

ADOPTED by the City Council and **SIGNED** by the Mayor this _____ day of _____, 2013.

MAYOR

ATTEST/AUTHENTICATION:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Exhibit A

CITY OF KELSO

MASTER FEE SCHEDULE

<u>Fee Schedule</u>	<u>Page No.</u>
Schedule A: Administrative	2
Schedule B: Other Fees	4
Schedule C: Police	5
Schedule D: Building	6
Schedule E: Water and Sewer	7
Schedule F: Planning	8
Schedule G: Park Facilities	9
Schedule H: Library	10

Schedule A – Administrative

Reproduction of Public Records:

Public Records Inspection Request	There is no fee for inspecting public records	
Public Records Request	There is no fee for a requestor to obtain up to ten (10) pages of standard 8.5 x 11 inch black and white photocopies	
Standard 8.5 x 11 inch black and white photocopies exceeding ten (10) pages	\$.15 per page	
Legal 8.5 x 14 inch or 11 x 17 inch black and white photocopies or color photocopies	\$.25 per page	
Copies of audio tapes, video tapes, DVD, CD's or other storage devices	\$1.00 plus the hourly wage of the staff person for the time spent duplicating the storage device	
Scan hard copy records into electronic format	\$.10 per page	
E-mailing electronic records	No charge, except where another cost applies.	
Envelopes and/or packaging	At Cost	
Standard business envelopes	At Cost	
Postage	At Cost	
Maps of any size or other odd sized copies*	36" x 24"	\$5.50 per page
	25" x 18"	\$5.00 per page
Public Records Request Deposit	10% of the estimated cost if request is estimated to exceed \$50.00	

Non-Public Records Request reproduction

<u>Copies/Printing:</u>	<u>Charge</u>
8 ½ x 11" B & W	\$0.40 each
8 ½ x 11" Color	0.65 each
8 ½ x 14" B & W	0.45 each
8 ½ x 14" Color	0.75 each
11 x 17" B&W	0.65 each
11 x 17" Color	\$1.25 each

Construction/Engineering Plans	See "Maps" item under Pub. Rec. fees
CD Copies	See "Storage Device" item under Pub. Rec. fees
Business License list	\$0.40 per page
Certified Copies	\$6.13 for first five (5) pages; \$0.40 each add'l page
Microfiche copies	\$0.40 each
Tapes (Public furnishes tapes)	See "Storage Device" item under Pub. Rec. fees
Municipal Code Books	\$269.00 (includes tax)

*If the City determines, in its sole discretion, that the materials need to be copied by an outside vendor due to volume, current workload of City staff, size or nature of the record, or any other reason, the requestor will be charged the actual amount invoiced to the City by the copying vendor.

Payment may be made by cash, check, or money order payable to the City of Kelso.

Non-Sufficient Funds Check Return Fee \$35.00

Assessed for all drafts and checks tendered to the City which are returned or dishonored by the drawee bank or other depository.

NSF charge shall be collected from the drawer together with proceeds of any returned or dishonored instrument, and shall be considered a part of the debt or deposit due the City for which it was tendered.

Schedule B – Other Fees

(RESERVED)

Schedule C – Police

Concealed Pistol License	
New Application	\$52.50
Renewal	\$32.00
Late Renewal	\$42.00
Replacement	\$10.00

Other Fees	
Photo Copies	\$0.40 each
Fingerprints	\$10.00 for up to two cards; \$10.00 for each add'l card thereafter

Schedule D – Building

(RESERVED)

Schedule E – Water and Sewer

(RESERVED)

Schedule F – Planning

(RESERVED)

Schedule G – Park Facilities

(Reserved)

Schedule H– Library

Nonresident Library Cards

Household Cards: Good for all members of a household living at the same address.	
Annual Fee - Issued for one year from date of purchase.	\$70.00
Semi Annual Fee: Issued for six (6) months from date of purchase.	\$40.00
Quarterly Fee: Issued for three (3) months from date of purchase.	\$20.00
Senior Card: Good for up to a two-member senior citizen household.	
Annual Fee - Issued for one year from date of purchase.	\$35.00
Semi Annual Fee: Issued for six (6) months from date of purchase.	\$20.00
Quarterly Fee: Issued for three (3) months from date of purchase.	\$10.00

Lost Cards will be replaced for a \$1.00 processing and handling fee.

Overdue Fines*

Books and all other items except for videos and audiovisual equipment	
Daily Fine	\$.10/day
Grace Period	14 Days
Maximum Fine	\$10.00/item
Videos and audiovisual equipment are due at closing time on the due date.	
Daily Fine	\$1.00/day
Maximum Fine	\$10.00/item

*Collection agency fees, legal fees, and other administrative costs incurred while attempting to secure the return of library materials will be passed on to the delinquent borrower.

Lost or Unreturned Items

Books, videos and other library materials (excluding equipment) will be charged at the original price of the item in addition to accumulated overdue charges for the item(s).
Audiovisual equipment will be charged the cost of replacement in addition to accumulated charges for the item(s)
The Library Director may authorize charging the cost of replacement or replacement fees on books or sets that are particularly valuable or difficult to replace.

Damaged Materials and Equipment*

Library materials such as books		Cost to repair or rebind the item with a minimum charge of \$1.00
Irreparable damage		Original cost of the item or replacement as specified above
Equipment		Cost to repair
Irreparable damage		Replacement cost of the item

* Once the cost of the item or replacement charge has been paid, the patron, upon request, may have the item.

Other Fees

Copies and Printouts	\$.10 each
----------------------	-------------

RESOLUTION NO. 647

A RESOLUTION RELATING TO FINANCE AND PROVIDING FOR THE ASSESSMENT OF A \$15 FEE FOR ALL DRAFT CHECKS TENDERED TO THE CITY WHICH ARE NOT HONORED BY THE DRAWEE, PROVIDING PROCEDURES WHEREBY THE CITY SHALL REFRAIN FROM ACCEPTING CHECKS OR BANK DRAFTS FROM PERSONS WHOSE CHECKS OR DRAFTS HAVE BEEN DISHONORED BY THE CITY IN PRIOR TRANSACTIONS.

WHEREAS, in recent years the City has experienced an increasing number of checks or drafts dishonored by the drawee bank as a result of closed accounts and insufficient funds in the maker's account, and

WHEREAS, the City finds that the administrative costs connected therewith are placing a burden upon the City's Finance Department, and

WHEREAS, the City Council seeks to set a fee to be charged against the maker for dishonored checks or drafts which is more consistent with the costs connected therewith.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KELSO DO RESOLVE AS FOLLOWS:

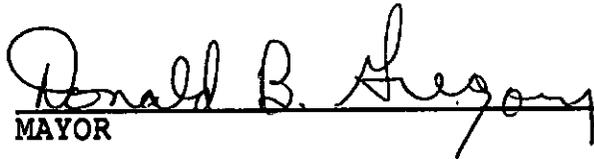
SECTION 1. That there shall be assessed a charge of \$15.00 for all drafts and checks tendered to the City which are returned or dishonored by the drawee bank or other such depository.

SECTION 2. That said charge shall be collected from the drawer together with proceeds of any such returned or dishonored instrument and said charge shall be considered a part of the debt or deposit due the City for which it was tendered.

cc: Clark
Atty

SECTION 3. The Finance Director is hereby directed to establish a policy whereby checks or drafts, other than cashier's or certified checks or money orders, would be disapproved for acceptance from makers who have tendered dishonored checks or drafts to the City in prior transactions.

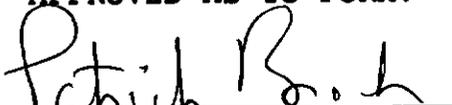
ADOPTED by the City Council and SIGNED by the Mayor this 5TH day of November, 1991.


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE: AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON REPEALING ORDINANCE 01-3467 PERTAINING TO THE LIBRARY CHARGES POLICY.

Agenda Item: _____

Dept. of Origin: _____ City Manager _____

For Agenda of: Septmeber 3, 2013

Originator: _____

PRESENTED BY:

Steve Taylor

City Attorney: Janean Parker

City Manager: Steve Taylor

Agenda Item Attachments:

Proposed Ordinance

SUMMARY STATEMENT:

Ordinance 01-3467 was adopted in 2001 and established charges for library services. The proposed ordinance is a housekeeping item which will repeal Ordinance 01-3467 and allow library charges to be included in the City's Master Fee Schedule.

RECOMMENDED ACTION:

Make a motion to approve Ordinance repealing Ordinance 01-3467 pertaining to the Library Charges Policy.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KELSO, WA REPEALING
ORDINANCE 01-3467 PERTAINING TO THE LIBRARY CHARGES
POLICY.**

WHEREAS, Ordinance 01-3467 was adopted in 2001 to establish and update charges for City library services and assist in the recovery of costs for the provision of said services; and

WHEREAS, the City has established a Master Fee Schedule and desires to include the charges for library services within said schedule in lieu of a separate ordinance;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS FOLLOWS:

SECTION 1. REPEALER. That Ordinance No. 01-3467 is hereby repealed in its entirety.

SECTION 2. SEVERABILITY. The provisions of this Ordinance are declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect 5 days after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of _____, 2013.

ATTEST/AUTHENTICATION:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED:_____