



**CITY COUNCIL MEETING**

**November 15, 2016 – Agenda**

Mt. Si Senior Center, 411 Main Ave. S., North Bend, Washington

**7:00 P.M. – CALL TO ORDER, ROLL CALL, FLAG SALUTE**

**RECESS COUNCIL MEETING**

- |  |                       |                         |
|--|-----------------------|-------------------------|
| 1) Special Meeting of the North Bend Transportation Benefit District | Mr. Loudenback, Chair | <b>Pg.#</b><br><b>1</b> |
|--|-----------------------|-------------------------|

**RECONVENE COUNCIL MEETING**

**CONSENT AGENDA:**

- |              |   |                       |
|--------------|---|-----------------------|
|              |   | <b>Pg.#</b>           |
| 2) Minutes   | Council Meeting of November 1, 2016   | <b>15</b>             |
| 3) Payroll   | <b>November 4, 2016 – 27545 through 27550</b> , in the amount of <b>\$197,804.14</b>  |                       |
| 4) Checks    | <b>November 15, 2016 – 63518 through 63579</b> , in the amount of <b>\$278,453.22</b> |                       |
| 5) AB16-125  | Motion - Authorizing Amendment to Yakima County Jail Services Contract                | Ms. Lindell <b>19</b> |
| 6) AB16-126  | Motion - Authorizing Lease with Snoqualmie Valley Historical Museum                   | Ms. Lindell <b>25</b> |
| 7) AB16-127  | Motion - Authorizing Amendment No. 5 with Tetra Tech RE Bendigo Turn Lane Project     | Mr. Rigos <b>35</b>   |
| 8) AB16-128  | Motion - Authorizing CO #1 with Sierra Pacific for Bendigo Turn Lane Project          | Mr. Rigos <b>43</b>   |
| 9) AB16-129  | Resolution - Authorizing Easement for Public Pathway                                  | Mr. Rigos <b>63</b>   |
| 10) AB16-130 | Resolution - Authorizing Easement for Sewer Extension                                 | Mr. Rigos <b>75</b>   |
| 11) AB16-131 | Resolution - Accepting 2016 Pavement Overlay Project as Complete                      | Mr. Rigos <b>87</b>   |
| 12) AB16-132 | Resolution - Accepting Ribary Creek Sediment Project as Complete                      | Mr. Rigos <b>91</b>   |
| 13) AB16-133 | Ordinance - Amending 2015-2016 Budget Ordinance                                       | Ms. Masko <b>95</b>   |

**CITIZEN’S COMMENTS:** (Please restrict comments to 3 minutes)

**ANNOUNCEMENTS, PRESENTATIONS, APPOINTMENTS:**

- |                  |                |          |
|------------------|----------------|----------|
| 14) Presentation | Winter Shelter | Ms. Kirk |
|------------------|----------------|----------|

**COMMISSION AND COMMITTEE REPORTS:**

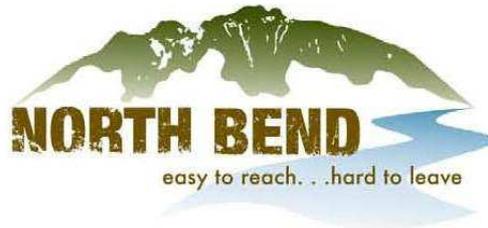
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|---------------------------------|--|
| Planning Commission             | Community & Economic Development – Councilmember Pettersen |
| Parks Commission                | Finance & Administration – Councilmember Rosen             |
| Economic Development Commission | Public Health & Safety – Councilmember Gothelf             |
|                                 | Transportation & Public Works – Councilmember Loudenback   |
|                                 | Mayor Pro Tem – Councilmember Loudenback                   |
|                                 | Eastside Fire & Rescue Board – Councilmember Gothelf       |

**INTRODUCTIONS:**

- |                  |   |                        |
|------------------|---|------------------------|
| 15) AB16-134     | Public Hearing Cont., Ordinance Setting 2017 Property Tax Levy                                | Ms. Masko <b>111</b>   |
| 16) Presentation | Mayor’s Message - 2017/2018 Budget  | Ms. Lindell            |
| 17) AB16-135     | Public Hearing – Ordinance Adopting 2017/2018 Biennial Budget (First Reading)                 | Ms. Masko <b>123</b>   |
| 18) AB16-136     | Ordinance - Amending NBMC Chapter 14 RE Floodplain Management                                 | Mr. McCarty <b>135</b> |
| 19) AB16-137     | Motion - Authorizing Additional Project Manager   | Mr. Rigos <b>183</b>   |
| 20) AB16-138     | Motion - Selecting Architect for New City Hall & Resolution Designating PW Site for City Hall | Ms. Lindell <b>185</b> |

**MAYOR, COUNCIL & ADMINISTRATOR CONCERNS AND INITIATIVES:** (Business and general information presented that may be deliberated upon by the Council. Formal action may be deferred until a subsequent meeting; immediate action may be taken upon a vote of a majority of all members of the Council.)

**ADJOURNMENT:**



## **NOTICE OF SPECIAL TBD BOARD MEETING**

Notice is hereby given that the North Bend Transportation Benefit District No. 1 Board has scheduled a Special Meeting on Tuesday, November 15, 2016 at Mt Si Senior Center, 411 Main Ave. S, at approximately 7:05 p.m.

For additional information please contact the City Clerk at (425) 888-7627.

Posted November 10, 2016

### **TBD BOARD MEETING**

**November 15, 2016 – AGENDA**

**Mt Si Senior Center, 411 Main Ave. S., North Bend, Washington**

**7:05 p.m. (Approximate Time)**

- 1) **Call To Order, Roll Call** Mr. Loudenback, Chair of the Board
- 2) **Minutes**
  - Approval of August 16, 2016 Board Meeting Minutes
- 3) **Public Hearing Adopting 2017 Budget**
- 4) **AB16-02 – Resolution Adopting 2017 Budget**
- 5) **Adjournment**



**DRAFT**

CITY OF NORTH BEND  
TRANSPORTATION BENEFIT DISTRICT (TBD)  
SPECIAL MEETING MINUTES  
**August 16, 2016 – 7:00 p.m.**  
Mt Si Senior Center, 411 Main Ave. S., North Bend, WA

Board Chair Ross Loudenback called the meeting to order at 7:01 p.m.

Board Members Brenden Elwood, Alan Gothelf, Trevor Kostanich, Ross Loudenback, Jeanne Pettersen and Martin Volken were present. Board Member Jonathan Rosen was excused.

**Staff Present:** Mayor Ken Hearing, City Administrator Londi Lindell, Assistant City Administrator/Finance Director Dawn Masko, Public Works Director Mark Rigos, Community & Economic Development Director Gina Estep and City Clerk Susie Oppedal.

Board Member Pettersen **MOVED**, seconded by Board Member Gothelf to approve the minutes of the November 3, 2015 special meeting as presented. The motion **PASSED** 6-0.

**AB16-01 – Motion Approving 2017 Budget Calendar**

Assistant City Administrator/Finance Director Masko provided the staff report.

Board Member Loudenback **MOVED**, seconded by Board Member Pettersen to approve AB16-01, approving the 2017 Budget Calendar and setting a Public Hearing date of November 15, 2016 for the proposed 2017 TBD Budget. The motion **PASSED** 6-0.

**Adjournment**

The meeting adjourned at 7:03 p.m.

ATTEST:

\_\_\_\_\_  
Ross Loudenback  
Chair

\_\_\_\_\_  
Susie Oppedal  
City Clerk





## Transportation Benefit District No. 1

<b>SUBJECT:</b>		<b>Agenda Date: November 15, 2016</b>		<b>TBD AB16-02</b>	
<p><b>Public Hearing and Resolution of the North Bend Transportation Benefit District Adopting 2017 Budget</b></p> <p>Cost Impact: N/A</p> <p>Fund Source: N/A</p> <p>Timeline: Immediate</p>		Department/Committee/Individual			
		Mayor Ken Hearing			
		City Administrator – Londi Lindell			
		City Attorney - Mike Kenyon			
		City Clerk – Susie Oppedal			
		Finance – Dawn Masko		X	
		Community & Economic Development – Gina Estep			
		Public Works – Mark Rigos			
<p><b>Attachments:</b> Resolution with Exhibit A (Budget), 2017 Proposed Budget, Public Hearing Notice</p>					
<p>SUMMARY STATEMENT:</p> <p>The North Bend Transportation Benefit District (TBD) is required by law to adopt an annual budget. The attached preliminary budget has been reviewed by both the North Bend Transportation Benefit District Board and City of North Bend staff and is being recommended for adoption by resolution.</p> <p>The TBD’s primary revenues are from sales &amp; use tax collections. Proposition 1, passed by voters on November 8, 2011, authorizes the TBD to collect a two-tenths of one percent sales and use tax for the purpose of paying part of the cost of specific transportation improvements and is dedicated for the repayment of indebtedness incurred in compliance with the requirements of RCW Chapter 36.73 to finance those improvements.</p> <p>Exhibit A of the 2017 Budget Resolution (attached) represents the proposed 2017 budget. TBD funds will be used for debt payments for 2012 LTGO bonds issued for transportation improvements, AWC-Risk Management insurance coverage, WA State Auditor fees, and any other key transportation projects selected by the TBD Board.</p> <p>A public hearing on the TBD 2017 budget was noticed for tonight’s meeting.</p>					
<p><b>RECOMMENDED ACTION: MOTION to approve AB16-02, a resolution of the North Bend Transportation Benefit District adopting the 2017 Budget.</b></p>					
<p><b>RECORD OF TBD ACTION</b></p>					
<i>Meeting Date</i>		<i>Action</i>		<i>Vote</i>	
November 15, 2016					



**NORTH BEND TRANSPORTATION BENEFIT DISTRICT**

**RESOLUTION 01-2016**

**A RESOLUTION OF THE NORTH BEND TRANSPORTATION BENEFIT DISTRICT NO. 1, ADOPTING THE BUDGET FOR THE YEAR ENDING DECEMBER 31, 2017**

**WHEREAS**, in order to perform the duties and functions of the North Bend Transportation Benefit District No. 1 (TBD) pursuant to RCW Chapter 36.73, the North Bend Transportation Benefit District is required to adopt an annual budget; and

**WHEREAS**, a preliminary budget for the fiscal year 2017 has been prepared and filed, a public hearing was held on November 15, 2016 for the purposes of fixing the final budget, and the TBD Board has deliberated and has made adjustments and changes deemed necessary and proper; and

**WHEREAS**, all accounting will be done by the City of North Bend in a separate fund, that will be audited by the Washington State Auditor's Office;

**NOW, THEREFORE, THE BOARD OF THE NORTH BEND TRANSPORTATION BENEFIT DISTRICT NO. 1, DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1. Adoption of Budget.** The annual budget of the North Bend Transportation Benefit District No. 1 for the year ending December 31, 2017 is hereby adopted at the fund level in its final form and content as set forth in Exhibit A (attached). Exhibit A is a summary of the totals of estimated revenues and expenditures.

**Section 2. Submittal.** The Secretary of the Board is directed to transmit a certified copy of the 2017 budget, hereby adopted, to the Division of Municipal Corporations of the Office of the State Auditor and to the Association of Washington Cities.

**Section 3. Severability.** If any provision of this Resolution shall be declared by any court of competent jurisdiction to be invalid, then such provision shall be null and void and shall be separable from the remaining provisions and shall in no way affect the validity of the other provisions, or of the imposition or collection of the tax authorized herein.

**Section 4. Effective Date.** This Resolution shall become effective immediately upon its adoption.

**PASSED BY THE BOARD OF NORTH BEND TRANSPORTATION DISTRICT NO. 1 AT A SPECIAL MEETING THEREOF, THIS 15<sup>TH</sup> DAY OF NOVEMBER, 2016.**

BOARD OF NORTH BEND  
TRANSPORTATION BENEFIT  
DISTRICT NO. 1:

\_\_\_\_\_  
Ross Loudenback, Chair of the Board

**ATTEST:**

Approved by a vote of Directors:

\_\_Ayes; \_\_ Nays

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Dawn Masko, Secretary of Board

**NORTH BEND TRANSPORTATION BENEFIT DISTRICT NO 1  
2017 BUDGET  
RESOLUTION 01-2016  
EXHIBIT A**

<b>NORTH BEND TRANSPORTATION BENEFIT DISTRICT (TBD)</b>	
<b>2017 BUDGET</b>	
<b>RESOURCES</b>	
Beginning Fund Balance - TBD	\$690,346
Beginning Fund Balance – Downtown Plaza	283,404
Sales & Use Tax	473,000
Investment Interest	1,000
<b>TOTAL RESOURCES</b>	<b>\$1,447,750</b>
<b>EXPENDITURES</b>	
Project: Downtown Plaza	\$283,404
Project: NB Way/Park Roundabout	10,600
Project(s): To Be Determined (from TIP)	0
2012 LTGO Bond Payment	\$147,775
AWC-RMSA Risk Management Charges	\$1,300
State Audit Fees	\$500
<b>TOTAL EXPENDITURES</b>	<b>\$443,579</b>
<b>BEGINNING FUND BALANCE</b>	
	<b>\$973,750</b>
Total Revenues	\$474,000
Total Expenditures	\$443,579
<b>ENDING FUND BALANCE</b>	<b>\$1,004,171</b>

CERTIFICATION

I, the undersigned, Secretary to the Board of the North Bend Transportation Benefit District No. 1 (“TBD No. 1”), hereby certify as follows:

1. The foregoing Resolution No. 01-2016 (“Resolution”) is a full, true and correct copy of the Resolution duly adopted at a special meeting of the Board of TBD No. 1 (the “Board”) held at the regular meeting place thereof on November 15, 2016, as that Resolution appears in the minutes of TBD No. 1, and the Resolution is now in full force and effect; and

2. A quorum of the members of the Board was present throughout the meeting and a sufficient number of members of the Board present voted in the proper manner for the adoption of the Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of, November 2016.

NORTH BEND TRANSPORTATION  
DISTRICT NO. 1

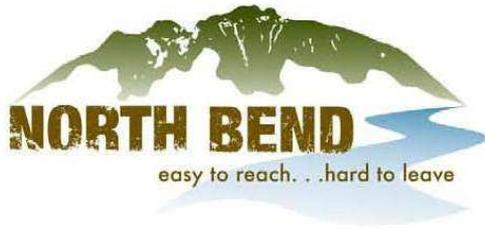
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Dawn Masko, Secretary of the Board

**NORTH BEND TRANSPORTATION BENEFIT DISTRICT  
2017 Annual Budget**

<b>NORTH BEND TRANSPORTATION BENEFIT DISTRICT (TBD)</b>	
<b>2017 BUDGET</b>	
<b>RESOURCES</b>	
Beginning Fund Balance - TBD	\$690,346
Beginning Fund Balance – Downtown Plaza	283,404
Sales & Use Tax	473,000
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<b>TOTAL EXPENDITURES</b>	<b>\$443,579</b>
<b>BEGINNING FUND BALANCE</b>	
	<b>\$973,750</b>
Total Revenues	\$474,000
Total Expenditures	\$443,579
<b>ENDING FUND BALANCE</b>	<b>\$1,004,171</b>





**LEGAL NOTICE**  
**NORTH BEND TRANSPORTATION BENEFIT DISTRICT NO 1**  
**North Bend, Washington**

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that the North Bend Transportation Benefit District No 1 (TBD) will hold a public hearing to receive comments on the 2017 Preliminary Budget. The hearing will take place during a Special Transportation Benefit District No 1 Meeting on Tuesday, November 15, 2016, at approximately 7:05 P.M., at the Mt Si Senior Center, 411 Main Avenue South, North Bend, WA.

Comments may be submitted in writing to the TBD Board of Directors, c/o City of North Bend, 211 Main Avenue N. (P.O. Box 896) North Bend, WA 98045, up to the close of business, (4:30 P.M.) Monday, November 14, 2016 or verbally during the public hearing.

The Preliminary Budget is available for review at the North Bend City Hall, 211 Main Ave. N., and on the City's website at <http://northbendwa.gov>.

Further information is available by contacting City Hall at (425) 888-1211.

Published: October 19 and October 26, 2016  
Posted: October 19, 2016



**DRAFT**

**NORTH BEND CITY COUNCIL MINUTES**

**November 1, 2016**

Senior Center, 411 Main Ave. S., North Bend, Washington

**CALL TO ORDER, ROLL CALL:**

Mayor Hearing called the regular meeting to order at 7:01 p.m.

**Councilmembers Present:** Elwood, Gothelf, Kostanich, Loudenback, Pettersen, Rosen and Volken.

Councilmember Pettersen **MOVED**, seconded by Councilmember Rosen to add the following items at the end of the main agenda for discussion: AB16-123 – Ordinance Adopting Moratorium Regarding Wireless Communications Facilities & AB16-124 – Ordinance Adopting Moratorium Regarding Single Family Residences in Certain Commercial Zones. The motion **PASSED** 7-0.

**CONSENT AGENDA:**

**Minutes** – Special Workstudies of September 20, 2016 & October 11, 2016 and Council Meeting of October 18, 2016

**Payroll** – **October 20, 2016 – 27539** through **27544**, in the amount of **\$151,195.21**

**Checks** – **November 1, 2016 – 63465** through **63517**, in the amount of **\$404,640.51**

**AB16-118** – Resolution 1735 Authorizing Cancellation of Outdated Checks

Councilmember Rosen **MOVED**, seconded by Councilmember Loudenback to approve the consent agenda as presented. The motion **PASSED** 7-0.

**CITIZENS COMMENTS:**

**Dave Olson**, 440 Main Ave. S., provided an update on the Night on a Dark Trail, Giving Tree Fundraiser and Salvation Army Red Kettle campaign.

**ANNOUNCEMENTS, PRESENTATIONS, APPOINTMENTS:**

**Proclamation – Flood Awareness Month**

**Audio: 06:17**

Mayor Hearing read a proclamation declaring November 2016 as Flood Awareness Month.

**DRAFT**

**FINAL READINGS:**

**AB16-119** – Resolution 1736 Authorizing Developer Agreement with Bendigo Properties RE Snoqualmie Valley Athletic Complex **Audio: 07:36**

Community & Economic Development Director Estep provided the staff report.

Councilmember Pettersen **MOVED**, seconded by Councilmember Gothelf to approve AB16-119, a resolution authorizing a Development Agreement with Bendigo Properties, LLC for the Snoqualmie Valley Athletic Complex, as a final reading. The motion **PASSED** 7-0.

**INTRODUCTIONS:**

**AB16-120 – Public Hearing**, Ordinance Setting 2017 Property Tax Levy **Audio: 15:22**

Assistant City Administrator/Finance Director Masko provided the staff report.

**Mayor Hearing opened the Public Hearing on an Ordinance Setting 2017 Property Tax Levy at 7:30 p.m.**

**Don King**, Representative from Nintendo of America, questioned the formula used to determine property tax rates.

Councilmember Rosen **MOVED**, seconded by Councilmember Gothelf to continue the Public Hearing on the Ordinance Setting the 2017 Property Tax Levy until the November 15, 2016 City Council meeting. The motion **PASSED** 7-0.

**AB16-121** – Resolution 1737 Accepting EJ Roberts Park Project as Complete **Audio: 55:18**

Public Works Director Rigos provided the staff report.

Councilmember Loudenback **MOVED**, seconded by Councilmember Pettersen to approve AB16-121, a resolution accepting EJ Roberts Park Improvements Capital Project as complete and authorizing the release of retainage. The motion **PASSED** 7-0.

**AB16-122** – Resolution 1738 Granting Final Plat Approval for Ranger Station Cottages **Audio: 56:43**

Public Works Director Rigos provided the staff report.

The following individual spoke regarding the Final Plat Approval:

**Rob McFarland**, PO Box 2930, Representative from John Day Homes

**DRAFT**

Councilmember Loudenback **MOVED**, seconded by Councilmember Gothelf to approve AB16-122, a resolution granting final plat approval of the Ranger Stations Cottages development. The motion **PASSED** 7-0.

**EXECUTIVE SESSION:**

Mayor Hearing recessed the regular meeting for an Executive Session at 8:05 p.m. to discuss potential litigation pursuant to RCW 42.30.110(1)(i). The Executive Session was expected to last 30 minutes and videotaping of the meeting ceased.

At 8:35 p.m. Mayor Hearing announced to audience members outside the Council Chambers that the Executive Session was expected to last an additional 20 minutes.

At 8:55 p.m. City Clerk Oppedal announced to audience members outside the Council Chambers that the Executive Session was expected to last an additional 10 minutes.

At 9:05 p.m. Mayor Hearing announced to audience members outside the Council Chambers that the Executive Session was expected to last an additional 20 minutes.

The regular meeting was reconvened at 9:23 p.m.

**AB16-123** – Ordinance 1602 Adopting Moratorium RE Wireless Communication Facilities **Audio: 01:04:10**

Community & Economic Development Director Estep provided the staff report.

Councilmember Pettersen **MOVED**, seconded by Councilmember Kostanich to approve AB16-123, an ordinance adopting a Six-Month Moratorium on the acceptance of applications for permits or approvals for the placement of Wireless Communication Facilities within the City, as a first and final reading. The motion **PASSED** 7-0.

**AB16-124** – Ordinance 1603 Adopting Moratorium on Single Family Residences in Certain Commercial Zones **Audio: 01:06:50**

Community & Economic Development Director Estep provided the staff report.

Councilmember Pettersen **MOVED**, seconded by Councilmember Rosen to approve AB16-124, an ordinance adopting a Six-Month Moratorium on the acceptance of applications for permits and approvals for Single-Family Dwellings within the Neighborhood Business (NB) and Interchange Mixed Use (IMU) Zoning Districts and within Special Districts, as a first and final reading. The motion **PASSED** 7-0.

**DRAFT**

**MAYOR, COUNCIL, AND ADMINISTRATOR CONCERNS AND INITIATIVES:**

Councilmember Loudenback commented on Halloween activities in his neighborhood.

Councilmember Kostanich thanked Public Works Director Rigos and his staff that helped with the recent storm water issue at the River Glen subdivision.

Councilmember Pettersen thanked Assistant City Administrator/Finance Director Masko for her work on the upcoming budget and tonight's presentation on the property tax levy.

Mayor Hearing spoke regarding the following items:

- Holiday Festival & Tree Lighting – Saturday, December 3rd
- 2016 Citizen of the Year Nominations
- November 15<sup>th</sup> Special Council Workstudy – 6 p.m. at Mt. Si Senior Center

**ADJOURNMENT:**

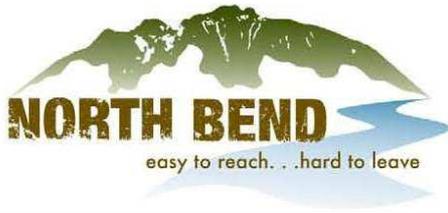
Councilmember Gothelf **MOVED** to adjourn, seconded by Councilmember Elwood. The motion **PASSED** 7-0.

The meeting adjourned at 9:34 p.m.

ATTEST:

\_\_\_\_\_  
Kenneth G. Hearing, Mayor

\_\_\_\_\_  
Susie Oppedal, City Clerk



## City Council Agenda Bill

<b>SUBJECT:</b>	<b>Agenda Date: November 15, 2016</b>		<b>AB16-125</b>
<b>A Motion Authorizing the Mayor to enter into an Addendum to the Interlocal Agreement with Yakima County for Jail Services</b>	Department/Committee/Individual		
	Mayor Ken Hearing		
	City Administrator – Londi Lindell		X
	City Attorney - Mike Kenyon		
	City Clerk – Susie Oppedal		
	Community & Economic Development – Gina Estep		
	Finance – Dawn Masko		
	Public Works – Mark Rigos		
Cost Impact: Variable - Depends on number of arrests and incarcerations			
Fund Source: N/A			
Timeline: Immediate			

**Attachments:** Letter from Yakima County Department of Corrections; Inmate Housing Agreement Addendum

**SUMMARY STATEMENT:**

The increased level of police services and Council’s emphasis on improving public safety has resulted in a corresponding increase in our annual jail costs. Our Interlocal Agreement with Snoqualmie includes transport and management of our jail population by a very competent employee who is evaluating each of these issues in determining the suitable facility for a prisoner.

The City of North Bend currently has contracts with the City of Issaquah, King County, Chelan County, SCORE and Yakima County for jail services. Council approved the Yakima County contract in 2015 and the contract allows the provider to advise users of any increases in daily bed rates. Attached please find a letter dated October 31, 2016 from Yakima County advising of “the first rate increase for our out-of county customers in four years” which will increase Yakima jail rates as follows:

**Yakima County Rate Increase**

Monthly Average Daily Population	Old Daily Rate	New Daily Rate
151-above	\$48.75	\$51.20
126-150	\$49.75	\$52.20
101-125	\$50.75	\$53.20
76-100	\$51.75	\$54.20
51-75	\$52.75	\$55.20
26-50	\$53.75	\$56.20
0-25	\$54.75	\$57.20

Since North Bend maintains a very low bed count in Yakima and merely locates its longer term incarcerated prisoners, our rate will almost always be in the 0-25 person rate of \$57.20 per day. However in comparing this rate with other providers below, it is still a very competitive rate as follows:

## City Council Agenda Bill

Jail Provider	Booking Fee	Daily Fee	Mental -Psych
City of Issaquah	No Fee	\$ 97.00	No
King County	\$193.90	\$188.33	Yes w/ \$308.81 additional fee
Chelan County	No Fee	\$ 70.00	No
Yakima County	No Fee	\$ 57.20	No
SCORE	No Fee	\$162.65	Yes-No additional fee

Due to its close proximity, most of our prisoners have historically been booked at the City of Issaquah because it has no booking fee and the facility has a much lower rate than King County. However, Yakima is a good alternative for long term sentencing and staff recommends approving the proposed Addendum to the Yakima 2017 Inmate Housing Agreement.

COMMITTEE REVIEW AND RECOMMENDATION: The Public Health & Safety Committee reviewed this agenda bill at their November 8, 2016 meeting and recommended approval on the Consent Agenda.

RECOMMENDED ACTION: **MOTION to approve AB16-125, authorizing the Mayor to execute the 2017 Yakima Inmate Housing Agreement Addendum authorizing an increase in the daily bed rate.**

### RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
November 15, 2016		



**YAKIMA COUNTY  
DEPARTMENT OF CORRECTIONS**

*111 North Front Street Yakima, Washington 98901 (509) 574-1700*

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October 31<sup>st</sup>, 2016

City of North Bend  
Susie Oppedal, City Clerk  
P.O. Box 896  
North Bend, WA 98045

**RE: 2017 Inmate Housing Agreement Addendum – Renewal Notification**

Dear Ms. Oppedal:

It's that time of the year again to begin the Inmate Housing Agreement renewal process. Enclosed please find the addendum extending your current housing agreement for the duration of January 1<sup>st</sup>, 2017 through December 31<sup>st</sup>, 2017. Pursuant to the Bed Rate section of the agreement, there will be an increase for the year 2017 of approximately 4.5%, which is reflected in the new sliding scale. This will be the first rate increase for our out-of-county customers in four years.

If you would like to renew this agreement, please have the addendums signed and forwarded back to ATTN: Sandra Bess, Program Coordinator at 111 North Front Street, Yakima WA 98901. Once our Board of County Commissioners has signed, a fully executed original will be mailed back to you. Yakima County's last BOCC Agenda will be held on Tuesday, December 27<sup>th</sup>, 2016 so I am hopeful this will provide sufficient time for full execution.

If you have any questions, please do not hesitate to contact me at 574-1758 or you can contact Sandra Bess at 574-1704.

Looking forward to another successful year of working together!

Respectfully,

A handwritten signature in black ink, appearing to read "Ed W. Campbell".

Ed W. Campbell, Director  
EC:sb

C: Agreement File



Council & TBD Packet November 15, 2016  
**Inmate Housing Agreement Addendum**

This Agreement Addendum is made and entered into between the **CITY OF NORTH BEND**, a municipal corporation with its principal offices at P.O. Box 896, North Bend, WA 98045 and **YAKIMA COUNTY DEPT. OF CORRECTIONS** located at 111 North Front Street, Yakima WA 98901.

In consideration of the mutual benefits and covenants contained herein, the parties agree that their Inmate Housing Agreement executed on October 20<sup>th</sup>, 2015 shall be amended as follows:

1. **Section 26: Duration of Agreement** shall be amended effective January 1, 2017 through December 31, 2017. This agreement is subject to earlier termination as provided under Section 30 of the original agreement and may be renewed for successive periods by written addendum under such terms and conditions as the parties determine.
2. **Compensation (BED RATES):** In consideration of Yakima County's commitment to house City Inmates, the City shall pay the County based on the Monthly Average Daily Population (MADP) sliding scale:

<i>Monthly Average Daily Population (MADP)</i>	<i>Daily Rate Per Inmate</i>
151 - above	\$51.20
126-150	\$52.20
101-125	\$53.20
76-100	\$54.20
51-75	\$55.20
26-50	\$56.20
0-25	\$57.20

Except as expressly provided in this Agreement Addendum, all other terms and conditions of the original agreement shall remain in full force and effect.

Executed this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

**City of North Bend**

**ATTEST:**

\_\_\_\_\_  
 City Mayor/Manager

\_\_\_\_\_  
 By: City Clerk

Approved as to Form:

\_\_\_\_\_  
 City Attorney

**Yakima Board of County Commissioners**

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Michael D. Leita, Chairman

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Kevin J. Bouchey, Commissioner

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J. Rand Elliott, Commissioner  
*Constituting the Board of County Commissioners  
for Yakima County, Washington*

**ATTEST:**

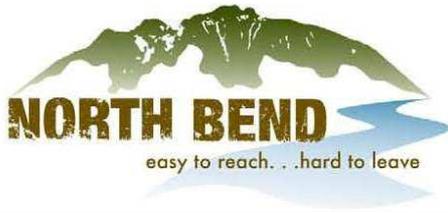
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Tiera Girard, Clerk of the Board

**Approved as to Form:**

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Senior Deputy Prosecuting Attorney



## City Council Agenda Bill

<b>SUBJECT:</b>		<b>Agenda Date: November 15, 2016</b>	<b>AB16-126</b>	
<b>A Motion Authorizing a Restated Lease with the Snoqualmie Valley Historical Society</b>		Department/Committee/Individual		
		Mayor Ken Hearing		
		City Administrator – Londi Lindell		X
		City Attorney - Mike Kenyon		
		City Clerk – Susie Oppedal		
		Community & Economic Development – Gina Estep		
		Finance – Dawn Masko		
		Public Works – Mark Rigos		
		Public Works – Mark Rigos		
Cost Impact: None				
Fund Source: N/A				
Timeline: Immediate				
<b>Attachments:</b> Museum Lease				
<b>SUMMARY STATEMENT:</b>				
<p>In an effort to support the efforts of the Snoqualmie Valley Historical Society to preserve the history of the Snoqualmie Valley for future generations, the City entered into the original lease agreement with the Historical Society in May of 1976 for the Snoqualmie Valley Historical Museum located on City owned property at 320 Bendigo Blvd North (the “1976 Lease Agreement”).</p> <p>In 1987, the City extended the lease for an additional 25 years in recognition of the substantial investment the Historical Society made by improving the existing structure and constructing and improving ancillary structures upon the leased property. Thereafter, the City approved two additional Lease Amendments that extended the Lease term until December 31, 2019, with an option for the Historical Society to extend the Lease for an additional 5 years (with the exception that the City may terminate the lease upon ninety (90) days advance written notice). The latter provision was included to provide the greatest flexibility to the City on the future use of the property.</p> <p>In proceeding with the current Park Street Right Turn Project, Washington Department of Transportation (WSDOT) raised a title issue surrounding the 1976 Lease Agreement which was recorded against the subject property. The legal description of the leased premises included the entire parcel and not just the building and associated parking area.</p> <p>The attached Lease Agreement is to conclusively and clearly “terminate” the 1976 Lease (although it terminated by its own terms on May 31, 1995) and have a new Lease Agreement replace this document which clearly states the lease only covers the existing house, shed and parking lot adjacent to the house and shed and not any portion of the right of way or sidewalk adjacent to Bendigo where any of the work is being performed. Even though the City has explained to WSDOT that we own the property, that the Historical Society pays no rent, that the City can terminate the Lease upon 90 days’ notice and that the City clearly has control over this property, WSDOT is requiring this housekeeping change in order to sign off on their end that there are no title issues that are preventing the project from proceeding.</p>				
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b> The Finance and Administration Committee reviewed the Museum Lease at the November 1, 2016 meeting and recommended its approval on the Consent Agenda.				
<b>RECOMMENDED ACTION: MOTION to approve AB16-126, authorizing the Mayor to execute the restated lease with the Snoqualmie Valley Historical Society, in a form and content acceptable to the City Attorney.</b>				
<b>RECORD OF COUNCIL ACTION</b>				
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>		
November 15, 2016				



**LEASE AGREEMENT  
BETWEEN THE CITY OF NORTH BEND  
AND SNOQUALMIE VALLEY HISTORICAL SOCIETY**

THIS LEASE AGREEMENT (“Lease”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between the City of North Bend, a municipal corporation of the state of Washington (“City”) and Snoqualmie Valley Historical Society, a 501(c)(3) non-profit corporation (“Lessee”).

WHEREAS, the City and Lessee entered into a lease dated May 12, 1976 to provide a building for Lessee to use for an historical museum (the “Original Lease”); and

WHEREAS, the Original Lease term was for nineteen (19) years commencing June 1, 1976 and terminating May 31, 1995; and

WHEREAS, the City and Lessee executed a lease addendum dated April 9, 1987, providing for an extension of the Original Lease term through December 31, 2012; and

WHEREAS, the City and Lessee executed an amendment to the Original Lease dated November 7, 2012, extending the Original Lease term through December 31, 2017; and

WHEREAS, the City and Lessee executed a subsequent amendment to the Original Lease dated May 18, 2015, revising the Original Lease term to commence January 1, 2015 and expire December 31, 2019, with an option to extend for an additional five (5) years; and

WHEREAS, the City has recently discovered that the description and depiction of the leased premises in the Original Lease is imprecise; and

WHEREAS, the parties desire to terminate the Original Lease and all addenda and amendments thereto and desire to execute this new Lease containing the restated terms from the Original Lease with an accurate description of the leased premises and updated lease term;

NOW THEREFORE, in consideration of the mutual promises and conditions set forth herein, the sufficiency of which is hereby acknowledged, the City and Lessee hereby agree as follows:

1. Leased Premises. The City hereby agrees to lease to Lessee certain real property including a house, shed and parking lot, located in North Bend, King County, Washington, as described and depicted in the attached **Exhibit A**, which is incorporated herein by this reference (the “Premises”).
2. Term of Lease. The term of this Lease shall be for a period of three (3) years, commencing January 1, 2017 and terminating December 31, 2019 provided, that Lessee shall have the option to extend the term for an additional five (5) years by providing sixty (60) days’ written notice to the City of its intent to extend the term for this 5-year period on terms and conditions acceptable to the City; provided, further that the Lease may be terminated by either party for any reason or for no reason by advance written notice of one hundred and eighty (180) days to the other party (“Term”). In the event Lessee chooses to extend the Term, the City shall prepare an amendment to the Lease which shall be signed by both parties.

3. Rent. The City and Lessee agree that rent of the Premises shall be TEN AND NO/100 DOLLARS (\$10.00) per year, plus other valuable consideration. Said rent shall be paid in an annual payment at such place or places as the City may designate from time to time in writing.
4. Use of Property. It is understood and agreed between the parties hereto that the Premises be used and occupied only as a museum and for no other purpose or purposes without the written consent of the City. Lessee is also authorized to place upon the Premises the Museum Farm Shed and such other future display buildings as necessary for housing outdoor equipment; provided, that the City shall not be responsible for any of the maintenance or repairs on such Museum Farm Shed or buildings placed upon the Premises. All said future buildings and Museum Farm Shed shall remain the property of Lessee.
5. Janitorial Services. Lessee shall provide all janitorial services for the Premises.
6. Maintenance of Property. Lessee shall not perform any acts or carry on any practices which may injure the building or the Premises, or be a nuisance, and shall keep the Premises under its control, and the sidewalks adjacent to the Premises, clean and free from rubbish and dirt at all times, and shall store all trash and garbage within the Premises and arrange for the regular pickup of such trash and garbage. Lessee shall not burn any trash of any kind in or about the Premises without proper permit.

The City shall not be called upon to make any structural improvements and will be responsible only for exterior structural repairs upon the Premises. The Premises shall at all times be kept in good order and condition and repair by Lessee, and shall be kept in a clean and sanitary condition as required by applicable state and local laws, and in accordance with all directions, rules and regulations of the health officer, fire marshal, building inspector, or other proper officers of the governmental agencies having jurisdiction, at the sole cost and expense of Lessee. Lessee shall comply with all requirements of law, ordinance and otherwise, in regards to the Premises. Lessee shall permit no waste, damage, or injury to the Premises. Lessee shall at its own cost and expense replace any glass windows in the Premises which may become broken. At the expiration of the tenancy created hereunder, Lessee shall surrender the leased premises in good condition, reasonable wear and tear and loss by fire or other unavoidable casualty excepted. Lessee shall be responsible for all repairs to fixtures. All repairs to interior structures that cost more than \$50.00 shall be negotiated between the City and Lessee concerning their respective contributions for the payment of the repairs.

7. Structural Alterations. Lessee shall not make any structural alterations without the City's previous written consent. All alterations, additions, and improvements which may be made or installed by either of the parties upon the Premises shall be the property of the City and shall remain upon and be surrendered with the Premises as a part thereof at the expiration of the Lease term. Respecting any fixtures and/or equipment installed by Lessee during the term of this Lease, upon termination of this Lease the City and Lessee shall meet and negotiate as to whether the fixture and/or equipment shall be deemed a permanent fixture or permanent equipment installation. Those fixture or equipment installations that are determined by the parties to be permanent shall remain upon and be surrendered with the Premises as a part thereof at the expiration of the Lease term.

8. Plumbing. The plumbing facilities shall not be used for any other purpose than that for which they were constructed, and no foreign substance of any kind shall be thrown therein, and the expense of any breakage, stoppage, or damage resulting from a violation of this provision shall be borne by Lessee, who shall—or whose employees or agents shall—have caused it. Notwithstanding the above, Lessee shall be responsible for all plumbing up to the point at which the plumbing enters a wall or floor exiting from the Premises and the City shall be responsible thereafter.
  
9. Indemnification. Lessee shall indemnify and hold harmless the City and/or the City's agents from all damage of every kind or nature whatsoever, and all expenses arising therefrom, that may be claimed to accrue by reason of any accident upon the Premises; and the City shall not be liable to Lessee or any person for claims arising from any defects in the Premises, whether known or unknown, or hereafter occurring in or in front of the Premises, or by reason of any act of negligence occurring in the Premises of any other Lessee or invitee of the landlord. All personal property in the Premises shall be at the risk of Lessee only. Lessee agrees to indemnify and save harmless the City against and from any and all claims by or on behalf of any person, firm or corporation arising from the conduct or management of the business conducted in the Premises, or from any work or thing done by lessee in or about the Premises, and will further indemnify and save Lessor harmless against and from any and all claims arising during the Lease term for any breach or default on the part of Lessee in the performance of any covenants or agreements on the part of Lessee to be performed hereunder or arising from any act of negligence of the Lessee or any of its agents, contractors, servants, employees, or licensees, in or about the Premises, and from and against all costs, attorneys' fees, expenses and liabilities incurred in or about any such claim or action or proceeding brought thereon, and in case any action or proceeding be brought against the City by reason of any such claim, Lessee upon notice from the City, covenants to resist or defend any such action or proceeding by attorneys reasonably satisfactory to the City. Lessee shall not suffer or give cause for the filing of any lien against the Premises.

If it can be arranged, fire insurance and personal liability will be included in the City's fire insurance and personal liability coverages, and Lessee shall pay any increase in the premium charge for such coverage under the City's policies.

10. Assignment of Lease. This Lease is not assignable by law. Lessee may not assign or sublet or in any manner transfer the Lease, or any estate or interest therein, without the previous written consent of the City first had and obtained, and the City shall not be unreasonable in withholding consent, and any such consent for any such transfer, assignment or subletting shall not be construed as a consent for any subsequent transfer, assignment or subletting. Any such consent shall not be construed as an agreement to release Lessee from its primary responsibility under the terms and conditions of this Lease.
  
11. Utilities and Taxes. Lessee shall pay for all utilities used by Lessee in the operation of the Premises. Lessee shall pay, when due, any increase in personal property taxes and the City shall pay real estate taxes applicable to the Premises commencing in 1976 and every year thereafter during the Lease term.

12. Damage by Fire. In the event the Premises shall be destroyed or so damaged by fire, explosion, or earthquake or any other casualty, as to become wholly untenable, then the City may, if it so elects, rebuild and put the Premises in good condition and fit for occupancy within a reasonable time after such total or partial destruction, or give notice in writing terminating this Lease. If the City elects to repair or rebuild the Premises, it shall give Lessee notice thereof within thirty (30) days after such injury, and then proceed with reasonable speed to repair or rebuild. Lessee shall not be obligated to pay any rent from the time of such destruction or damage until the Premises are again fit and ready for occupancy. In the event the Premises are damaged by fire, explosion, or earthquake or any other casualty, but are not thereafter rendered wholly untenable, then the City shall repair such damage and put the Premises in tenable condition as rapidly as is reasonably possible, and while such damage is being repaired, Lessee shall not be entitled to any equitable abatement of the rent. The City shall not be liable or responsible for any delays in rebuilding or repairing due to strikes, acts of God, restrictive governmental regulations, or any other causes beyond the City's control. In the event that the City elects to terminate this Lease under the conditions contained in this paragraph, said election to terminate shall not become operative and final until the expiration of thirty days from the date of notification by the City of its election to terminate.
13. Inspection by the City. The City shall have the right to enter upon the Premises at all reasonable hours for the purpose of inspecting the same. If the City deems any repairs reasonable and required to be made by Lessee it may demand that Lessee make the same forthwith, and if Lessee refuses or neglects to commence such repairs and complete the same with reasonable dispatch, the City may make or cause such repairs to be made and shall not be responsible to Lessee for any loss or damage that may accrue to its stock or business by reason thereof, and if the City makes or causes such repairs to be made, Lessee agrees that it will forthwith on demand pay to the City the costs thereof with interest at eight percent (8%) per annum, and if Lessee shall default in such payment, the City shall have the remedies provided in Paragraph 14 herein.
14. City's Remedies. If any rent or other sums payable by Lessee to the City shall be and remain unpaid for more than ten (10) days after the same are due and payable, or if Lessee shall violate or default in the performance of any of the other covenants, agreements, stipulations or conditions herein, and such violation or default shall continue for a period of thirty (30) days after written notice by the City to Lessee of such violation or default, then without prejudice to any other remedies which the City might have, it shall be option for the City to declare this Lease forfeited and the Lease term ended, and to re-enter the Premises, with or without process of law, using such force as may be necessary to remove all persons or chattels therefrom, and the City shall not be liable for damages by reason of such re-entry or forfeiture but notwithstanding such re-entry by the City, Lessee's liability for the rent provided for herein shall not be relinquished or extinguished for the balance of the Lease term, and Lessee covenants and agrees to make good to the City any deficiency arising from a re-entry and re-letting of the Premises at a lesser minimum rent than herein reserved, and Lessee shall pay such deficiencies each month as the amount thereof as ascertained by the City. In the cases of such re-entry, the City may re-let the Premises upon such terms as it deems fit and for a term which may expire either before or after the termination date of this Lease. It is further understood that Lessee will pay, in addition to the rent and other sums agreed to be paid herein, such additional sums as the court may adjudge reasonable as attorneys' fees in any suit or action instituted by the City to

enforce the provisions of this Lease, or for the collection of the rent due to the City hereunder, and in addition, Lessee agrees to pay the City's court costs.

15. Holding Over. In the event Lessee remains in possession of the Premises after the termination of this Lease and without execution of a new lease, it shall be deemed to be occupying the Premises as a tenant from month to month, subject to all of the conditions, provisions and obligations of this Lease insofar as the same are applicable to a month-to-month tenancy.
16. Waiver of Conditions or Covenants. One or more waivers of any covenant or condition by the City (including acceptance of late rent) shall not be construed as a waiver of a subsequent breach of the same covenant or condition, and the City's consent to or approval of any act by Lessee requiring the City's consent or approval shall not be deemed to waive or render unnecessary the City's consent to or approval of any subsequent similar act by Lessee.
17. Notice. Whenever under this Lease a provision is made for notice of any kind, it shall be deemed sufficient notice and service thereof, if such notice is sent by registered or certified mail with postage prepaid to the last known postal address of the party to be noticed, or, in the case of notice made to Lessee, to the postal address of the Premises.
18. Insurance. Lessee shall procure and maintain standard fire and extended coverage insurance on fixtures and equipment in the Premises to the extent of their full insurable value. The City and Lessee shall be named as insureds as the respective interest may appear. Such insurance shall be written with a company satisfactory to the City and shall be in the form approved by the City. Lessee shall provide evidence satisfactory to the City that such insurance is in effect.

Lessee shall, during the entire Lease term, keep in full force and effect a policy or policies of public liability and property damage insurance with respect to the Premises, and the business operated by Lessee in the Premises, in which the limits of public liability shall not be less than \$500,000 per person and \$500,000 per accident, and in which the property damage liabilities shall not be less than \$50,000. The policies shall name the City as insured and shall contain a clause that the insurer will not cancel or change the insurance without first giving the City ten (10) days' prior written notice. The insurance shall be in an insurance company, or companies, and in a form approved by the City, and a copy of each policy or certificate of insurance shall be delivered to the City.

If it can be arranged, fire insurance and personal liability will be included in the City's fire insurance and personal liability coverages, and Lessee shall pay any increase in the premium charge for such coverage under the City's policies.

19. Applicable Law. This Lease shall be interpreted and construed in accordance with the laws of the State of Washington.
20. Signs. All signs used upon any exterior part of the building by Lessee shall be subject to the approval of the City and/or City's agents. Any signs so placed upon the Premises shall be so placed upon understanding and agreement that Lessee will remove the same at the termination of tenancy herein created and repair any damage or injury

to the Premises caused thereby and if not so removed by Lessee, then the City may have the same removed at Lessee's expense.

21. Parties Bound. This Lease is binding upon the parties hereto and their heirs, successors, assigns and personal representatives.
22. Termination of Existing Lease. The Original Lease dated May 12, 1976, and all addenda and amendments thereto, shall be terminated and have no further force or effect as of 11:59 p.m. on December 31, 2016. It is the express intention of the parties that this Lease shall replace the Original Lease, and that the provisions of this Lease shall be a restatement of the Original Lease terms with minor grammatical revisions, an accurate description and depiction of the Premises, and an updated Lease term consistent with the amended terms of the Original Lease.

IN WITNESS WHEREOF, the parties hereto have executed this instrument on the date first set forth above.

**CITY OF NORTH BEND**

**SNOQUALMIE VALLEY  
HISTORICAL SOCIETY**

By: \_\_\_\_\_  
Kenneth G. Hearing, Mayor

By: \_\_\_\_\_  
Kris Kirby, President

**Attest/Authenticated:**

\_\_\_\_\_  
Susie Oppedal, City Clerk

**Approved As To Form:**

\_\_\_\_\_  
Michael R. Kenyon, City Attorney

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

On this \_\_\_\_ day of \_\_\_\_\_, 2016, did personally appear before me, the undersigned Notary Public in and for the State of Washington, **Kenneth G. Hearing**, who is known to me or produced satisfactory evidence that he is the person that executed the foregoing instrument as Mayor on behalf of the City of North Bend, and acknowledged that he signed this instrument as his free and voluntary act for the uses and purposes mentioned in the instrument.

GIVEN under my hand and official seal this this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
\_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington, residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_

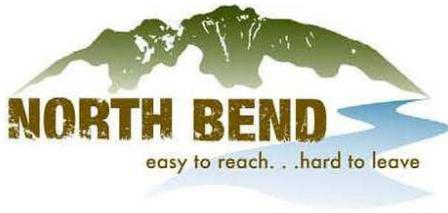
STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

On this \_\_\_\_ day of \_\_\_\_\_, 2016, did personally appear before me, the undersigned Notary Public in and for the State of Washington, **Kris Kirby**, who is known to me or produced satisfactory evidence that he is the person that executed the foregoing instrument as President on behalf of Snoqualmie Valley Historical Society, and acknowledged that he signed this instrument as his free and voluntary act for the uses and purposes mentioned in the instrument.

GIVEN under my hand and official seal this this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
\_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington, residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_





## City Council Agenda Bill

<b>SUBJECT:</b>		<b>Agenda Date: November 15, 2016</b>		<b>AB16-127</b>	
<b>A Motion Authorizing Amendment #5 to the Work Order with Tetra Tech, Inc. for the Bendigo Right Turn Lane Transportation Capital Project</b>		Department/Committee/Individual			
		Mayor Ken Hearing			
		City Administrator – Londi Lindell			
		City Attorney - Mike Kenyon			
		City Clerk – Susie Oppedal			
		Community & Economic Development – Gina Estep			
		Finance – Dawn Masko			
		Public Works – Mark Rigos, P.E.			
Cost Impact: \$3,500					
Fund Source: Streets Capital (310)					
Timeline: Immediate					
<b>Attachments:</b> Work Order Amendment (3 pages)					
<p><b>SUMMARY STATEMENT:</b></p> <p>On April 21, 2015, the City Council authorized Mayor Hearing to enter into a contract with Tetra Tech to design a northbound right turn lane at the intersection of Bendigo Boulevard (State Route 202) and West Park Street. This project was listed as the #2 priority transportation capital project in the City’s 2015 – 2020 Transportation Improvement Program (TIP).</p> <p>The design of the right turn lane is completed, approved, and construction has begun. To date, there have been four amendments to the contract. Amendment #1 was for preparing right of way plans and coordinating with WSDOT to dedicate additional right of way to encompass the roadway and sidewalk and was necessary because the project is widening the roadway. Amendment #2 was for substantially more coordination with WSDOT and franchise utility companies than originally estimated. Amendment #3 was for preparation of a full stormwater Technical Information Report. Amendment #4 was to revise the plans to include work on a curb ramp that was outside the original project limits as required by WSDOT.</p> <p>Amendment #5 is the final amendment to the contract with Tetra Tech and will cover additional work to write specifications to address the inadvertent discovery of Archaeological and Historical items, revise the specifications and estimate to change the method of payment for Erosion/Water Pollution Control, investigate potential conflicts with WSDOT bid opening dates, coordination with Axis Surveying for control information to be incorporated into the plans, and additional minor coordination for adjacent property concerns. The most substantial part of this amendment is to revise the electrical drawings for the electronic pedestrian crossings and to respond to comments provided by WSDOT for the electrical design.</p> <p>Staff has reviewed the proposal and has determined that the fee estimate is reasonable for the level of effort required for this work. Staff recommends approval of this amendment.</p>					
<b>Item</b>		<b>Fee Estimate</b>			
Original Contract		\$53,496.95			
Amendment #1		\$ 2,253.68 (Administratively Approved)			
Amendment #2		\$ 6,358.79			
Amendment #3		\$ 4,613.47			
Amendment #4		\$ 1,646.37			
Amendment #5		\$ 3,500.00			
<b>Total Revised Contract</b>		<b>\$71,869.26</b>			

## City Council Agenda Bill

Regarding total soft costs, there was an approximate \$10,000 survey performed by Axis for this project back in 2015. There was also a \$25,000 NTE amount required by WSDOT for design review and inspection performed by WSDOT staff. This totals approximately \$106,000 in soft costs. The original survey/design (soft costs) budgeted for this project was \$100,000 so the soft costs to be expended are within 10% of the soft costs budgeted.

**COMMITTEE REVIEW AND RECOMMENDATION:** This item was reviewed by the Transportation and Public Works (TPW) Committee at the November 9, 2016 meeting and was recommended for approval and placement on the consent agenda.

**RECOMMENDED ACTION: MOTION to approve AB16-127, authorizing Amendment #5 to the Work Order with Tetra Tech for the Bendigo Right Turn Lane Transportation Capital Project, in an amount not to exceed \$3,500.**

### RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
November 15, 2016		

**CITY OF NORTH BEND  
WORK ORDER  
2015 – 7 Amendment #5**

This work order dated the \_\_\_\_ day of \_\_\_\_\_ 2016 is to specify services to be provided under the On-Call Professional Services contract which has been entered into by the CITY OF NORTH BEND (City) and Tetra Tech, Inc. (Consultant). This work order is for the below mentioned project/scope of work.

**Work Order No.:** 2015-7 – Amendment #5

**Project Name:** Bendigo - Park Right Turn Lane

**Project No.:** T-010 **Amount:** \$ 3,500

**City Project Lead:** Don DeBerg, PE  
City Engineer **(Authorized cost of work not to be exceeded without written authorization)**

**SCOPE OF WORK:**

Tetra Tech will provide the scope of services detailed in the attached Exhibit A, "Scope of Work" in addition to the original scope of work for the project. This additional work will include revisions to the specs and estimate to account for item additions and changes, additional coordination with other consultants and the City, and responding to WSDOT signal comments, including making plan changes as a result of those comments, as detailed in the attached Exhibit A. The fee for this additional work is detailed in Exhibit B. The revised fee is as described below:

Original Fee: \$53,496.95  
 Amendment 1: \$ 2,253.68  
 Amendment 2: \$ 6,358.79  
 Amendment 3: \$ 4,613.47  
 Amendment 4: \$ 1,646.37  
Amendment 5: \$ 3,500.00  
 Revised Fee: \$71,869.26

This work included in this work order is described in detail in the attached scope of work. The compensation will be on a time and materials basis, not to exceed the above amount.

**CONSULTING FIRM:**

**CITY OF NORTH BEND:**

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

\_\_\_\_\_  
 Authorized by                                      Date

**NOTE:** *The City of North Bend will not be liable for charges for services not authorized by a fully executed work order.*

**FOR INTERNAL USE ONLY**

Funds for work available through the following account:

310-100-008-595-30-63

**Distribution:** *Original:* City Clerk      **Copies:** Project Lead, Consultant, Accounting Coordinator



Exhibit A  
Scope of Work  
Supplement 5

Bendigo BLVD (SR 202) - Park Northbound Right Turn Lane

**PROJECT DESCRIPTION**

On behalf of the City of North Bend, the work to be performed by Tetra Tech consists preparing the full design, bid support, and potential construction support services to constructing a northbound right turn lane at the intersection of Bendigo BLVD (SR 202) and Park Street in the City of North Bend.

This scope of work is supplemented to include additional design scope to address additions and changes to the Special Provisions, Estimate and Plans.

**I. DESIGN SERVICES**

**Task 3 – Design, PS&E and Coordination**

Develop full Plans, specifications and engineer's estimate as well as supporting design documentation, utility coordination, and WSDOT coordination to prepare this project for advertisement to construct.

**Subtask 3.1 Plans, Specifications, and Estimate**

Additional effort is needed to revise the specifications and estimate to address the inclusion of Archeological and Historical items, revising the method of payment for the items Erosion/Water Pollution Control and investigating the potential conflicts with WSDOT and revising the advertisement notice for the scheduled Bid Opening Date for the City.

Additional effort was needed to coordinated with the City's other contractor, specifically AXIS, to acquire survey information to include on the contract drawings.

Additional coordination and discussion with the City concerning signing to the museum during construction and assisting in resolving concerns about the lighting requirements identified in the Plans to City staff was provided.

Respond to WSDOT signal plan review comments which were provided to the City on October 10, 2016.

Deliverables

- No specific deliverable is added due to this supplement. The final PS&E was revised to include the additional design details.
- Any modifications to the signal plans due to WSDOT comments will be included in the As-built plans set.



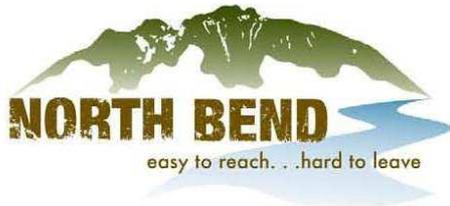
**EXHIBIT B**  
 Tetra Tech, Inc.  
 City of North Bend  
 Bendigo BLVD (SR 202) at Park Ave - North Bound Right Turn Lane

Contract #2015-7, Supplement 5

100-BEL-15-056

FEE ESTIMATE	Tetra Tech, Inc									
Work Element	Rates									
	62.00 AD Sr. Project Manager	45.00 Project Engineer	27.00 SP Admin	28.00 NS CADD	TOTAL	DSC	169.32% OH	35.0% FEE	TOTAL	
<b>3.0 Design, PS&amp;E Coordination</b>	14	3	0	4	21	\$ 1,115.00	\$ 1,887.92	\$ 390.25	\$ 3,393.17	
3.1 Plans, Specification and Estimate	14	3	0	4	21	\$ 1,115	\$ 1,888	\$ 390	\$ 3,393	
REIMBURSABLE EXPENSES (REIMB):										
CM Services Mileage	0									
Reproduction	1									
Mylar Reproduction (As-Built Set)	0									
Mayes Testing Laboratory Services	0									
Total Reimbursable (includes the allowable 10% markup per the MSA):										
<b>TOTAL</b>										
	<b>\$ 3,500.00</b>									





## City Council Agenda Bill

<b>SUBJECT:</b>	<b>Agenda Date: November 15, 2016</b>	<b>AB16-128</b>
<b>A Motion Authorizing Change Order #1 with Sierra Pacific Construction, LLC for the Bendigo Blvd at Park Street – Northbound Right Turn Lane Construction Project</b> Cost Impact: \$49,033 Fund Source: Streets Capital (310) Timeline: Immediate	Department/Committee/Individual	
	Mayor Ken Hearing	
	City Administrator – Londi Lindell	
	City Attorney - Mike Kenyon	
	City Clerk – Susie Oppedal	
	Community & Economic Development – Gina Estep	
	Finance – Dawn Masko	
	Public Works – Mark Rigos, P.E.	X

**Attachments:** Change Order 1; Utility Photos (3 pages)

**SUMMARY STATEMENT:**

In September 2016, Council awarded Sierra Pacific Construction, LLC a construction contract to construct a 200’ long northbound right turn lane on Bendigo Blvd at Park Street. Construction began November 3, 2016 and is currently about 30% complete.

Prior to construction it was noted during a utility locate that the existing underground utilities were extremely shallow. Their depth has been measured at approximately 16 inches below the top of the existing sidewalk. After construction of the project, the depth would be approximately 9 inches below finished grade. This means that the utility conduits will intrude into the engineered roadway cross section by about 4 inches, raising concerns about constructability and the longevity of the roadway and utilities. Industry standard is to maintain a minimum of 18 inches of depth (depending on utility owner’s requirements) for all utility installations to avoid potential damage both during and after construction.

A number of options are available to remedy the situation:

1. Horizontally relocate utilities to beneath proposed sidewalk location.
2. Vertically relocate utilities to deeper depth.
3. Leave utilities in place.
4. Encase utilities in Controlled Density Fill (CDF) to bottom of proposed asphalt.

The affected franchise companies (Comcast, Century Link, and PSE) have stated that horizontal relocation could take up to one year to complete. Because of this, Option 1 was removed from consideration. The franchises have also stated that they have very little slack in those lines due to previous relocations already using up available slack. There is a serious concern that vertical relocation would run into similar problems as horizontal relocation and could take a similar amount of time, hence Option 2 was removed from consideration. Option 3 carries with it substantial constructability concerns as there would be large, heavy equipment operating over the existing conduits, which would likely damage the conduits and the utilities within. This would lead to many construction delays and potentially significant liability for the City and Contractor. Option 3 was eliminated because of this.

Option 4 appears to be the best option as it allows for a relatively small delay in the completion of the project and will afford reasonable protection for the existing utilities. CDF is a very weak concrete that is often used in situations such as this. It is strong enough to protect the utilities, but weak enough to allow machine excavation without the need for a jackhammer. All of the affected utility companies and WSDOT have approved of this method and it appears to be the most time and cost-effective method of dealing with the issue.

## City Council Agenda Bill

This change order will add two new items to the contract; “Excavation for Controlled Density Fill Incl. Haul”, per cubic yard and “Controlled Density Fill”, per cubic yard. The costs presented are based on estimated quantities for both items, but are subject to change based on the actual amount used and incorporated into the project. If there is a cost overrun for the total project once completed, a final housekeeping change order will be processed at that time to finalize the costs.

Staff is currently negotiating with the contractor to reduce the cost of the change order, as well as negotiating with the franchise utilities to share in the cost of this change order. The most recent proposal to the franchises is that each of the four entities involved pay for one quarter of the costs of the change order.

The project construction cost of \$290,639 is still well under the estimated construction cost estimate and budget amount of \$400,000.

Staff recommends approval of Change Order #1 for the reasons discussed above. A summary of project costs and timeline impacts is below for reference:

	<b>Contract Price</b>	<b>Contract Time (to Physical Completion)</b>	<b>Reason</b>
Original Contract	\$ 241,606.00	25 days	
CO #1	\$ 49,033.00	6 days	Shallow Dry Utilities
<b>Revised Total</b>	<b>\$ 290,639.00</b>	<b>31 days</b>	

**COMMITTEE REVIEW AND RECOMMENDATION:** This item was reviewed by the Transportation and Public Works Committee at their November 9, 2016 meeting and recommended for approval and placement on the consent agenda.

**RECOMMENDED ACTION: MOTION to approve AB16-128, authorizing Change Order #1 with Sierra Pacific Construction, LLC for the Bendigo Blvd at Park Street – Northbound Right Turn Lane Construction Project, in a form and content acceptable to the City Attorney, in an amount not to exceed \$49,033.**

### RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
November 15, 2016		

## **Change Order #1 – Excavation for and Placement of Controlled Density Fill**

### **Description**

This work shall consist of excavation for and placement of Controlled Density Fill (CDF) to encase an existing utility conduit bank.

### **Materials**

Materials for CDF shall meet the requirements of Section 6-02.2 of the *WSDOT/APWA Standard Specifications for Road, Bridge, and Municipal Construction*.

Materials acceptance will be by manufacturer's certificate of compliance.

### **Construction Requirements**

The contractor shall notify all affected utility companies a minimum of 48 hours prior to performing the work.

The Contractor shall excavate around the existing utility conduits to a minimum of 1' beyond each edge of the conduit bank. Excavation should not occur below the existing conduits. The existing conduits shall be protected from damage during excavation. If any damage occurs to the existing conduits, it shall be repaired to the satisfaction of the utility owner at the sole expense of the Contractor. Material excavated may be used for embankment unless the Engineer deems it unsuitable for that use. In the case that the material is unsuitable, it shall be disposed of properly.

The CDF mix shall be designed such that it will fill all voids between the conduits without the need for vibration while maintaining homogeneity. Slump shall be sufficient to achieve the flowability requirements. It shall have a 28-day compressive strength of not more than 300 psi. Air entrainment is not required. The mix design shall be submitted for approval on WSDOT form 350-040. Test results shall be submitted with the mix design showing compliance with the requirements.

The Contractor shall support all utility conduits sufficiently to prevent joint separation. If joint separation occurs, it shall be repaired to the satisfaction of the utility owner at the Contractor's sole expense. The Contractor shall also anchor all conduits to prevent floatation during placement of the CDF. The support and anchoring method shall be designed such that all conduits maintain their position relative to each other during placement and curing of the CDF.

Conduit cover shall be maintained at 1' minimum and 1.5' maximum on each side of the conduit bank, and a minimum of 3" on top of the conduit bank. CDF shall extend vertically to the bottom of the proposed HMA such that the HMA can be placed directly on top of the CDF without the need for further filling or grading.

### **Measurement**

Excavation for controlled density fill incl. haul will be measured by the cubic yard of material removed.

Controlled density fill will be measured in place by cubic yard of material actually incorporated into the project.

### **Payment**

“Excavation for Controlled Density Fill Incl. Haul”, per cubic yard.

The unit Contract price for “Excavation for Controlled Density Fill Incl. Haul” shall be full pay for all costs incurred for excavating, loading, placing, hauling, or otherwise disposing of the material.

“Controlled Density Fill”, per cubic yard.

Controlled Density Fill (CDF) will be paid for at the unit Contract price per cubic yard in place. All costs in connection with CDF curing, finishing, forming, furnishing, supplying, and placing shall be included in the unit contract price per cubic yard for “Controlled Density Fill”.





Business Address:  
 P.O. Box 620  
 Maple Valley, WA 98038  
 UBI # 602 971 303 | Lic. # SIERRPC910R3



Contact Info:  
 Main: 206.730.8985  
 Email: bsmith@spccllc.com  
 Fax: 425.660.4040

**BID PROPOSAL**

Date: 11.04.16

**Att:** City of North Bend

**Project:** Bendigo Blvd. @ Park Street, North Bend

SPC is pleased to quote the following work based City directive and plan page C-06 with markups

**SCOPE OF WORK:**

**Excavate Utility Bank & Backfill Encase w/CDF**

	BCY	TCY	
Excavate approximately 275' of trench 4.5' wide by 3' deep	93	121	\$18,173
Vac excavate around gas line	37	48	\$9,207
Backfill encase with CDF	130	130	\$21,653

**TOTAL:** \$49,033

Respectfully,

Brian Smith

**Unit Prices**

	Unit	Unit Price
Excavate trench via standard means incl haul/dump	BCY	\$195
Excavate trench via vactor truck incl haul/dump	BCY	\$249
Backfill trench with CDF encasement	BCY	\$167

**Clarifications**

Equipment rates per blue book and allowable markups per WSDOT

**Exclusions**

Anything Not Specifically Listed Above or as Modified by Scope of Work Noted Above

**SIERRA PACIFIC COST EXTENSIONS**

Scope:

PROJECT

DATE

TICKET No

**EQUIPMENT**

	DESCRIPTION	HOURLY		TOTAL	HOURS	EXTENDED
		RATE	OP. COST/HR	COST/HR		
**	Cat 308E CR Excavator	\$50.00	\$21.50	\$71.50	32.00	\$2,288.00
**	Cat 305.5E CR Excavator	\$26.00	\$14.40	\$40.40	32.00	\$1,292.80
**	F350 Tool Truck	\$9.00	BARE	\$9.00	32.00	\$288.00
**	Ranger Tool Truck	\$7.00	BARE	\$7.00	32.00	\$224.00

	DESCRIPTION	RATE/DAY	DAYS	EXTENDED
**		\$ -	0.00	\$0.00

subtotals \$4,092.80 **TOTAL EQUIP**  
21% **\$4,952.29**

CRAFT	GROUP	FIRST	LAST	RATE/HR	HOURS	EXTENDED
FOR	Operator, Foreman	**	**	\$67.42	32.00	\$2,157.44
OP	Operator	**	**	\$64.58	32.00	\$2,066.56
LAB	Laborer	**	**	\$49.60	32.00	\$1,587.20

subtotals \$5,811.20 **TOTAL LABOR**  
29% **\$7,496.45**

**MATERIALS USED**

	DESCRIPTION	UNIT	UNIT PRICE
DUMP	Dump Dirt-Cadman (North Bend)	CY	\$ 8.50

X EXTENDED  
121.00 \$1,028.50 **TOTAL MATERIALS**  
subtotals \$1,028.50  
21% **\$1,244.49**

**SUB/THIRD PARTY RENTALS**

TRADE	DESCRIPTION	UNIT	UNIT PRICE
TRUCK	Solo Dump Truck	HR	\$ 125.00

X EXTENDED  
32.00 \$4,000.00 **TOTAL SUB/SRV**  
subtotals \$4,000.00  
12% **\$4,480.00**

<b>\$18,173.22</b>	<b>TOTAL EQUIP, LABOR, MATERIALS SUB/SRV</b>
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**SIERRA PACIFIC COST EXTENSIONS**

Scope:

PROJECT

DATE

TICKET No

**EQUIPMENT**

DESCRIPTION	HOURLY RATE	OP. COST/HR	TOTAL COST/HR	HOURS	EXTENDED

DESCRIPTION	RATE/DAY	DAYS	EXTENDED
**	\$ -	0.00	\$0.00

subtotals \$0.00 **TOTAL EQUIP**  
21% \$0.00

CRAFT	GROUP	FIRST	LAST	RATE/HR	HOURS	EXTENDED

subtotals \$0.00 **TOTAL LABOR**  
29% \$0.00

**MATERIALS USED**

DESCRIPTION	UNIT	UNIT PRICE	X	EXTENDED
DUMP Dump Dirt-Vac Truck (8 CY/LD)	LD	\$ 250.00	6.00	\$1,500.00

subtotals \$1,500.00 **TOTAL MATERIALS**  
21% \$1,815.00

**SUB/THIRD PARTY RENTALS**

TRADE	DESCRIPTION	UNIT	UNIT PRICE	X	EXTENDED
TRUCK	Vactor Truck Service	HR	\$ 220.00	30.00	\$6,600.00

subtotals \$6,600.00 **TOTAL SUB/SRV**  
12% \$7,392.00

<b>\$9,207.00</b>	<b>TOTAL EQUIP, LABOR, MATERIALS SUB/SRV</b>
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**SIERRA PACIFIC COST EXTENSIONS**

Scope: PROJECT

DATE 11.03.16

TICKET No NA

**EQUIPMENT**

	DESCRIPTION	HOURLY		TOTAL	HOURS	EXTENDED
		RATE	OP. COST/HR	COST/HR		
**	Cat 308E CR Excavator	\$50.00	BARE	\$50.00	16.00	\$800.00
**	Cat 305.5E CR Excavator	\$26.00	BARE	\$26.00	16.00	\$416.00
**	F350 Tool Truck	\$9.00	BARE	\$9.00	16.00	\$144.00
**	Ranger Tool Truck	\$7.00	BARE	\$7.00	16.00	\$112.00

DESCRIPTION	RATE/DAY	DAYS	EXTENDED

subtotals \$1,472.00 **TOTAL EQUIP**  
21% **\$1,781.12**

CRAFT	GROUP	FIRST	LAST	RATE/HR
FOR	Operator, Foreman	**	**	\$67.42
OP	Operator	**	**	\$64.58
LAB	Laborer	**	**	\$49.60

HOURS	EXTENDED
16.00	\$1,078.72
16.00	\$1,033.28
16.00	\$793.60

subtotals \$2,905.60 **TOTAL LABOR**  
29% **\$3,748.22**

**MATERIALS USED**

	DESCRIPTION	UNIT	UNIT PRICE
IMPORT	CDF Pro Flow 4 In Pump-Cadman	CY	\$ 94.00
IMPORT	CDF Enviro Surcharge-Cadman	CY	\$ 5.00
IMPORT	CDF Winter Heat-Cadman	CY	\$ 3.50

X	EXTENDED
130.00	\$12,220.00
130.00	\$650.00
130.00	\$455.00

subtotals \$13,325.00 **TOTAL MATERIALS**  
21% **\$16,123.25**

**SUB/THIRD PARTY RENTALS**

TRADE	DESCRIPTION	UNIT	UNIT PRICE

X	EXTENDED
	\$0.00

subtotals \$0.00 **TOTAL SUB/SRV**  
12% **\$0.00**

<b>\$21,652.59</b>	<b>TOTAL EQUIP, LABOR, MATERIALS SUB/SRV</b>
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**DISPATCH**



888-322-6847 or 425-961-7100

**QUOTE FORM**

Quote # MJ9213

Customer: <b>Sierra Pacific Construction</b>	Customer #	Date: 10/28/16
Project Name: Bendigo Right Turn Lane	Bid Date: 10/28/16	Contact: Brian Smith
Job Address: Bendigo Blvd	Job Start Date:	Phone #
City/County: North Bend	Prices Escalate:	Effective:
Map Page:	Sales Type: 4	Fax #
General Contr.:	Pre.Wage: No	Email#
		Expiration:

Product Description	Mix #	Plant	Price Per Cubic Yard
Pro Flow 4" Pump - 24 Hour	PFLO24P	50	\$94.00

**Environmental Surcharge** Add \$5.00  
**Winter Heat (November 1st - March 31st)** Add \$3.50

**Fuel surcharge will apply (See attached chart)**

*As a supplier, Cadman will not participate in LCP tracking or Project Labor Agreements*

**With approval, the below items are excellent additions for quality and in-place savings. Please ask.**

Cadman Stealth (Mono Fibers) \$7.00/CY - Cadman Commercial (Fibrillated Fibers) \$10.00/CY - Specialty Fibers - Call for current pricing  
 Glenium (Superplasticizer) \$0.32/oz - Non Chloride Accelerator \$0.11/oz - Retarder (Delvo) \$0.32/oz  
 Waterproofing Admixtures - Repelex, Xypex, Kryton - Available upon request

- **Cadman Inc. is responsible for plastic performance properties (slump, air content, temperature, etc.) at back of truck chute only.**
- **Submitted mix design strengths are not guaranteed unless all ACI and ASTM standards are followed for sampling, storage, testing, and evaluation.**

See attached Terms & Conditions

■ **READY MIX PLANT NUMBERS** ■

REDMOND 50 ■ BELLEVUE 53 ■ SKY RIVER 30 ■ MILL CREEK 31 ■ ISSAQUAH 51 ■ BLACK DIAMOND 40 ■ SEATTLE 54

*Mitch San Sebastian*

**SR. SALES REPRESENTATIVE**

(425) 961-7386

**PHONE**

425-961-7390

**FAX NUMBER**

**Acceptance of quote is acceptance of Cadman's Terms and Conditions, receipt of which is acknowledged.**

**Cadman will not accept backcharges for material shortages. Materials subject to availability. All prices based on full loads.**

*Quote is based on agreed products and quantities at bid time. Selective purchasing may void above pricing.*

**BUILDING MATERIALS STORE: 425-867-7294 - CALL FOR A QUOTE - WE DELIVER !**

Notes: FAILURE TO SIGN AND RETURN WITHIN 30 DAYS OF BID DATE, WILL VOID THIS QUOTE.	Confirmed by: _____
	Date: _____
	Purchase Order : _____

SALES REPRESENTATIVE: MITCH SAN SEBASTIAN

AGGREGATE PRODUCTS	CODE	Pit #1 Redmond	Pit #2 High Rock	Pit #4 Blk Diamond	Pit #5 Issaquah	Pit #6 Seattle	Pit #9 North Bend	Pit #11 Gold Bar
STATE PIT NUMBER		A-510	D-309/336	A-511/455	A-189	C7/X125	A-460	D-351
<b>WASHED PRODUCTS</b>								
1 1/2" Washed Gravel	91000	16.40	11.00	8.75	16.40	16.40	14.80	8.20
3/4" Washed Gravel	91050	20.45	15.55	8.50	20.45	20.45	14.80	12.65
Washed Pea Gravel	91120	20.45	15.80	9.45	20.45	20.45	14.80	12.65
Granulithic	91200	13.50	15.45	8.70	18.80			
Building Sand	91300	20.45	19.20	14.20	20.45	20.45	14.80	
Filter Sand	91310		20.25					
Utility Sand	91450	16.80	10.80	10.55	17.20			7.95
River Run/Streambed Gravel	91500	24.75	18.90	17.40				
<b>CRUSHED PRODUCTS</b>								
***4" x 8" Quarry Spalls	92000	18.50	10.50	16.75			16.75	
***2" x 4" Quarry Spalls	92050	18.50	10.75	16.75	18.50		16.75	
2" Clear Crushed	92125	18.50	11.00	11.05	18.50		16.75	
1 1/4" x 5/8" Clear Crushed	92340	19.55	13.50	11.30				
5/8" Clear Crushed	92355	19.55	14.00	12.40	19.55		12.70	
1 1/4"-0 (CSBC)	92150	16.95	10.75	9.20	16.95		10.05	7.95
5/8"-0 (CSTC)	92250	17.20	11.00	9.45	17.20		10.30	8.20
3/8"-0 Crushed	92160	18.80	11.25		18.80			
Crusher Run	92270		6.80	9.20				
<b>LANDSCAPE MATERIALS</b>								
2 Man Rock/Boulders	93002		60.50	60.50			60.50	60.50
3 Man Rock/Boulders	93003		60.50	60.50			60.50	60.50
4 Man Rock/Boulders	93004		60.50	60.50			60.50	60.50
5 Man Rock/Boulders	93005		60.50				60.50	60.50
1,2 Man Rock Mix	93050		60.50					
1 Man Rock - Commercial	93100		65.50					
1 Man Rock - Residential	93101		65.50					
1 Man Hand Load	93110		50.50					
Heavy Loose Rip Rap	93150		32.50					
Light Loose Rip Rap	93200		25.50					
Rip Rap	93250		25.50					
<b>FILL / STRUCTURAL</b>								
Oversized Unwashed Cobbles	94000	24.75	12.80	9.00			8.70	5.95
Type 17	91255	16.65	9.20	7.65		14.50	13.20	4.50
Select Borrow/Screened Pit Run	94052	10.75	7.95	7.65			6.85	4.50
Gravel Borrow	94051	13.40	8.95	7.65			13.20	4.50
Pit Run	95000	9.95	7.10	5.75			6.35	4.60
Bank Run Sand	95100						4.75	
<b>RECYCLED</b>								
Recycled Ready Mix Aggregate	97031	7.85			7.85	5.75		
Crushed Recycled Glass	97050	7.85						
Crushed Asphalt	97000	7.85		7.20				
Crushed Concrete 1 1/2"-0"	97035	9.45		6.45				
Crushed Concrete 1 1/2"x5"	97038	9.70		6.95				
Recycled CSBC	97152	9.45		8.00				
Recycled Gravel Borrow	97051	8.90		6.00				
<b>DUMP</b>								
**Dump Fee Dirt	99000		10.50	6.50			7.00	5.50
**Dump Fee Asphalt	99050			20.50				
**Dump Fee Concrete	99100			20.50				
Environmental Surcharge Per Ton	119949	1.50	1.50	1.50	1.50	1.50	1.50	1.50

Environmental Surcharge add to all Aggregate Products. Fuel surcharge will be added on deliveries when diesel exceeds \$3.49 per gallon. All prices are subject to change.

Acceptance of quote is acceptance of Cadman's Terms and Conditions, receipt of which is acknowledged.

\*Call for product availability.

\*\*Signed Clean Soil Acceptance required prior to dumping.

\*\*\*Does not meet 9-27.3(6) Gabion Specification

Effective 7/1/2016  
Expiration 12/31/2016

ALL MATERIALS ARE SUBJECT TO AVAILABILITY

UPDATED 06.01.16

T & M RATES

COMMON EQUIP NAME	BLUE BOOK DESCRIPTION	HOURLY BARE RENTAL	HOURLY OP COST	TOTAL COST PER HR	COST WITH M/U
<b>Equipment (owned)</b>					<b>21%</b>
Cat 259B Track Loader	1,615 LBS, HP 57.0	\$ 28.00	\$ 14.90	\$ 42.90	\$ 51.91
Cat 303.5E CR Excavator	3.8 MT, HP 39.0	\$ 18.00	\$ 10.90	\$ 28.90	\$ 34.97
Cat 305.5E CR Excavator	5.2 MT, HP 47.0	\$ 26.00	\$ 14.40	\$ 40.40	\$ 48.88
Cat 308E CR Excavator	.40 CY, 8.0 MT, HP 54.0	\$ 50.00	\$ 21.50	\$ 71.50	\$ 86.52
Cat 420E Backhoe EROPS	1.25CY, Extendable, HP 89.0	\$ 34.00	\$ 23.60	\$ 57.60	\$ 69.70
Cat CS-323C Roller	50" Smooth, HP 80.0	\$ 30.00	\$ 18.40	\$ 48.40	\$ 58.56
Cat 316E Excavator	.77 CY, 16.8 MT, HP 110.0	\$ 88.96	\$ 36.60	\$ 125.56	\$ 151.93
Cat 320E Excavator	1.25 CY, 22.3 MT, HP 138.0	\$ 116.34	\$ 46.06	\$ 162.40	\$ 196.50

<b>Trucks</b>					<b>21%</b>
Ranger Tool Truck	4x4, 1/4 TN	\$ 7.00	\$ 15.20	\$ 22.20	\$ 26.86
F350 Tool Truck	4x2, 1 TN	\$ 9.00	\$ 19.90	\$ 28.90	\$ 34.97
Dump Truck 5 CY	4x2, 5-6 CY, 26K GVW	\$ 20.00	\$ 29.55	\$ 49.55	\$ 59.96

<b>Tools &amp; Attachments</b>					<b>DAILY RENTAL</b>
F350 Tool Truck	4x2, 1 TN (incl tools)				\$ 150.00
Ranger Tool Truck	4x2, 1/4 TN (incl tools)				\$ 75.00
Trailmax Utility Trailer	T-12-UT 20' Deck, 6 tn capacity				\$ 100.00
Hoe Pack Attachment	CVP 16				\$ 150.00
Hoe Pack Attachment	CVP 40				\$ 225.00
Breaker Attachment	H90				\$ 275.00
Sloping Laser	Laser, Receiver & Grade Rod				\$ 100.00
Chop Saw	14 IN Incl Abrasive Blade				\$ 100.00
Jackhammer	Gas Powered 65 LB Hammer				\$ 100.00
Roto Hammer	Hilti TE 70 AVR Incl 3EA Bits				\$ 75.00
Jumping Jack	Gas Powered HP 4.0 4" to 13" Pad				\$ 75.00
Pump	2 IN Submersible Incl Float & Hose				\$ 75.00
Plate Compactor	Gas Powered HP 4.5 16" Plate Width				\$ 50.00
Generator	Gas Powered 2,000 Watt				\$ 50.00
Traffic Control Signage	Signs, Cones & Devices				\$ 150.00
50' Spiderbox Cable 6/4	for Electric Excavator Connection				\$ 37.00
Telescoping Pole Pruner	XST HT 131				\$ 100.00

		STRAIGHT (ST)	OT	DOUBLE	29% ST
<b>Labor</b>	<b>Union</b>				
Foreman	302	\$ 67.42	\$ 89.30	\$ 111.18	\$ 86.97
Operator	302	\$ 64.58	\$ 86.45	\$ 108.33	\$ 83.31
Laborer	440	\$ 49.60	\$ 69.19	\$ 88.78	\$ 63.98
TCS	440	\$ 44.78	\$ 61.97	\$ 79.15	\$ 57.77
Flagger	440	\$ 41.75	\$ 57.42	\$ 73.10	\$ 53.86

<b>Unit Prices</b>					<b>UNIT</b>	<b>COST</b>
Mobilize Equipment				EA	\$ 375.00	

<b>Notes</b>				
Allowable Markups for Labor				29%
Allowable Markups for Materials, Owned & Rented Equipment & Services				21%
Allowable Markups for Subcontractors				12%

Unit Prices Based on Truck and Trailer Haul & Include Markups (unless specified)  
 Equip Rates Includes 2 Buckets per Equipment  
 Equip Op Cost from *Rental Rate Blue Book for Construction Equipment from EquipmentWatch Volume 1*  
 Mobilize Equipment Includes Demobilization  
 Truck Driver Rate Per Driver Union Affiliation  
 All Prices Are Subject to Change







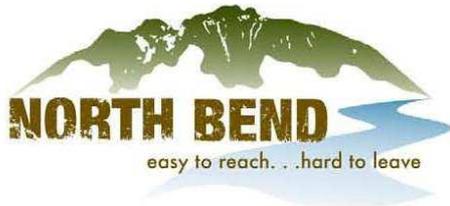
8115











## City Council Agenda Bill

<b>SUBJECT:</b>		<b>Agenda Date: November 15, 2016</b>		<b>AB16-129</b>
<b>Resolution Accepting a Permanent Public Pathway Easement from Middle Fork Development LLC</b>		Department/Committee/Individual		
		Mayor Ken Hearing		
		City Administrator – Londi Lindell		
		City Attorney - Mike Kenyon		
		City Clerk – Susie Oppedal		
		Community & Economic Development – Gina Estep		
		Finance – Dawn Masko		
		Public Works – Mark Rigos, P.E.		X
		Mike McCarty – Senior Planner		
Cost Impact: N/A				
Fund Source: N/A				
Timeline: Immediate				
<b>Attachments:</b> Resolution, Exhibit A - Easement				
<p><b>SUMMARY STATEMENT:</b></p> <p>In order to preserve rural character and retain existing significant trees and natural vegetation within the right-of-way along their property frontage of SE Middle Fork Road, Genie Industries is providing a paved pathway that meanders through the trees in lieu of conventional sidewalk, curb and gutter. Since the public pathway enters onto their property, they have provided the attached easement to be executed with the City which will grant access for the public pathway.</p>				
<p><b>COMMITTEE REVIEW AND RECOMMENDATION:</b> This item was brought forth at the November 9, 2016 Transportation and Public Works Committee (TPW). This Agenda Bill was recommended for approval and placement on Consent Agenda.</p>				
<p><b>RECOMMENDED ACTION:</b> <b>MOTION to approve AB16-129, a resolution accepting a permanent public pathway easement from Middle Fork Development LLC, and authorizing the Mayor to execute the same.</b></p>				
<b>RECORD OF COUNCIL ACTION</b>				
<i>Meeting Date</i>		<i>Action</i>		<i>Vote</i>
November 15, 2016				



## RESOLUTION

### **A RESOLUTION OF THE CITY OF NORTH BEND, WASHINGTON, ACCEPTING A PERMANENT PUBLIC PATHWAY EASEMENT FROM MIDDLE FORK DEVELOPMENT LLC AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME**

**WHEREAS**, Middle Fork Development LLC is developing their property at 46925 Middle Fork Road SE (Lot 1 of King County Short Plat Number 684057) (the “Property”) as a paved storage lot for Genie Industries; and

**WHEREAS**, North Bend Municipal Code (NBMC) Section 19.05.005 requires street frontage improvements in connection with the development of the Property; and

**WHEREAS**, the City of North Bend (the City) has authorized Middle Fork Development LLC to provide a 5-foot paved pathway meandering through the existing native vegetation in the public right-of-way fronting the Property, in lieu of conventional street frontage improvements (curb, gutter, planter strip and sidewalk), consistent with policy A-3.d.3,#2 of the City’s Commercial Design Standards and NBMC 19.05.020; and

**WHEREAS**, to preserve existing trees and vegetation, the paved pathway extends beyond the right-of-way onto the Middle Fork Development LLC property; and

**WHEREAS**, Middle Fork Development LLC desires to grant, and the City of North Bend desires to accept, a 25-foot-wide easement for public access and for City maintenance and operation of the pathway as the public sidewalk;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND,  
WASHINGTON, DOES RESOLVE AS FOLLOWS:**

**Section 1. Acceptance of Easement:** The City Council of the City of North Bend hereby accepts the easement executed by a duly authorized representative of Middle Fork Development LLC and attached hereto as **Exhibit A** (the “Easement”), and authorizes the Mayor to execute the same.

**Section 2. Recording of Easement.** The City Clerk shall cause an executed copy of the Easement and a certified copy of this Resolution to be filed at the King County Recorder’s Office, and shall provide a conformed copy of the Easement to Middle Fork Development LLC. The recording fee for the Easement shall be paid for out of the developer deposit for the Middle Fork Development LLC’s development application.

**PASSED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND,  
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 15<sup>TH</sup> DAY OF  
NOVEMBER, 2016.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Kenneth G. Hearing, Mayor**

\_\_\_\_\_  
**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Effective:  
Posted:

\_\_\_\_\_  
**Susie Oppedal, City Clerk**

**WHEN RECORDED RETURN TO:**

CITY CLERK  
CITY OF NORTH BEND  
P O BOX 896  
NORTH BEND, WA 98045

GRANTOR: MIDDLE FORK DEVELOPMENT LLC

GRANTEE: CITY OF NORTH BEND

ASSESSOR'S TAX PARCEL NUMBER: 182309

ABBREVIATED LEGAL DESCRIPTION:

LEGAL DESCRIPTION:

LOT 1 KING COUNTY SHORT PLAT 684057  
RECORDED UNDER RECORDING NUMBER E611050621  
IN KING COUNTY

**EASEMENT AGREEMENT**

This Easement Agreement is entered into as of the 7<sup>TH</sup> day of OCTOBER, 2016, by and between MIDDLE FORK DEVELOPMENT LLC ("Grantor") and the City of North Bend ("Grantee").

1. Recitals.

a. The Grantor is the owner of that certain real property legally described on Exhibit "A" attached and incorporated by this reference ("Parcel A").

b. The Grantee is a municipal corporation of the state of Washington, and this Easement Agreement is for the benefit of Grantee.

c. This Easement Agreement sets forth the terms and conditions under which the Grantor will grant the Grantee an easement.

2. Grant of Easement. For valuable consideration, receipt and sufficiency of which is acknowledged, the Grantor warrants, grants and conveys to the Grantee, a perpetual and exclusive easement over, across and under that portion of Parcel A which is legally described on Exhibit "B" attached and incorporated by this reference ("Easement Area").

3. Purpose of Easement. The Easement is granted for the purpose of the ~~installation,~~ operation and maintenance of PUBLIC PATHWAY (the "Improvements"). Grantee and its agents, designees and/or assigns shall have the right at such times as deemed reasonably necessary by Grantee, to enter upon Parcel A to inspect, construct, reconstruct, operate, maintain, repair, and replace the Improvements.

4. General Provisions.

a. Binding Effect. This Easement Agreement shall be binding upon and inure to the benefit of the parties and their successors, heirs, assigns, and personal representatives and all persons claiming by, through or under the parties hereto. The Easement created shall run with the land.

b. Applicable Law. This Easement Agreement shall be governed by and construed in accordance with the laws of the State of Washington. Jurisdiction over and venue of any suit arising out of or related to this Agreement shall be exclusively in King County, Washington.

c. Attorneys' Fees. In the event that any suit or other proceeding is instituted by either party to this Easement Agreement arising out of or pertaining to this Easement Agreement, including but not limited to filing suit or requesting an arbitration, mediation, or other alternative dispute resolution process (collectively, "Proceedings"), and appeals and collateral actions relative to such a suit or Proceeding, the substantially prevailing party as determined by the court or in the Proceeding shall be entitled to recover its reasonable attorneys' fees and all costs and expenses incurred relative to such suit or Proceeding from the substantially non-prevailing party, in addition to such other relief as may be awarded.

d. Entire Agreement. This Easement Agreement contains the entire agreement between the parties with respect to this matter. It may not be modified except in writing signed by the party against whom enforcement of the modification is sought.

e. Waiver. The waiver by a party of a breach of any provision of this Easement Agreement by the other party shall not operate or be construed as a waiver of any subsequent breach by that party. No waiver shall be valid unless in writing and signed by the party against whom enforcement of the waiver is sought.

f. Severability. If for any reason any portion of this Easement Agreement shall be held to be invalid or unenforceable, the holding of invalidity or enforceability of that portion shall not affect any other portion of this Easement Agreement and the remaining portions shall remain in full force and effect.

g. Notices. Any notice required or desired to be given under this Agreement shall be deemed given if in writing delivered to the party, or sent by certified mail to the address listed below for that party:

GRANTOR: Middle Fork Development LLC

GRANTEE: City of North Bend

DATED this 7 day of October, 2016.

GRANTOR: [Signature] managing member

GRANTEE: \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

I certify that I know or have satisfactory evidence that ROBERT HOWIE is the person who appeared before me, and said person acknowledged that he/she signed this instrument on oath stated that (he/she) was authorized to execute the instrument and acknowledge it as the MANAGING MEMBER of MIDDLEFORK DEVELOPEMENT to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 7-10-7-2016



[Signature]  
(Print: PAMELA R HATTON)  
NOTARY PUBLIC in and for the  
State of Washington  
My appointment expires 07-12-18

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that he/she signed this instrument on oath stated that (he/she) was authorized to execute the instrument and acknowledge it as the \_\_\_\_\_ of \_\_\_\_\_ to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC in and for the  
State of Washington  
My appointment expires \_\_\_\_\_

EXHIBIT A

PARCEL LEGAL DESCRIPTION

LOT 1, KING COUNTY SHORT PLAT NUMBER 684057, RECORDED UNDER RECORDING NUMBER 8611050621, IN KING COUNTY, WASHINGTON.

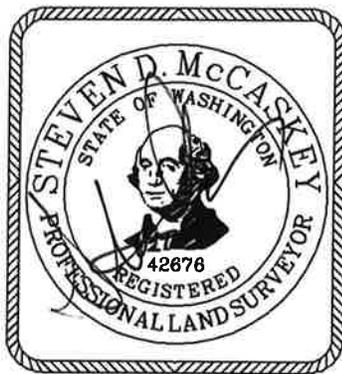
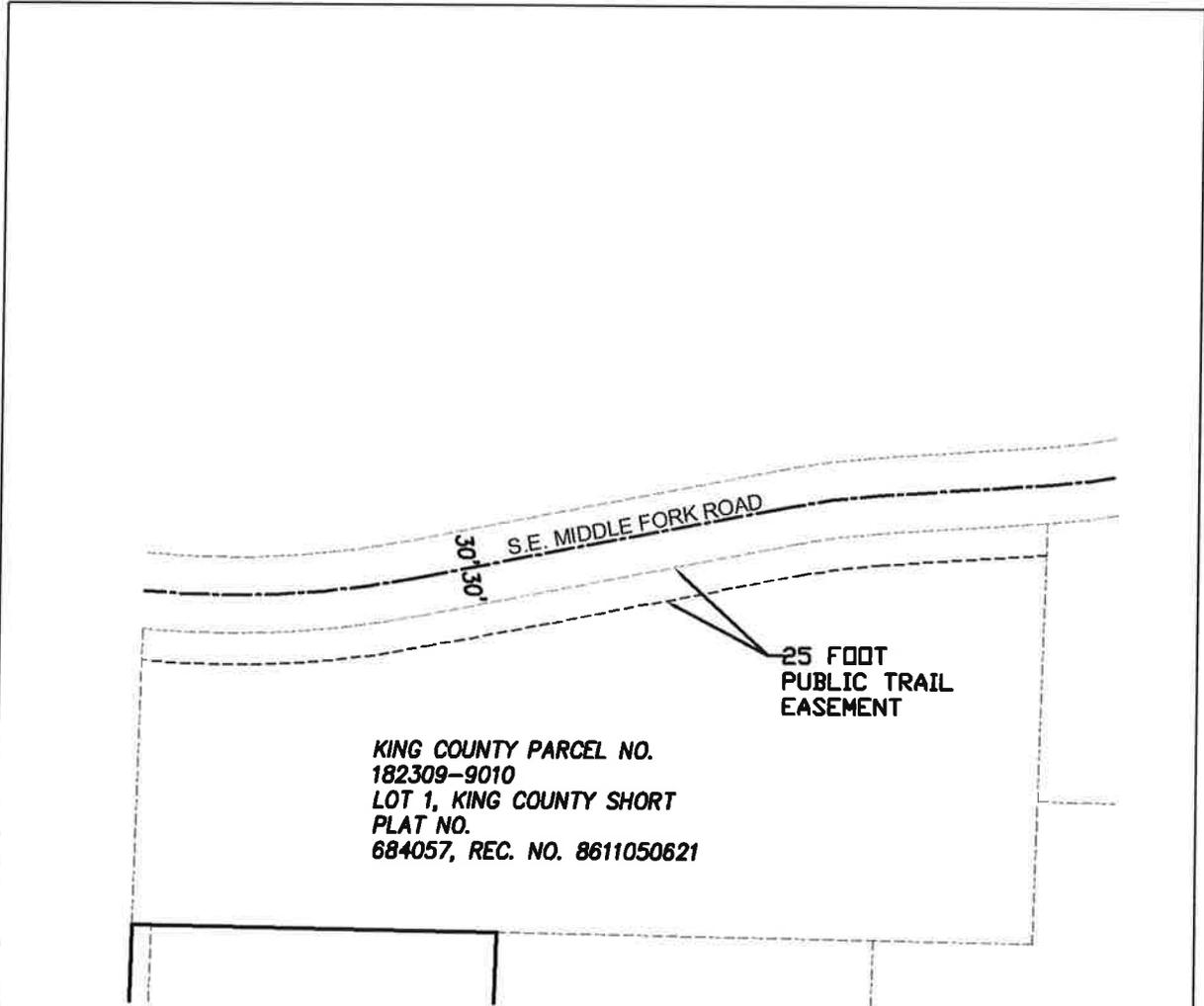
EXHIBIT B-1

TRAIL EASEMENT

THE NORTH 25 FEET OF LOT 1, KING COUNTY SHORT PLAT NUMBER 684057, RECORDED UNDER RECORDING NUMBER 8611050621, IN KING COUNTY, WASHINGTON, LYING PARALLEL WITH AND 25 FEET SOUTH OF THE SOUTH LINE OF THE S.E. MIDDLE FORK ROAD.



10/7/16



10/7/16



1"=150'

**EXHIBIT B-2  
PUBLIC TRAIL EASEMENT**



Western Washington Division  
165 NE Juniper Street, Suite 201 • Issaquah, WA 98027 • Phone: (425) 392-0250 • Fax: (425) 391-3055  
Eastern Washington Division  
108 East 2nd Street • Cle Elum, WA 98922 • Phone: (509) 674-7433 • Fax: (509) 674-7419





## City Council Agenda Bill

<b>SUBJECT:</b>		<b>Agenda Date: November 15, 2016</b>		<b>AB16-130</b>	
<b>Resolution Granting and Accepting a Public Sanitary Sewer Easement upon Tax Parcel No. 857090-0321</b>		Department/Committee/Individual			
		Mayor Ken Hearing			
		City Administrator – Londi Lindell			
		City Attorney - Mike Kenyon			
		City Clerk – Susie Oppedal			
		Community & Economic Development – Gina Estep			
		Finance – Dawn Masko			
		Public Works – Mark Rigos, P.E.			X
Cost Impact: Negligible					
Fund Source: N/A					
Timeline: Immediate					
<b>Attachments:</b> Resolution, Exhibit A - Sewer Easement, Vicinity Map					
<p><b>SUMMARY STATEMENT:</b></p> <p>Local property owners David and April Huard would like to extend approximately 253 lineal feet of public sanitary sewer pipe to their property where they reside, addressed 628 Janet Avenue NE (tax parcel number 779540-0270), North Bend, WA 98045. They wish to decommission their property’s septic drain field.</p> <p>The engineering plan and profile for the public sanitary sewer gravity extension was designed by Huard’s consultant (Eastside Consultants, Inc. in the City of Issaquah) and was recently approved by the City’s Public Works Director Mark Rigos. The sewer pipe begins in Ballarat Avenue North public right-of-way (ROW), continues southeast through City owned (“fee simple”) small (4,298 square feet) triangular property owned (tax parcel no. 857090-0320), turns south through Janet Avenue public ROW, and turns east into the Huard property. Attached is a Vicinity Map for reference.</p> <p>The easement will encumber the triangular property only. On City “fee simple” owned properties, not public right-of-way, where a City utility is proposed, an easement is created and recorded to ensure the City has the legal authority to monitor, operate and maintain its utility, for perpetuity. This protects the City if the property is ever sold. An easement is defined as <i>a non-possessory right to use and/or enter onto the real property of another without possessing it</i>. City Council approval is required to grant or receive an easement, because of its nature as a property right.</p> <p>The Huards recently paid the sewer GFC (General Facility Charge) so that their existing home could connect to the City’s public sewer system. A second GFC will be paid in the future if their property is short platted into two lots, which they intend to do at a later date.</p>					
<p><b>COMMITTEE REVIEW AND RECOMMENDATION:</b> This item was brought forth at the November 9, 2016 Transportation and Public Works Committee (TPW) and was recommended for approval and placement on the consent agenda.</p>					
<p><b>RECOMMENDED ACTION:</b> <b>MOTION to approve AB16-130, a resolution granting and accepting a public sanitary sewer easement upon Tax Parcel No. 857090-0321.</b></p>					
<b>RECORD OF COUNCIL ACTION</b>					
<i>Meeting Date</i>		<i>Action</i>		<i>Vote</i>	
November 15, 2016					



## RESOLUTION

### A RESOLUTION OF THE CITY OF NORTH BEND, WASHINGTON, GRANTING AND ACCEPTING A UTILITY EASEMENT IN AND UPON TAX PARCEL NO. 857090-0321 AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME

**WHEREAS**, local property owners David and April Huard (“Huards”) have proposed to extend 253 lineal feet of public sanitary sewer pipe to their property within City limits (“Sewer Extension”); and

**WHEREAS**, the Sewer Extension runs through two City rights-of-way and through a small parcel of property owned by the City in fee simple; and

**WHEREAS**, where a public utility is proposed through City-owned fee simple property, an easement is created to protect the City’s right to monitor, operate and maintain its utility in perpetuity in the event the property is ever sold; and

**WHEREAS**, the North Bend City Council is vested with powers over the acquisition, ownership, improvement, maintenance, and protection of public ways and real property of all kinds under the state constitution and RCW 35A.11.020;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1. Easement Granted and Accepted:** The City Council of the City of North Bend hereby grants and accepts a utility easement in and upon Tax Parcel No. 857090-0321, in the form attached hereto as **Exhibit A**, and authorizes the Mayor to execute the same.

**PASSED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 15<sup>TH</sup> DAY OF NOVEMBER, 2016.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Kenneth G. Hearing, Mayor**

\_\_\_\_\_  
**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Effective:  
Posted:

\_\_\_\_\_  
**Susie Oppedal, City Clerk**



**WHEN RECORDED RETURN TO:**

CITY CLERK  
CITY OF NORTH BEND  
P O BOX 896  
NORTH BEND, WA 98045

GRANTOR:  
GRANTEE:  
ASSESSOR'S TAX PARCEL NUMBER:  
ABBREVIATED LEGAL DESCRIPTION:  
LEGAL DESCRIPTION:

**EASEMENT AGREEMENT**

This Easement Agreement is entered into as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_,  
by and between \_\_\_\_\_ ("Grantor") and the City of North Bend ("Grantee").

1. Recitals.

a. The Grantor is the owner of that certain real property legally described on Exhibit "A" attached and incorporated by this reference ("Parcel A").

b. The Grantee is a municipal corporation of the state of Washington, and this Easement Agreement is for the benefit of Grantee.

c. This Easement Agreement sets forth the terms and conditions under which the Grantor will grant the Grantee an easement.

2. Grant of Easement. For valuable consideration, receipt and sufficiency of which is acknowledged, the Grantor warrants, grants and conveys to the Grantee, a perpetual and exclusive easement over, across and under that portion of Parcel A which is legally described on Exhibit "B" attached and incorporated by this reference ("Easement Area").

3. Purpose of Easement. The Easement is granted for the purpose of the installation, operation and maintenance of \_\_\_\_\_ (the "Improvements"). Grantee and its agents, designees and/or assigns shall have the right at such times as deemed reasonably necessary by Grantee, to enter upon Parcel A to inspect, construct, reconstruct, operate, maintain, repair, and replace the Improvements.

4. General Provisions.

a. Binding Effect. This Easement Agreement shall be binding upon and inure to the benefit of the parties and their successors, heirs, assigns, and personal representatives and all persons claiming by, through or under the parties hereto. The Easement created shall run with the land.

b. Applicable Law. This Easement Agreement shall be governed by and construed in accordance with the laws of the State of Washington. Jurisdiction over and venue of any suit arising out of or related to this Agreement shall be exclusively in King County, Washington.

c. Attorneys' Fees. In the event that any suit or other proceeding is instituted by either party to this Easement Agreement arising out of or pertaining to this Easement Agreement, including but not limited to filing suit or requesting an arbitration, mediation, or other alternative dispute resolution process (collectively, "Proceedings"), and appeals and collateral actions relative to such a suit or Proceeding, the substantially prevailing party as determined by the court or in the Proceeding shall be entitled to recover its reasonable attorneys' fees and all costs and expenses incurred relative to such suit or Proceeding from the substantially non-prevailing party, in addition to such other relief as may be awarded.

d. Entire Agreement. This Easement Agreement contains the entire agreement between the parties with respect to this matter. It may not be modified except in writing signed by the party against whom enforcement of the modification is sought.

e. Waiver. The waiver by a party of a breach of any provision of this Easement Agreement by the other party shall not operate or be construed as a waiver of any subsequent breach by that party. No waiver shall be valid unless in writing and signed by the party against whom enforcement of the waiver is sought.

f. Severability. If for any reason any portion of this Easement Agreement shall be held to be invalid or unenforceable, the holding of invalidity or enforceability of that portion shall not affect any other portion of this Easement Agreement and the remaining portions shall remain in full force and effect.





**SEWER EASEMENT DESCRIPTION**

THAT PORTION OF TRACT 20, W.H. TAYLOR'S PLAT OF SNOQUALMIE PRAIRIE ACRE TRACTS, AS PER PLAT RECORDED IN VOLUME 6 OF PLATS, PAGE 32, RECORDS OF KING COUNTY, WASHINGTON, BEING A 15 FOOT WIDE STRIP OF LAND, SAID STRIP HAVING 7.50 FEET OF SAID WIDTH ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 9, TOWNSHIP 23 NORTH, RANGE 8 EAST, W.M., THENCE S00°42'40"E ALONG THE EAST LINE OF SAID SECTION 9, AND THE EAST LINE OF SAID TRACT 20, A DISTANCE OF 384.94 FEET TO THE POINT OF BEGINNING FOR SAID EASEMENT CENTERLINE; THENCE N71°08'08"W 57.5 FEET MORE OR LESS TO THE SOUTHEASTERLY RIGHT OF WAY MARGIN OF BALLARAT AVENUE NORTHEAST, AND THE TERMINUS OF SAID EASEMENT CENTERLINE.

SITUATE IN THE CITY OF NORTH BEND, COUNTY OF KING, STATE OF WASHINGTON.



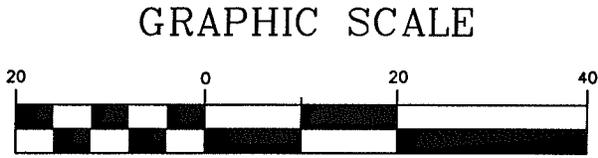
10/13/16

PREPARED BY:  
EASTSIDE CONSULTANTS, INC.  
1320 NW MALL ST., SUITE B  
ISSAQUAH WA 98027

**SEWER EASEMENT EXHIBIT**

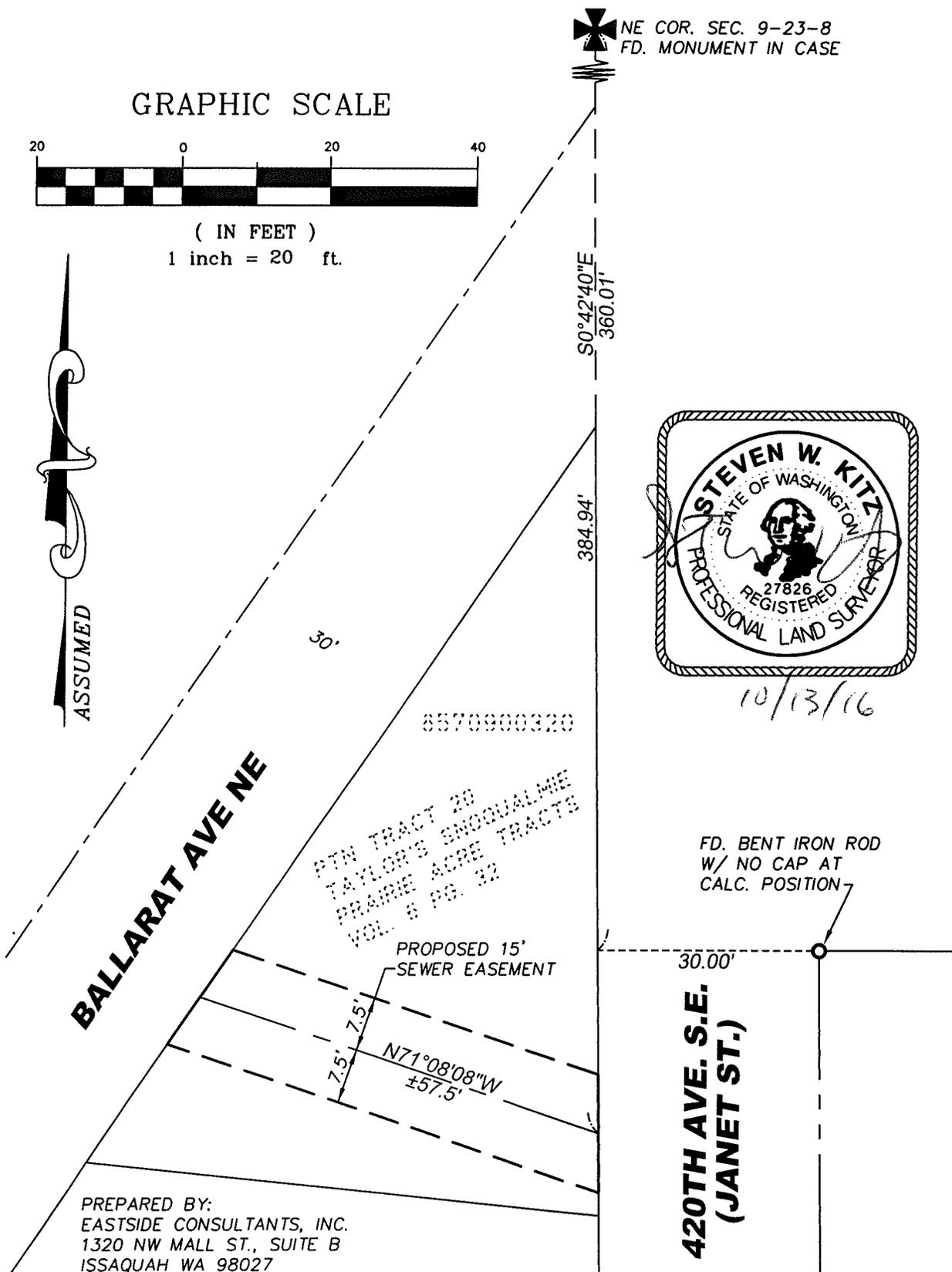


NE COR. SEC. 9-23-8  
FD. MONUMENT IN CASE



GRAPHIC SCALE

( IN FEET )  
1 inch = 20 ft.



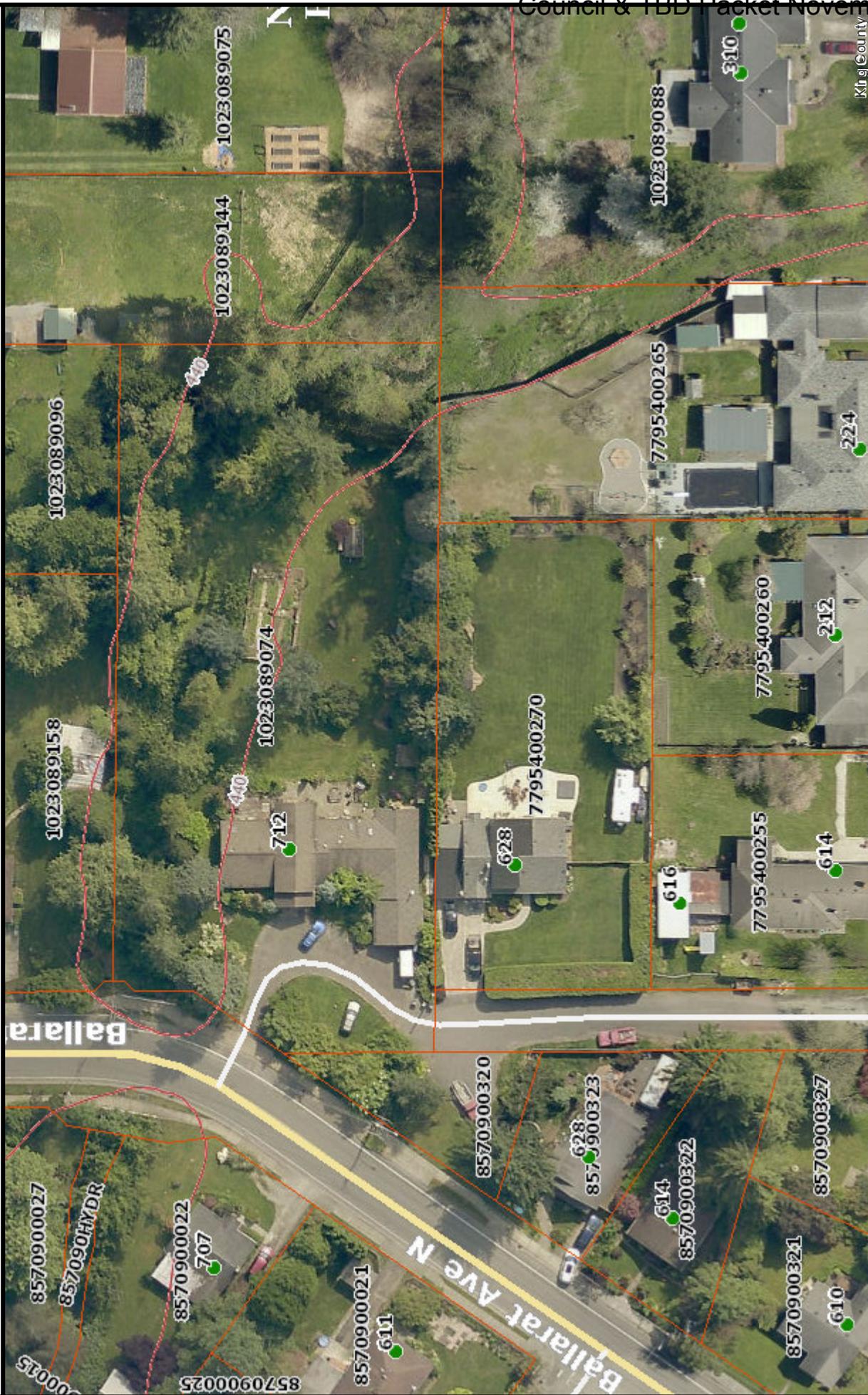
10/13/16

FD. BENT IRON ROD  
W/ NO CAP AT  
CALC. POSITION

**420TH AVE. S.E.  
(JANET ST.)**

PREPARED BY:  
EASTSIDE CONSULTANTS, INC.  
1320 NW MALL ST., SUITE B  
ISSAQUAH WA 98027

# King County iMap



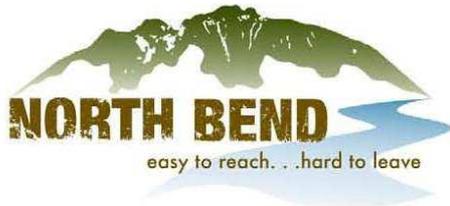
The information included on this map has been completed by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Notes:

Date: 10/20/2016







## City Council Agenda Bill

<b>SUBJECT:</b>	<b>Agenda Date: November 15, 2016</b>		<b>AB16-131</b>
<b>A Resolution Accepting the 2016 Pavement Overlay and NW 14<sup>th</sup> Street Pavement Re-Construction Project with Lakeridge as Complete</b>	Department/Committee/Individual		
	Mayor Ken Hearing		
	City Administrator – Londi Lindell		
	City Attorney - Mike Kenyon		
	City Clerk – Susie Oppedal		
	Community & Economic Development – Gina Estep		
	Finance – Dawn Masko		
	Public Works – Mark Rigos, P.E.		X
Cost Impact: N/A			
Fund Source: N/A			
Timeline: Immediate			

**Attachments:** Resolution

**SUMMARY STATEMENT:**

Advertisements for construction bids on the 2016 Overlay and NW 14<sup>th</sup> Street Re-construction Project were made in June, 2016. The City had a bid opening on July 12, 2016 and received three bids, the lowest responsive bid from a responsible bidder coming from Lakeridge Paving Co. LLC in the amount of \$387,236.50. There were no change orders on the project and the project was completed within the allowable working days

The final construction cost for the project was \$376,377.60, which is \$10,858.90 less than the bid amount.

Funding for design, permitting, and construction was supplied by the City’s Street Capital account.

Retainage cannot be released until the project has been accepted by City Council, all liens have been satisfied, and all taxes have been paid. Upon receipt of all necessary documentation, retainage will be released.

Below is a before and after picture of NW 14<sup>th</sup> Street:

BEFORE:



## City Council Agenda Bill

AFTER:



**COMMITTEE REVIEW AND RECOMMENDATION:** This item was discussed at the November 9, 2016 Transportation and Public Works Committee meeting and was recommended for approval and placement on the consent agenda.

**RECOMMENDED ACTION: MOTION to approve AB16-131, a resolution accepting the 2016 Pavement Overlay and NW 14<sup>th</sup> Street Pavement Re-Construction Project with Lakeridge as complete and authorizing the release of retainage.**

### RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
November 15, 2016		

## RESOLUTION

### **A RESOLUTION OF THE CITY OF NORTH BEND, WASHINGTON, ACCEPTING THE CONSTRUCTION WORK FOR THE 2016 PAVEMENT OVERLAY AND NW 14<sup>TH</sup> STREET PAVEMENT RE-CONSTRUCTION PROJECT WITH LAKERIDGE COMPANY AND AUTHORIZING THE RELEASE OF RETAINAGE**

**WHEREAS**, the City contracted with Blueline Group and Gray & Osborne, Inc. for design services for the 2016 Pavement Overlay and NW 14<sup>th</sup> Street Pavement Reconstruction Project (the “2016 Overlay Project”); and

**WHEREAS**, upon completion of design, advertisement was made on June 15, 2016 and June 22, 2016 in the Daily Journal of Commerce and the Snoqualmie Valley Record for construction bids; and

**WHEREAS**, on July 12, 2016, bids were opened at the North Bend City Hall and read aloud at the prescribed time with three (3) bids having been received; and

**WHEREAS**, the resulting lowest responsive and responsible bidder out of three (3) bids received was Lakeridge Paving Co. LLC at \$387,377.60; and

**WHEREAS**, on July 19, 2016, the City Council approved Resolution No. 1719 awarding the construction contract for the 2016 Overlay Project to Lakeridge Paving Co. LLC; and

**WHEREAS**, the construction of the 2016 Overlay Project was declared physically complete on November 4, 2016; and

**WHEREAS**, the final construction cost of the project was \$376,377.60; and

**WHEREAS**, the City must accept the work prior to submitting for releases from the State Department of Revenue, Department of Labor and Industries, and the Employment Security Department for the retainage of the contractors;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1.** The City of North Bend accepts the Lakeridge Paving Co. LLC work on the 2016 Pavement Overlay and NW 14<sup>th</sup> Street Pavement Re-Construction Project.

**Section 2.** The City of North Bend authorizes the release of the retainage on the contract upon receipt of the appropriate clearances from applicable state agencies or departments.

**PASSED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 15<sup>TH</sup> DAY OF NOVEMBER, 2016.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Kenneth G. Hearing, Mayor**

\_\_\_\_\_  
**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Effective:  
Posted:

\_\_\_\_\_  
**Susie Oppedal, City Clerk**



## City Council Agenda Bill

<b>SUBJECT:</b>		<b>Agenda Date: November 15, 2016</b>		<b>AB16-132</b>	
<b>A Resolution Accepting the Ribary Creek Sediment Pond Maintenance Project as Complete</b>		Department/Committee/Individual			
		Mayor Ken Hearing			
		City Administrator – Londi Lindell			
		City Attorney - Mike Kenyon			
		City Clerk – Susie Oppedal			
		Community & Economic Development – Gina Estep			
		Finance – Dawn Masko			
		Public Works – Mark Rigos, P.E.			X
Cost Impact: N/A					
Fund Source: N/A					
Timeline: Immediate					
<b>Attachments:</b> Resolution					
<p><b>SUMMARY STATEMENT:</b></p> <p>Quotes for the Ribary Creek Sediment Pond Maintenance Project were submitted on June 30, 2016 using the Small Works Roster process. Five (5) quotes were received, the lowest bid coming from Fury Site Works, Inc. in the amount of \$20,908.80, including sales tax.</p> <p>The final construction cost for the project was \$10,617.75, which is \$10,291.05 less than the bid amount. There were no change orders on the project and the project was completed within the allowable working days. Excavation numbers were reduced during construction in order to build up the dike within the pond which accounted for the savings.</p> <p>Funding for design, permitting, and construction was supplied by the City’s Storm Capital account.</p> <p>Retainage cannot be released until the project has been accepted by City Council, all liens have been satisfied, and all taxes have been paid. Upon receipt of all necessary documentation, retainage will be released.</p>					
<p><b>COMMITTEE REVIEW AND RECOMMENDATION:</b> This item was discussed at the November 9, 2016 Transportation and Public Works Committee meeting and was recommended for approval and placement on Consent Agenda.</p>					
<p><b>RECOMMENDED ACTION: MOTION to approve AB16-132, a resolution accepting the Ribary Creek Sediment Pond Maintenance Project as complete and authorizing the release of retainage.</b></p>					
<b>RECORD OF COUNCIL ACTION</b>					
<i>Meeting Date</i>		<i>Action</i>		<i>Vote</i>	
November 15, 2016					



## RESOLUTION

### **A RESOLUTION OF THE CITY OF NORTH BEND, WASHINGTON, ACCEPTING THE CONSTRUCTION WORK FOR THE RIBARY CREEK SEDIMENT POND MAINTENANCE PROJECT AND AUTHORIZING THE RELEASE OF RETAINAGE**

**WHEREAS**, the City had available funds in the Street Capital account to provide funds for the Ribary Creek Sediment Pond Maintenance Project; and

**WHEREAS**, the City contracted with Blueline for design services for the Ribary Creek Sediment Pond Maintenance Project; and

**WHEREAS**, upon completion of design, quotes were obtained using the Small Works Roster process; and

**WHEREAS**, on June 30, 2016, quotes were received at the North Bend Public Works Office, with five (5) quotes having been received; and

**WHEREAS**, the resulting lowest responsive and responsible bidder out of five (5) quotes received was Fury Site Works, LLC at \$20,908.80; and

**WHEREAS**, the construction of the Ribary Creek Sediment Pond Maintenance Project was declared Physically Complete on September 29, 2016; and

**WHEREAS**, the final construction cost of the project was \$10,617.75; and

**WHEREAS**, the City must accept the projects prior to submitting for releases from the State Department of Revenue, Department of Labor and Industries, and the Employment Security Department for the retainage of the contractors;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND,  
WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1.** The City of North Bend accepts the Fury Site Works, LLC work on the Ribary Creek Sediment Pond Maintenance Project.

**Section 2.** The City of North Bend authorizes the release of the retainage on the contract upon receipt of the appropriate clearances from the state.

**PASSED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 15<sup>TH</sup> DAY OF NOVEMBER, 2016.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

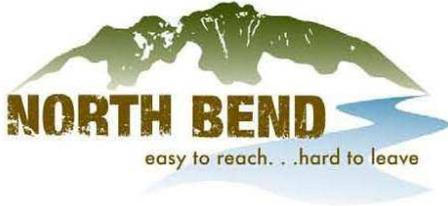
\_\_\_\_\_  
**Kenneth G. Hearing, Mayor**

\_\_\_\_\_  
**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Effective:  
Posted:

\_\_\_\_\_  
**Susie Oppedal, City Clerk**



## City Council Agenda Bill

<b>SUBJECT:</b>		<b>Agenda Date: November 15, 2016</b>		<b>AB16-133</b>		
<b>An Ordinance Amending the 2015-2016 Budget Ordinance 1597 to Reflect Changes in Revenues and Expenditures and update the 2016 Salary Schedule</b>		Department/Committee/Individual				
		Mayor Ken Hearing				
		City Administrator – Londi Lindell				
		City Attorney - Mike Kenyon				
		City Clerk – Susie Oppedal				
		Community & Economic Development – Gina Estep				
		Finance – Dawn Masko				X
		Public Works – Mark Rigos				
Cost Impact: N/A						
Fund Source: Multiple						
Timeline: Immediate						
<b>Attachments:</b> Ordinance, Exhibit A, Exhibit B, Exhibit C						
<p><b>SUMMARY STATEMENT:</b></p> <p>It is a prudent financial practice to periodically adjust an adopted budget to reflect major revenue or expenditure items that occur during the year and were unanticipated during the budget process. It is not uncommon that Council may approve unanticipated expenditures during the course of the year. Budget amendments are needed to address these issues and ensure that we adjust revenues or appropriations as necessary to keep us within authorized budget limits per Washington State law. Additionally, budget amendments better reflect each fund’s anticipated ending fund balances. The State Auditor expects such adjustments to occur.</p> <p>This budget amendment consists of miscellaneous and housekeeping adjustments. Miscellaneous adjustments typically account for unanticipated expenditure items and revenue adjustments, recognizing revenues and expenditures due to grants, insurance recoveries and settlements, and donations. Housekeeping adjustments account for corrections and adjustments due to necessary accounting rules and the adjustment of beginning fund balances to equal the prior year actual ending fund balances.</p> <p>The 2016 Salary Schedule is also being amended at this time to reflect the addition of a SCADA Supervisor approved by the City Council this past summer.</p> <p>Detail regarding specific budget line item changes being recommended for adjustment is contained in Exhibit B to the Ordinance. Highlights include:</p> <p><u>General Fund (001):</u></p> <ul style="list-style-type: none"> <li>• Increase appropriation for municipal court and jail services.</li> <li>• Increase appropriation for special legal services and public defender services.</li> <li>• Reduce appropriation for Snoqualmie Police Department due to delayed hiring of 8<sup>th</sup> Police Officer.</li> <li>• Reduce appropriation for construction engineering services.</li> <li>• Recognize Square Footage B&amp;O tax proceeds and transfer-out to the Streets Overlay Fund (103) per City Council direction.</li> <li>• Adjust building and permit revenues to reflect anticipated activity.</li> <li>• Adjust sales tax and B&amp;O tax revenues to reflect actual activity.</li> <li>• Recognize transfer-in from Development Projects Fund to reflect anticipated activity.</li> </ul>						

## City Council Agenda Bill

### Special Revenue Funds:

- Recognize transfer-in of Square Footage B&O tax in Streets Overlay Fund (103)
- Increase appropriations in Streets Overlay Fund (103) for construction engineering services and pavement management study..
- Adjust transfers-out to Capital Projects Fund (310) from Impact Fee Fund (106) to reflect revised project timing.
- Adjust Development Projects Fund (125) expenditures to reflect increased activity.

### Debt Service Funds:

- Add appropriations for the 2016 LTGO (LOC) Bond Fund (219) which was created this summer for short-term financing for the WWTP capital improvement projects.

### Capital Project Funds:

- Increase appropriations in the Municipal Projects Fund (310) for the Cedar Falls Way Sidewalk, Maloney Grove Crosswalk, Torguson Park trails, plaza and restrooms, and Civic Center preliminary design capital projects
- Reduce appropriations in the Municipal Projects Fund (310) to reflect revised project timing and actual activity of NB Way/Park Roundabout design, Bendigo @ Park right turn lane, and NB Way Sidewalks design (Ballarat to Downing) capital projects.
- Recognize increased Real Estate Excise Taxes in the Capital Improvements Fund (320)

### Utility Funds:

- Add appropriation in the Water Fund (401) for the Sallal Mitigation Intertie project, increase appropriation for the NE 12<sup>th</sup> Street improvements design, and decrease appropriation for the Mt Si Springs Pump replacement project.
- Adjust appropriations in the Sewer Fund (402) to reflect updated timing and estimates for WWTP capital improvement projects.
- Appropriate transfers-out from the Water Fund (401), Sewer Fund (402), and Storm Fund (404) to the Municipal Projects Fund (310-200) for their portion of Torguson Park Trail & Plaza and restroom capital projects.
- Increase appropriations in the Water Fund (401) and Sewer Fund (402) for the addition of the SCADA Supervisor position.
- Increase appropriation in the Flood Fund (404-100) for capital project engineering and professional services.
- Recognize increased assessment collections in the ULID #6 Bond Fund (451) and increase appropriations for fees associated with reassessments.

COMMITTEE REVIEW AND RECOMMENDATION: The Finance & Administration Committee discussed the budget adjustment at their October 4<sup>th</sup> meeting and recommended placement on the consent agenda.

## City Council Agenda Bill

RECOMMENDED ACTION: **MOTION to approve AB16-133, an ordinance amending the 2016 Budget, as a first and final reading.**

### RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
November 15, 2016		



## ORDINANCE

### **AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, AMENDING THE CITY'S 2015-2016 BUDGET AND SALARY SCHEDULE ORDINANCE NO. 1597; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, the City Council adopted the City's 2015-2016 Budget pursuant to Ordinance No. 1545 on December 2, 2014 and revised the budget pursuant to Ordinance No. 1550, Ordinance No. 1559, Ordinance No. 1564, Ordinance No. 1570, Ordinance No. 1581 and Ordinance No. 1597; and

**WHEREAS**, the City is prohibited from over expending its appropriated budget as set forth in Ordinance No. 1597; and

**WHEREAS**, certain revisions to the 2016 budget are now necessary; and

**WHEREAS**, the City Council now desires to amend the 2016 Salary Schedule to add the position and salary range for the SCADA Supervisor;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** The 2016 Budget, as amended in Ordinance No. 1597, is hereby amended as set forth in Exhibit "A".

**Section 2.** The explanations of the amendments are listed in Exhibit "B".

**Section 3.** The 2016 Salary Schedule is hereby amended as set forth in Exhibit "C".

**Section 4. Severability.** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 5. Effective Date.** This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND,  
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 15<sup>TH</sup> DAY OF  
NOVEMBER, 2016.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Kenneth G. Hearing, Mayor**

\_\_\_\_\_  
**Michael R. Kenyon, City Attorney**

Published:  
Effective:

**ATTEST/AUTHENTICATED:**

\_\_\_\_\_  
**Susie Oppedal, City Clerk**

CITY OF NORTH BEND  
2016 Budget Appropriation Adjustment  
"Exhibit A"

FUND	REVENUES AND OTHER SOURCES		EXPENDITURES AND OTHER USES		ENDING BALANCE		
	Current Budget	Adjustment	Revised Budget	Current Budget		Adjustment	Revised Budget
<b>Operating General</b>	\$ 7,774,978	\$ 142,504	\$ 7,917,482	\$ 6,914,523	\$ (16,767)	\$ 6,897,756	\$ 1,019,726
<b>Subtotal General Fund</b>	<b>7,774,978</b>	<b>142,504</b>	<b>7,917,482</b>	<b>6,914,523</b>	<b>(16,767)</b>	<b>6,897,756</b>	<b>1,019,726</b>
<b>Special Revenue</b>							
101 Street	721,477	8,541	730,018	721,477	8,541	730,018	-
102 Capital Streets	171,618	2,427	174,045	166,728	2,000	168,728	5,317
103 Streets Overlay	217,914	50,000	267,914	209,725	13,000	222,725	45,189
106 Impact Fees & Mitigation	2,444,628	-	2,444,628	1,596,692	(405,782)	1,190,910	1,253,718
107 Hotel/Motel Tax	19,285	-	19,285	14,000	-	14,000	5,285
108 Economic Development	169,014	(21,392)	147,622	169,014	(21,392)	147,622	-
116 Park Capital Improvement	100,171	-	100,171	57,805	-	57,805	42,366
125 Developer Projects (CED)	802,588	310,000	1,112,588	635,000	304,540	939,540	173,048
<b>Subtotal Special Revenue Funds</b>	<b>4,646,695</b>	<b>349,576</b>	<b>4,996,271</b>	<b>3,570,441</b>	<b>(99,093)</b>	<b>3,471,348</b>	<b>1,524,923</b>
<b>Debt Service</b>							
215 2010 LTGO Debt - Tollgate	-	-	-	-	-	-	-
216 2011 Fire Station Bond Redemption	361,468	-	361,468	181,600	-	181,600	179,868
217 2012 LTGO TBD Bond Redemption	157,697	-	157,697	145,900	-	145,900	11,797
218 2015 LTGO Bond Redemption	194,024	50	194,074	194,024	50	194,074	-
219 2016 LTGO (LOC) Bond Fund	-	904,500	904,500	-	904,500	904,500	-
<b>Subtotal Debt Service Funds</b>	<b>713,189</b>	<b>904,550</b>	<b>1,617,739</b>	<b>521,524</b>	<b>904,550</b>	<b>1,426,074</b>	<b>191,665</b>
<b>Total Operating Funds</b>	<b>13,134,862</b>	<b>1,396,630</b>	<b>14,531,492</b>	<b>11,006,488</b>	<b>788,690</b>	<b>11,795,178</b>	<b>2,736,314</b>
<b>Capital Improvement</b>							
310 Municipal Projects	2,968,875	(9,462)	2,959,413	2,481,895	(222,353)	2,259,542	699,871
320 Capital Improvement (REET)	1,113,000	240,000	1,353,000	254,581	26,907	281,488	1,071,512
<b>Subtotal Capital Improv. Fund</b>	<b>4,081,875</b>	<b>230,538</b>	<b>4,312,413</b>	<b>2,736,476</b>	<b>(195,446)</b>	<b>2,541,030</b>	<b>1,771,383</b>
<b>Enterprise</b>							
401 Water Operations & Capital	4,242,692	(29,278)	4,213,414	1,785,806	130,530	1,916,336	2,297,078
402 Sewer Operations & Capital	3,144,307	1,004,025	4,148,332	3,104,282	(143,013)	2,961,269	1,187,063
404 Storm Operations & Capital	1,407,199	(29,948)	1,377,251	862,149	130,621	992,770	384,481
404 Flood Operations	763,555	3,788	767,343	136,730	44,915	181,645	585,698
405 Solid Waste & Recycling Operations	281,515	11,751	293,266	39,539	-	39,539	253,727
450 ULID #6 Construction	-	-	-	-	-	-	-
451 ULID #6 Revenue Bond Redemption	4,394,961	1,870,000	6,264,961	1,399,284	108,000	1,507,284	4,757,677
452 ULID #6 Revenue Bond Reserve	1,254,255	-	1,254,255	-	-	-	1,254,255
<b>Subtotal Enterprise Funds</b>	<b>15,488,484</b>	<b>2,830,338</b>	<b>18,318,822</b>	<b>7,327,790</b>	<b>271,053</b>	<b>7,598,843</b>	<b>10,719,979</b>
<b>Internal Service</b>							
501 Equipment Operations	312,910	-	312,910	312,910	-	312,910	-
501 Technology Operations	170,102	-	170,102	170,102	-	170,102	-
502 Equipment Reserve	464,811	-	464,811	30,000	-	30,000	434,811
502 Technology Reserve	61,446	-	61,446	8,572	-	8,572	52,874
<b>Subtotal Internal Service Fund</b>	<b>1,009,269</b>	<b>-</b>	<b>1,009,269</b>	<b>521,584</b>	<b>-</b>	<b>521,584</b>	<b>487,685</b>
<b>Total Budget</b>	<b>\$ 33,714,490</b>	<b>\$ 4,457,506</b>	<b>\$ 38,171,996</b>	<b>\$ 21,592,338</b>	<b>\$ 864,297</b>	<b>\$ 22,456,635</b>	<b>\$ 15,715,361</b>



**CITY OF NORTH BEND  
2016 Budget Appropriation Adjustment  
Exhibit "B"**

REVENUES & OTHER SOURCES			EXPENDITURES & OTHER USES		
Description	Account Number	Amount	Description	Account Number	Amount
<b>General Fund (001)</b>			<b>General Fund (001)</b>		
Retail Sales & Use Tax	001-000-000-311-10-00-00	\$ 75,300	Municipal Court Services - Issaquah	001-000-012-512-50-51-00	\$ 11,600
Public Safety Sales & Use Tax	001-000-000-313-15-00-00	(14,000)	Legal Services - Litigation	001-000-015-515-30-41-02	10,000
Criminal Justice Sales Tax	001-000-000-313-71-00-00	25,000	Public Defender Services	001-000-015-515-30-41-03	7,250
Business & Occupation Tax	001-000-000-316-10-00-00	61,000	Legal Settlements	001-000-015-518-61-49-00	3,500
Square Footage B&O Tax	001-000-000-316-10-00-01	10,000	Building Repairs & Maintenance	001-000-018-518-30-48-01	570
Private Utility Tax	001-000-000-316-40-00-00	(23,000)	Equipment Repairs & Maintenance	001-000-018-518-30-48-02	(500)
City-Owned Utility Tax	001-000-000-316-40-00-01	5,900	Snoqualmie Police Contract	001-000-021-521-20-51-03	(75,000)
Special Event Permits	001-000-000-321-70-00-00	1,100	Eastside Fire & Rescue Contracted Services	001-000-022-522-20-41-00	6,593
Business Licenses	001-000-000-321-99-00-00	3,500	Jail Services Contracts	001-000-023-523-60-51-00	15,800
Building Permits	001-000-000-322-10-00-00	(14,600)	Building - Personnel Benefits	001-000-024-524-20-20-01	(7,697)
Mechanical Permits	001-000-000-322-10-00-02	(9,800)	Emergency Management Small Equipment	001-000-025-525-60-35-00	(500)
Sign Permits	001-000-000-322-10-00-05	900	Construction Engineering - Professional Services	001-000-032-542-10-41-00	(32,100)
Fire Permit Fees	001-000-000-322-10-00-07	2,500	Multi-Sport Festival	001-000-070-573-90-49-05	(4,500)
State Shared Revenue - Criminal Justice - High Crime	001-000-000-336-06-20-00	8,847	Parks - Operating Supplies	001-000-076-576-80-31-00	1,500
Plan Review Fees	001-000-000-345-83-00-00	4,800	Parks - Chemicals & Fertilizer	001-000-076-576-80-48-02	(1,500)
Fire Plan Review Fees	001-000-000-345-83-00-04	(18,000)	Transfer to Street Fund	001-000-097-597-42-00-00	13,109
Concurrency Fees	001-000-000-345-89-00-06	3,267	Trans Sq Fig B&O Tax to Streets Overlay Fund (103)	001-000-097-597-42-00-06	50,000
Issaquah Muni Court - DUI Fees	001-000-000-355-20-00-01	2,600	Transfer to Economic Development Fund (108)	001-000-097-597-52-00-01	(21,392)
Issaquah Muni Court - Other Non-Traffic Fines	001-000-000-356-90-00-01	1,000	Election Services	001-000-099-514-40-51-00	4,500
Issaquah Muni Court - Public Defender Fees	001-000-000-357-33-00-00	2,500	Domestic Violence Legal Services	001-000-099-565-50-51-01	2,000
Utility Penalties	001-000-000-359-90-00-01	7,500			
B&O Tax Penalties	001-000-000-359-90-00-02	1,300	<b>Total General Fund Adjustment</b>		<b>\$ (16,767)</b>
Transfer from Transportation Impact Fees - Proj Eng	001-000-000-397-41-00-00	(49,200)			
Transfer from Dev Project Funds - Staff Time (CED)	001-000-000-397-58-00-00	38,200	<b>Street Fund (101)</b>		
Transfer from Dev Project Funds - Staff Time (PW)	001-000-000-397-58-00-01	34,340	Overtime	101-000-000-542-90-10-01	\$ 3,480
Transfer from Park Impact Fees - Proj Engineer	001-000-000-397-76-00-00	(18,450)	Clothing & Boots	101-000-000-542-90-20-01	700
		<b>\$ 142,504</b>	Street Striping	101-000-000-542-64-41-00	7,000
			Professional Services	101-000-000-542-90-41-00	(2,500)
			Operating Rental - Copier	101-000-000-542-90-45-01	(139)
			<b>Total Street Fund Adjustment</b>		<b>\$ 8,541</b>
<b>Street Fund (101)</b>					
Motor Vehicle Fuel Tax	101-000-000-336-00-87-00	\$ (4,568)	<b>Capital Streets Fund (102)</b>		
Transfer from General Fund	101-000-000-397-42-00-00	13,109	Construction Engineering - Professional Services	102-000-000-543-30-41-02	\$ 2,000
		<b>\$ 8,541</b>	<b>Total Streets Capital Fund Adjustment</b>		<b>\$ 2,000</b>
<b>Total Street Fund Adjustment</b>		<b>\$ 8,541</b>			
<b>Capital Streets Fund (102)</b>					
Motor Vehicle Arterial Fuel Tax	102-000-000-336-00-87-00	\$ 2,427			
<b>Total Streets Capital Fund Adjustment</b>		<b>\$ 2,427</b>			

CITY OF NORTH BEND

2016 Budget Appropriation Adjustment

Exhibit "B"

REVENUES & OTHER SOURCES			EXPENDITURES & OTHER USES		
Description	Account Number	Amount	Description	Account Number	Amount
<b>Streets Overlay Fund (103)</b>					
Trans Sq Flg B&O Tax from General Fund	103-000-000-397-42-00-03	\$ 50,000	Pavement Management Study	103-000-000-542-30-41-00	\$ 7,000
			Construction Engineering - Professional Services	103-000-000-542-30-41-01	6,000
			Street Overlay - Preservation	103-000-000-595-30-63-00	(12,275)
			Old Si View Overlay Project	103-000-004-595-30-63-00	12,275
		<b>\$ 50,000</b>	<b>Total Streets Overlay Fund Adjustment</b>		<b>\$ 13,000</b>
<b>Impact Fees &amp; Mitigation Fund (106)</b>					
Transportation Impact Fees	106-100-000-345-85-00-00	\$ -	Trans to Bendigo @ Park Right Turn Lane (310-100-008)	106-100-000-597-00-00-00	\$ (359,327)
Park Impact Fees	106-200-000-345-85-00-00		Trans to NW 14th Street Project (310-100-010)	106-100-000-597-41-00-02	8,017
Fire Impact Fees	106-300-000-345-85-00-00		Transfer to Torg Park Restroom (310-200-003)	106-200-000-597-00-00-02	(175,559)
			Transfer to Torg Park Trail & Plaza (310-200-001)	106-200-000-597-00-00-04	139,288
			Transfer to General Fund - Project Engineer (001)	106-200-000-597-00-00-06	(18,450)
			Tree Replacement Mitigation - Parks	106-500-000-576-80-31-00	249
		<b>\$ -</b>	<b>Total Impact Fees &amp; Mitigation Fund Adjustment</b>		<b>\$ (405,782)</b>
<b>Economic Development Fund (108)</b>					
Transfer from General Fund	108-000-000-397-52-00-01	\$ (21,392)	Park Street Pedestrian Improvements	108-000-000-558-70-31-01	\$ (20,000)
			Phone, Webcam & Communications	108-000-000-558-70-42-00	(1,200)
			Travel, Lodging & Meals	108-000-000-558-70-43-00	(192)
			Education/Training	108-000-000-558-70-49-01	
		<b>\$ (21,392)</b>	<b>Total Economic Development Fund Adjustment</b>		<b>\$ (21,392)</b>
<b>Development Projects Fund (125)</b>					
Developer Deposits	125-000-000-345-89-00-00	\$ 310,000	Developer Projects - Consultants	125-000-000-559-30-41-00	\$ 200,000
			Developer Projects - Miscellaneous	125-000-000-559-30-49-00	32,000
			Transfer to General Fund - Dev Proj Staff Time	125-000-000-597-00-00-00	38,200
			Transfer to General Fund - Dev Proj Staff Time/Proj Migr	125-000-000-597-00-00-01	34,340
		<b>\$ 310,000</b>	<b>Total Developer Projects Fund Adjustment</b>		<b>\$ 304,540</b>
<b>2015 LTGO Bond Redemption Fund (218)</b>					
Transfer from Capital Imp (REET) Fund (320)	218-000-000-397-00-00-00	\$ 50	Debt Service Costs	218-000-000-592-76-89-00	\$ 50
			<b>Total 2015 LTGO Bond Redemption Fund Adjustment</b>		<b>\$ 50</b>
<b>2016 LTGO (LOC) Bond Redemption Fund (219)</b>					
Investment Interest	219-000-000-361-11-00-00	\$ 80	2016 LTGO (LOC) Bonds - Interest	219-000-000-592-35-83-00	\$ 2,500
2016 LTGO (LOC) Bond Proceeds	219-000-000-391-10-00-00	901,920	Debt Issuance Costs	219-000-000-592-35-89-00	38,000
Transfer from Sewer Fund	219-000-000-397-00-00-00	2,500	Transfer to Sewer Fund	219-000-000-597-00-00-00	495,000
			Transfer to Sewer Capital Fund	219-000-000-597-00-00-01	369,000
		<b>\$ 904,500</b>	<b>Total 2016 LTGO (LOC) Bond Redemption Fund Adjustment</b>		<b>\$ 904,500</b>

**CITY OF NORTH BEND  
2016 Budget Appropriation Adjustment  
Exhibit "B"**

REVENUES & OTHER SOURCES			EXPENDITURES & OTHER USES		
Description	Account Number	Amount	Description	Account Number	Amount
<b>Municipal Projects Fund (310)</b>			<b>Municipal Projects Fund (310)</b>		
Tanner Trail Phase II - KC Conservation Futures	310-000-040-337-07-00-00	\$ (12,500)	NB Way/Park Roundabout Design	310-100-003-595-64-63-00	\$ (72,535)
NB Way/Park Roundabout	310-100-003-333-20-00-00	19,518	Cedar Falls Way Sidewalk	310-100-007-595-61-63-00	1,513
Transfer from Capital Imp (REET) Fund (320)	310-100-003-397-00-00-01	(19,568)	Bendigo @ Park Right Turn Lane	310-100-008-595-30-63-01	(359,077)
Transfer from Capital Imp (REET) Fund (320)	310-100-007-397-00-00-00	1,426	NB Way Sidewalks - Design: Ballarat to Downing	310-100-012-595-61-63-00	(11,575)
Transfer from Transportation Impact Fees (106-100)	310-100-008-397-00-00-00	(359,327)	Maloney Grove Crosswalk	310-100-013-595-61-63-00	5,000
Transfer from Transportation Impact Fees (106-100)	310-100-010-397-95-63-00	8,017	Torguson Park Trails & Plaza - Construction	310-200-001-594-76-61-01	85,676
Transfer from Capital Imp (REET) Fund (320)	310-100-013-397-00-00-00	5,000	Torguson Park Bathrooms - Design	310-200-003-594-76-62-00	28,205
WA State Recreation & Conservation Grant	310-200-001-334-02-70-00	14,722	Torguson Park Bathrooms - Construction	310-200-003-594-76-62-01	60,440
KC Land & Water Conservation Grant	310-200-001-337-00-00-00	(127,350)	Civic Center - Professional Services	310-300-000-594-18-41-00	(6,500)
Transfer from Park Impact Fees (106-200)	310-200-001-397-00-00-01	139,288	Civic Center - Predisign	310-300-000-594-18-62-00	46,500
Transfer from Water Fund (401)	310-200-001-397-00-00-02	5,636			
Transfer from Sewer Fund (402)	310-200-001-397-00-00-03	5,635			
Transfer from Storm Fund (404)	310-200-001-397-00-00-04	25,000			
Torguson Park Little League Donation	310-200-003-367-11-00-00	80,000			
Transfer from Park Impact Fees (106-200)	310-200-003-397-00-00-00	(175,559)			
Transfer from Water Fund (401)	310-200-003-397-00-00-02	66,375			
Transfer from Sewer Fund (402)	310-200-003-397-00-00-03	66,375			
Transfer from Storm Fund (404)	310-200-003-397-00-00-04	75,000			
Transfer from Capital Imp (REET) Fund (320)	310-300-000-397-00-00-00	39,999			
Glazier Deed of Trust Interest	310-400-000-361-40-00-00	1,165			
Glazier Deed of Trust Principal	310-400-000-362-90-00-00	131,686			
<b>Total Municipal Projects Fund Adjustment</b>		<b>\$ (9,462)</b>	<b>Total Municipal Projects Fund Adjustment</b>		<b>\$ (222,353)</b>
<b>Capital Improvements (REET) Fund (320)</b>			<b>Capital Improvements (REET) Fund (320)</b>		
Real Estate Excise Tax - Local .25%	320-000-000-318-34-00-00	\$ 120,000	Transfer to 2015 LTGO Bond - Tollgate (218)	320-000-000-597-76-00-12	\$ 50
Real Estate Excise Tax - Capital .25%	320-000-000-318-35-00-00	120,000	Transfer to NB Way/Park Roundabout (310-100-003)	320-000-000-597-95-00-07	(19,568)
			Transfer to Maloney Grove Sidewalks (310-100-013)	320-000-000-597-95-00-08	5,000
			Transfer to Cedar Falls Way Sidewalks (310-100-007)	320-000-000-597-95-00-61	1,426
			Transfer to Civic Center (310-300)	320-000-000-597-95-63-07	39,999
<b>Total Capital Improvements (REET) Fund Adjustment</b>		<b>\$ 240,000</b>	<b>Total Capital Improvements (REET) Fund Adjustment</b>		<b>\$ 26,907</b>

**CITY OF NORTH BEND**  
**2016 Budget Appropriation Adjustment**  
**Exhibit "B"**

REVENUES & OTHER SOURCES			EXPENDITURES & OTHER USES		
Description	Account Number	Amount	Description	Account Number	Amount
<b>Water Operations &amp; Capital Fund (401)</b>			<b>Water Operations &amp; Capital Fund (401)</b>		
Water Metered Sales	401-000-000-343-40-00-00	\$ 96,015	Salaries & Wages - SCADA Supervisor	401-000-000-534-10-10-00	\$ 8,523
Water Meter Drop	401-000-000-343-40-00-01	(13,760)	Overtime	401-000-000-534-10-10-02	10,000
Water Meter Installation	401-000-000-343-40-00-06	(2,500)	Personnel Benefits - SCADA Supervisor	401-000-000-534-10-20-00	2,440
Water Meter Inspection Fees	401-000-000-343-40-00-07	(3,500)	Repair & Maintenance - Admin	401-000-000-534-10-48-01	1,200
Investment Interest	401-000-000-361-11-00-00	4,200	Education & Training	401-000-000-534-10-49-01	1,300
Insurance Recoveries	401-000-000-395-20-00-00	2,667	Professional Services	401-000-000-534-20-41-00	(25,000)
Water Facility Fees - Capital GFC	401-500-000-379-00-00-00	(112,400)	Operating Supplies	401-000-000-534-80-31-01	(20,000)
			Repair & Maintenance Supplies	401-000-000-534-80-35-01	30,000
			Capital Equipment - Technology	401-000-000-594-34-64-04	1,385
			Transfer to Torguson Park Trail & Plaza (310-200-001)	401-000-000-597-00-00-00	5,636
			Transfer to Torguson Park Bathrooms (310-200-003)	401-000-000-597-00-00-01	66,375
			Mt Si Springs Pump Replacement	401-200-005-594-34-63-00	(67,590)
			NE 12th Street Improvements - Design	401-500-004-594-34-63-00	16,261
			Salal Mitigation Intertie	401-500-006-594-34-63-00	100,000
			<b>Total Water Operations &amp; Capital Fund Adjustment</b>		<b>\$ 130,530</b>
<b>Sewer Operations &amp; Capital Fund (402)</b>			<b>Sewer Operations &amp; Capital Fund (402)</b>		
Sewer Service Charges	402-000-000-343-50-00-00	\$ 119,500	Salaries & Wages - SCADA Supervisor	402-000-000-535-10-10-01	\$ 8,523
Sewer Application & Inspection	402-000-000-343-50-00-01	5,196	Overtime	402-000-000-535-10-10-01	6,200
ULID #6 Foreclosure Penalties	402-000-000-359-00-00-00	15,329	Personnel Benefits - SCADA Supervisor	402-000-000-535-10-20-00	2,440
Transfer from LOC Bond Fund (219)	402-000-000-397-00-00-00	495,000	Sewer Legal Fees - ULID #6	402-000-000-535-10-41-05	(10,000)
Transfer from LOC Bond Fund (219)	402-000-000-397-00-00-00	369,000	Utilities	402-000-000-535-10-47-00	5,000
			Repair & Maintenance - Admin	402-000-000-535-10-48-01	(1,000)
			Lab Testing	402-000-000-535-80-41-03	6,200
			Contracted Disposal Services	402-000-000-535-80-41-04	20,000
			Repair & Maintenance	402-000-000-535-80-48-00	(10,000)
			Permits - Fees & Miscellaneous	402-000-000-535-80-49-01	2,000
			UV System Improvements	402-000-000-594-35-63-02	(185,000)
			Capital Outlay - Equipment	402-000-000-594-35-64-00	3,800
			Capital Outlay - Technology	402-000-000-594-35-64-01	1,680
			UV System Equipment	402-000-000-594-35-64-15	(288,000)
			Transfer to LOC Bond Fund (219)	402-000-000-597-00-00-00	2,500
			Transfer to Torguson Park Trail & Plaza (310-200-001)	402-000-000-597-00-00-01	5,000
			Transfer to Torguson Park Bathrooms (310-200-003)	402-000-000-597-00-00-02	66,375
			WWTP Critical Improvements	402-100-000-594-35-63-00	82,000
			UV Disinfection System Improvements	402-100-000-594-35-63-01	201,100
			WWTP Critical Repairs	402-500-005-594-35-63-00	(366,000)
			WWTP Critical Improvements	402-500-006-594-35-63-00	95,000
			UV System Improvements	402-500-006-594-35-63-01	190,800
			ULID #6 Pump Station Improvements	402-500-006-594-35-63-02	18,830
			<b>Total Sewer Operations &amp; Capital Fund Adjustment</b>		<b>\$ (143,000)</b>

**CITY OF NORTH BEND  
2016 Budget Appropriation Adjustment  
Exhibit "B"**

REVENUES & OTHER SOURCES			EXPENDITURES & OTHER USES		
Description	Account Number	Amount	Description	Account Number	Amount
<b>Storm Operations &amp; Capital Fund (404)</b>			<b>Storm Operations &amp; Capital Fund (404)</b>		
Storm Drainage Service Charge	404-000-000-343-83-00-00	\$ (21,545)	Professional Services	404-000-000-531-31-41-03	\$ 9,000
Investment Interest	404-000-000-361-11-00-00	895	Repair & Maintenance	404-000-000-531-38-48-00	2,000
Storm Drain Facility Fee - Capital GFC	404-500-000-379-00-00-00	(9,298)	Transfer to Torguson Park Trail & Plaza (310-200-001)	404-000-000-597-00-00-00	25,000
			Transfer to Torguson Park Bathrooms (310-200-003)	404-000-000-597-00-00-00	75,000
			NE 12th Street Improvements - Design	404-500-000-594-31-63-00	19,621
<b>Total Storm Operations &amp; Capital Fund Adjustment</b>		<b>\$ (29,948)</b>	<b>Total Storm Operations &amp; Capital Fund Adjustment</b>		<b>\$ 130,621</b>
<b>Flood Operations Fund (404-100)</b>			<b>Flood Operations Fund (404-100)</b>		
Flood Plain Development Permit	404-100-000-322-90-00-00	\$ 2,888	Professional Services	404-100-000-531-91-41-02	\$ 11,000
Investment Interest	404-100-000-361-11-00-00	\$ 900	Capital Engineering Contract	404-100-000-531-91-41-09	33,915
<b>Total Flood Operations Fund Adjustment</b>		<b>\$ 3,788</b>	<b>Total Flood Operations Fund Adjustment</b>		<b>\$ 44,915</b>
<b>Solid Waste &amp; Recycling Operations Fund (405)</b>			<b>Solid Waste &amp; Recycling Operations Fund (405)</b>		
Contract Franchise Fee	405-000-000-321-91-00-00	\$ 2,160			\$ -
KC WRR Recycling Grant - Yardwaste	405-000-000-337-07-00-00	6,392			
KC LHWMP Grant - Cleanup Day	405-000-000-337-07-02-00	1,394			
Solid Waste Receipts	405-000-000-343-70-00-00	7,546			
DOE Grant: Solid & Hazard	405-000-000-374-03-10-00	(5,741)			
<b>Total Solid Waste &amp; Recycling Operations Fund Adjustment</b>		<b>\$ 11,751</b>	<b>Total Solid Waste &amp; Recycling Operations Fund Adjustment</b>		<b>\$ -</b>
<b>ULID #6 Bond Redemption Fund (451)</b>			<b>ULID #6 Bond Redemption Fund (451)</b>		
ULID #6 Assessments	451-000-000-368-10-00-00	\$ 1,870,000	ULID #6 Legal Fees	451-000-000-535-10-41-00	\$ 50,000
			ULID #6 Reassessments	451-000-000-535-10-41-01	55,000
			ULID #6 Financing & Trustee Fees	451-000-000-592-35-89-00	3,000
<b>Total ULID #6 Bond Redemption Fund Adjustment</b>		<b>\$ 1,870,000</b>	<b>Total ULID #6 Bond Redemption Fund Adjustment</b>		<b>\$ 108,000</b>
<b>GRAND TOTAL - REVENUE ADJUSTMENTS</b>		<b>\$ 4,457,506</b>	<b>GRAND TOTAL - EXPENDITURE ADJUSTMENTS</b>		<b>\$ 864,297</b>



**EXHIBIT C**

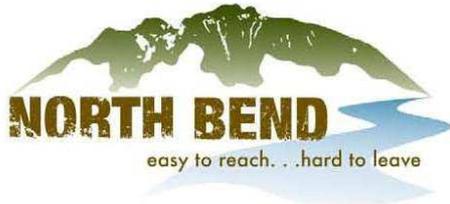
**Position**

**Monthly Salary Range**

**Management (Exempt)**  
SCADA Supervisor

<u>From</u>	<u>To</u>
6,000	8,500





## City Council Agenda Bill

<b>SUBJECT:</b>	<b>Agenda Date: November 15, 2016</b>	<b>AB16-134</b>
<b>Public Hearing Cont., Ordinance Setting the Property Tax Regular Levy for 2017</b>	Department/Committee/Individual	
	Mayor Ken Hearing	
	City Administrator – Londi Lindell	
	City Attorney - Mike Kenyon	
	City Clerk – Susie Oppedal	
	Community & Economic Development – Gina Estep	
	Finance Director – Dawn Masko	X
	Public Works Director – Mark Rigos	
Cost Impact: N/A		
Fund Source: General Fund		
Timeline: by 11/30/16		

**Attachments:** Ordinances (Option 1, Option 2, Option 3), Preliminary 2017 Property Tax Levy Limit Worksheet from King County, Public Hearing Notice

**SUMMARY STATEMENT:**

The City of North Bend is required to annually adopt next year’s Property Tax Levy Increase Ordinance on or before November 30<sup>th</sup> of the current year.

Three options for Council consideration are presented as follows:

Option No. 1 – 0% Increase (0% increase over 2016’s actual regular levy)

Levy a regular property tax equal to the 2016 levy of \$1,512,867 plus ZERO-percent (0%) [\$0], new construction [\$16,240], annexations [\$0] and re-levy for prior year refunds [\$680] for a total **2017 Regular Property Tax Levy of \$1,529,787**; or

Option No. 2 – 1% Increase (1% increase over 2016’s actual regular levy)

Levy a regular property tax equal to the 2016 levy of \$1,512,867 plus one-percent (1%) [\$15,129], new construction [\$16,240], annexations [\$0] and re-levy for prior year refunds [\$680] for a total **2017 Regular Property Tax Levy of \$1,544,916**; or

Option No. 3 – Banked Capacity (Total 2017 Allowable Levy)

Levy a regular property tax equal to the highest allowable 2016 levy (excluding banked capacity) of \$1,510,191 plus one-percent (1%) of highest allowable 2016 levy of \$1,550,265 [\$15,503], new construction [\$16,240], annexations [\$0], re-levy for prior year refunds [\$680] and the entire City’s “banked capacity” available in the Allowable Levy [\$40,074] (which is in addition to the 1% increase of \$15,503) for a total **2017 Regular Property Tax Levy of \$1,582,688**.

***The 2017 Proposed Budget assumes Option No. 1 - a regular property tax levy equal to \$1,529,787.***

A chart outlining the impact to the average home owner for all options is listed below.

<b>Impact to Average Home Owner (based on \$400,000 average home value)</b>			
	Levy Rate	Annual Amount	Monthly Amount
Current - 2016	\$1.38942	\$555.78	\$46.31
Option No. 1	\$1.28394	\$513.57	\$42.80
Option No. 2	\$1.29663	\$518.65	\$43.22
Option No. 3	\$1.32834	\$531.33	\$44.28

Under Option #1, the 2017 property tax levy equates to a decrease from the current rate of \$1.38942 per \$1,000 assessed valuation to an expected rate of \$1.28394 per \$1,000 of assessed valuation. Accordingly, an average North Bend single-family home having a value of approximately \$400,000 would be assessed approximately \$43 per month in 2017 (as opposed to \$46 per month in 2016).

## City Council Agenda Bill

However, Council has the option of increasing by the 1% statutory limit above the regular 2016 levy and/or approving the use of banked property tax levy capacity. Council may wish to consider using such banked funds [\$40,074] for a dedicated purpose (e.g. pavement overlay projects, additional public safety resources and/or downtown development projects). Additionally, Council can choose to increase the regular levy rate at a percentage amount less than the 1% statutory limit.

COMMITTEE REVIEW AND RECOMMENDATION: This item was reviewed at the November 1<sup>st</sup> Finance & Administration Committee and a Public Hearing was held at the November 1<sup>st</sup> City Council meeting.

RECOMMENDED ACTION: **MOTION to approve AB16-134, an ordinance adopting the 2017 Regular Property Tax Levy, as set forth in Option No. 1 above (0% Increase), as a first and final reading.**

***OR***

**MOTION to approve AB16-134, an ordinance adopting the 2017 Regular Property Tax Levy, as set forth in Option No. 2 above (1% Increase), as a first and final reading.**

***OR***

**MOTION to approve AB16-134, an ordinance adopting the 2017 Regular Property Tax Levy, as set forth in Option No. 3 above (1% Increase plus Banked Capacity), as a first and final reading.**

### RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
November 1, 2016	AB16-120 - Public Hearing Only	
November 15, 2016		

## ORDINANCE

### AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, AUTHORIZING 2017 PROPERTY TAX LEVIES CONSISTING OF THE CITY’S REGULAR LEVY AND A VOTER-APPROVED EXCESS LEVY FOR UNLIMITED GENERAL OBLIGATION BONDS INTEREST AND REDEMPTION

**WHEREAS**, the City Council of the City of North Bend has properly given notice of the public hearing held on November 1, 2016 to consider the City’s revenue sources for the 2017 budget, including the consideration of possible increases in property tax revenues; and

**WHEREAS**, the City of North Bend’s actual levy amount from the previous year was \$1,512,867; and

**WHEREAS**, the King County Assessor has notified the City Council of the City of North Bend that the assessed valuation of property lying within the boundaries of said City for the assessment year 2016 is \$1,191,481,050; and

**WHEREAS**, the City Council of the City of North Bend, after hearing and duly considering all relevant testimony presented, has determined that the City of North Bend should adopt a regular property tax levy in the estimated amount of \$1,529,787, which includes a 0% increase [\$0] in regular property tax revenue over the 2016 actual regular property tax levy [\$1,512,867], plus revenue resulting from the addition of new construction & improvements to property [\$16,240], plus revenue resulting from the relevy for prior year refunds [\$680], in order to discharge the expected expenses and obligations of the City; and

**WHEREAS**, voters approved an excess property tax levy for unlimited general obligation bonds, proceeds of which were used to pay for the construction of a new fire station; and

**WHEREAS**, the City is required to set and establish the property tax levy rate for voted excess levies for general obligation bond issues approved by the voters, including subsequent refunded bond issues, subject to the limitations imposed by law; and

**WHEREAS**, the City of North Bend needs a tax levied to raise revenue to provide for the interest and redemption of voter-approved unlimited general obligation bonds for the fiscal year of 2017 in the amount of \$179,100 which tax is applicable to all taxable property within the City of North Bend; and

**WHEREAS**, the below is a true and complete listing of property tax levies for the City of North Bend for tax year 2017 and they are within the maximums established by law:

Regular (Statutory) Levy	
Expense Fund	\$1,529,107
Refunds	\$680
	\$1,529,787
 Total Regular Levy	 \$1,529,787
 Excess (Voter Approved) Levy:	
G.O. Bonds Fund Levy	\$179,100
	<b>\$1,708,887</b>
 <b>Total Property Taxes Requested:</b>	 <b>\$1,708,887</b>

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:**

**Section 1. Regular Property Tax Levy.** A regular property tax is hereby levied for year 2017 in the amount of \$1,529,787, which is a zero percent (0%) increase from the 2016 actual regular property tax levy. This increase is exclusive of additional revenue resulting from the addition of new construction and improvements to property, any increase in the value of state-assessed property, and any additional amounts resulting from annexations that have occurred and refunds made.

**Section 2. Voter-Approved Excess Property Tax Levy for Unlimited General Obligation Bonds.** In addition to the above regular property tax levy for the ensuing fiscal year of 2017, a tax is hereby levied to raise revenue to provide for the interest and redemption of voter-approved unlimited general obligation bonds for the fiscal year of 2017 in the amount of \$179,100. This tax is applicable to all taxable property within the City of North Bend.

**Section 3. Severability.** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 4. Effective Date.** This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force on January 1, 2017.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 15<sup>TH</sup> DAY OF NOVEMBER, 2016.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Kenneth G. Hearing, Mayor**

\_\_\_\_\_  
**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Published:  
Effective: January 1, 2017

\_\_\_\_\_  
**Susie Oppedal, City Clerk**

## ORDINANCE

### AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, AUTHORIZING 2017 PROPERTY TAX LEVIES CONSISTING OF THE CITY’S REGULAR LEVY AND A VOTER-APPROVED EXCESS LEVY FOR UNLIMITED GENERAL OBLIGATION BONDS INTEREST AND REDEMPTION

**WHEREAS**, the City Council of the City of North Bend has properly given notice of the public hearing held on November 1, 2016 to consider the City’s revenue sources for the 2017 budget, including the consideration of possible increases in property tax revenues; and

**WHEREAS**, the City of North Bend’s actual levy amount from the previous year was \$1,512,867; and

**WHEREAS**, the King County Assessor has notified the City Council of the City of North Bend that the assessed valuation of property lying within the boundaries of said City for the assessment year 2016 is \$1,191,481,050; and

**WHEREAS**, the City Council of the City of North Bend, after hearing and duly considering all relevant testimony presented, has determined that the City of North Bend should adopt a regular property tax levy in the estimated amount of \$1,544,916, which includes a 1% increase [\$15,129] in regular property tax revenue over the 2016 actual regular property tax levy [\$1,512,867], plus revenue resulting from the addition of new construction & improvements to property [\$16,240], plus revenue resulting from the relevy for prior year refunds [\$680], in order to discharge the expected expenses and obligations of the City; and

**WHEREAS**, voters approved an excess property tax levy for unlimited general obligation bonds, proceeds of which were used to pay for the construction of a new fire station; and

**WHEREAS**, the City is required to set and establish the property tax levy rate for voted excess levies for general obligation bond issues approved by the voters, including subsequent refunded bond issues, subject to the limitations imposed by law; and

**WHEREAS**, the City of North Bend needs a tax levied to raise revenue to provide for the interest and redemption of voter-approved unlimited general obligation bonds for the fiscal year of 2017 in the amount of \$179,100 which tax is applicable to all taxable property within the City of North Bend; and

**WHEREAS**, the below is a true and complete listing of property tax levies for the City of North Bend for tax year 2017 and they are within the maximums established by law:

Regular (Statutory) Levy	
Expense Fund	\$1,544,236
Refunds	\$680
	\$1,544,916
 Total Regular Levy	 \$1,544,916
 Excess (Voter Approved) Levy:	
G.O. Bonds Fund Levy	\$179,100
	<b>\$1,724,016</b>
 <b>Total Property Taxes Requested:</b>	 <b>\$1,724,016</b>

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:**

**Section 1. Regular Property Tax Levy.** A regular property tax is hereby levied for year 2017 in the amount of \$1,544,916, which is a one percent (1%) increase from the 2016 actual regular property tax levy. This increase is exclusive of additional revenue resulting from the addition of new construction and improvements to property, any increase in the value of state-assessed property, and any additional amounts resulting from annexations that have occurred and refunds made.

**Section 2. Voter-Approved Excess Property Tax Levy for Unlimited General Obligation Bonds.** In addition to the above regular property tax levy for the ensuing fiscal year of 2017, a tax is hereby levied to raise revenue to provide for the interest and redemption of voter-approved unlimited general obligation bonds for the fiscal year of 2017 in the amount of \$179,100. This tax is applicable to all taxable property within the City of North Bend.

**Section 3. Severability.** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 4. Effective Date.** This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force on January 1, 2017.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 15<sup>TH</sup> DAY OF NOVEMBER, 2016.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Kenneth G. Hearing, Mayor**

\_\_\_\_\_  
**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Published:  
Effective: January 1, 2017

\_\_\_\_\_  
**Susie Oppedal, City Clerk**

## ORDINANCE

### AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, AUTHORIZING 2017 PROPERTY TAX LEVIES CONSISTING OF THE CITY’S REGULAR LEVY AND A VOTER-APPROVED EXCESS LEVY FOR UNLIMITED GENERAL OBLIGATION BONDS INTEREST AND REDEMPTION

**WHEREAS**, the City Council of the City of North Bend has properly given notice of the public hearing held on November 1, 2016 to consider the City’s revenue sources for the 2017 budget, including the consideration of possible increases in property tax revenues; and

**WHEREAS**, the City of North Bend’s actual levy amount from the previous year was \$1,512,867; and

**WHEREAS**, the King County Assessor has notified the City Council of the City of North Bend that the assessed valuation of property lying within the boundaries of said City for the assessment year 2016 is \$1,191,481,050; and

**WHEREAS**, the City Council of the City of North Bend, after hearing and duly considering all relevant testimony presented, has determined that the City of North Bend should adopt a regular property tax levy in the estimated amount of \$1,582,688, which includes a 1% increase [\$15,503] in regular property tax revenue over the 2016 highest allowable regular property tax levy without banked capacity [\$1,510,191], plus the entire City’s “banked capacity” available in the Allowable Levy [\$40,074] (which is in addition to the 1% of \$15,503), plus revenue resulting from the addition of new construction & improvements to property [\$16,240], plus revenue resulting from the relevy for prior year refunds [\$680], in order to discharge the expected expenses and obligations of the City; and

**WHEREAS**, voters approved an excess property tax levy for unlimited general obligation bonds, proceeds of which were used to pay for the construction of a new fire station; and

**WHEREAS**, the City is required to set and establish the property tax levy rate for voted excess levies for general obligation bond issues approved by the voters, including subsequent refunded bond issues, subject to the limitations imposed by law; and

**WHEREAS**, the City of North Bend needs a tax levied to raise revenue to provide for the interest and redemption of voter-approved unlimited general obligation bonds for the fiscal year of 2017 in the amount of \$179,100 which tax is applicable to all taxable property within the City of North Bend; and

**WHEREAS**, the below is a true and complete listing of property tax levies for the City of North Bend for tax year 2017 and they are within the maximums established by law:

Regular (Statutory) Levy	
Expense Fund	\$1,582,008
Refunds	\$680
Total Regular Levy	\$1,582,688
Excess (Voter Approved) Levy:	
G.O. Bonds Fund Levy	\$179,100
<b>Total Property Taxes Requested:</b>	<b>\$1,761,788</b>

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:**

**Section 1. Regular Property Tax Levy.** A regular property tax is hereby levied for year 2017 in the amount of \$1,582,688, which is a one percent (1%) increase from the 2016 highest allowable regular property tax levy without banked capacity. This increase is exclusive of additional revenue resulting from the addition of new construction and improvements to property, any increase in the value of state-assessed property, and any additional amounts resulting from annexations that have occurred and refunds made.

**Section 2. Voter-Approved Excess Property Tax Levy for Unlimited General Obligation Bonds.** In addition to the above regular property tax levy for the ensuing fiscal year of 2017, a tax is hereby levied to raise revenue to provide for the interest and redemption of voter-approved unlimited general obligation bonds for the fiscal year of 2017 in the amount of \$179,100. This tax is applicable to all taxable property within the City of North Bend.

**Section 3. Severability.** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 4. Effective Date.** This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force on January 1, 2017.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 15<sup>TH</sup> DAY OF NOVEMBER, 2016.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Kenneth G. Hearing, Mayor**

\_\_\_\_\_  
**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Published:  
Effective: January 1, 2017

\_\_\_\_\_  
**Susie Oppedal, City Clerk**

# PRELIMINARY LEVY LIMIT WORKSHEET – 2017 Tax Roll

**TAXING DISTRICT: City of North Bend**

*The following determination of your regular levy limit for 2017 property taxes is provided by the King County Assessor pursuant to RCW 84.55.100.*

Annexed to Library District

(Note 1)

Estimated Library rate: 0.40156

Using Limit Factor For District	Calculation of Limit Factor Levy	Using Implicit Price Deflator
1,550,265	Levy basis for calculation: (2016 Limit Factor) (Note 2)	1,550,265
<b>1.0100</b>	x Limit Factor	<b>1.0095</b>
1,565,768	= Levy	1,565,039
11,688,415	Local new construction	11,688,415
0	+ Increase in utility value (Note 3)	0
11,688,415	= Total new construction	11,688,415
1.38942	x Last year's regular levy rate	1.38942
16,240	= New construction levy	16,240
<b>1,582,008</b>	Total Limit Factor Levy	<b>1,581,279</b>
<b>Annexation Levy</b>		
0	Omitted assessment levy (Note 4)	0
1,582,008	Total Limit Factor Levy + new lid lifts	1,581,279
1,191,481,050	÷ Regular levy assessed value less annexations	1,191,481,050
1.32777	= Annexation rate (cannot exceed statutory maximum rate)	1.32715
0	x Annexation assessed value	0
<b>0</b>	= <b>Annexation Levy</b>	<b>0</b>
<b>Lid lifts, Refunds and Total</b>		
0	+ First year lid lifts	0
1,582,008	+ Limit Factor Levy	1,581,279
<b>1,582,008</b>	= Total RCW 84.55 levy	<b>1,581,279</b>
680	+ Relevy for prior year refunds (Note 5)	680
1,582,688	= Total RCW 84.55 levy + refunds	1,581,959
	Levy Correction: Year of Error _____ (+or-)	
<b>1,582,688</b>	<b>ALLOWABLE LEVY (Note 6)</b>	<b>1,581,959</b>
<b>Increase Information (Note 7)</b>		
1.32834	Levy rate based on allowable levy	1.32772
1,512,867	Last year's ACTUAL regular levy	1,512,867
52,901	Dollar increase over last year other than N/C – Annex	52,172
3.50%	Percent increase over last year other than N/C – Annex	3.45%
<b>Calculation of statutory levy</b>		
	Regular levy assessed value (Note 8)	1,191,481,050
	x Maximum statutory rate	3.19844
	= <b>Maximum statutory levy</b>	<b>3,810,881</b>
	+Omitted assessments levy	<b>0</b>
	=Maximum statutory levy	<b>3,810,881</b>
	Limit factor needed for statutory levy	Not usable

ALL YEARS SHOWN ON THIS FORM ARE THE YEARS IN WHICH THE TAX IS PAYABLE.  
Please read carefully the notes on the reverse side.

11/10/16 2:25 PM  
LevyLimitWS.doc

## Notes:

- 1) Rates for fire districts and the library district are estimated at the time this worksheet is produced. Fire district and library district rates affect the maximum allowable rate for cities annexed to them. These rates *will* change, mainly in response to the actual levy requests from the fire and library districts. Hence, affected cities may have a higher or lower allowable levy rate than is shown here when final levy rates are calculated.
- 2) This figure shows the maximum *allowable levy*, which may differ from any actual prior levy if a district has levied less than its maximum in prior years. The maximum allowable levy excludes any allowable refund levy if the maximum was based on a limit factor. The maximum allowable levy excludes omitted assessments if the maximum was determined by your district's statutory rate limit. If your district passed a limit factor ordinance in the year indicated, that limit factor would help determine the highest allowable levy. However, if the statutory rate limit was more restrictive than your stated limit factor, the statutory rate limit is controlling.
- 3) Any increase in value in state-assessed property is considered to be new construction value for purposes of calculating the respective limits. State-assessed property is property belonging to inter-county utility and transportation companies (telephone, railroad, airline companies and the like).
- 4) An omitted assessment is property value that should have been included on a prior year's roll but will be included on the tax roll for which this worksheet has been prepared. Omitted are assessed and taxed at the rate in effect for the year omitted (RCW 84.40.080-085). Omitted assessments tax is deducted from the levy maximum before calculating the levy rate for current assessments and added back in as a current year's receivable.
- 5) Administrative refunds under RCW 84.69.020 were removed from the levy lid by the 1981 legislature.
- 6) A district is entitled to the lesser of the maximum levies determined by application of the limit under RCW 84.55 and the statutory rate limit. Levies may be subject to further proration if aggregate rate limits set in Article VII of the state constitution and in RCW 84.52.043 are exceeded.
- 7) This section is provided for your information, and to assist in preparing any Increase Ordinance that may be required by RCW 84.55.120. The increase information compares the allowable levy for the next tax year with your ACTUAL levy being collected this year. The actual levy excludes any refund levy and expired temporary lid lifts, if applicable. New construction, annexation and refund levies, as well as temporary lid lifts in their initial year, are subtracted from this year's *allowable* levy before the comparison is made.
- 8) ***Assessed valuations shown are subject to change from error corrections and appeal board decisions recorded between the date of this worksheet and final levy rate determination.***

**LEGAL NOTICE  
CITY OF NORTH BEND  
King County, Washington**

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that the North Bend City Council will hold a public hearing to receive comments on setting the Property Tax Levy for 2017. The hearing will take place during the Regular City Council Meeting on Tuesday November 1, 2016, 7:00 P.M., at the Mt Si Senior Center, 411 Main Avenue South, North Bend, WA.

Comments may be submitted in writing to the City Clerk's Office at City Hall, 211 Main Avenue N. (P.O. Box 896) North Bend, WA 98045, up to the close of business, (4:30 P.M.) Monday, October 31, 2016 or verbally during the public hearing.

Further information is available by contacting Assistant City Administrator/Finance Director Dawn Masko at (425) 888-7630.

Published: October 12 and October 19, 2016  
Posted: October 12, 2016





## City Council Agenda Bill

<b>SUBJECT:</b>		<b>Agenda Date: November 15, 2016</b>		<b>AB16-135</b>		
<b>Public Hearing and Ordinance Adopting the 2017-2018 Biennial Budget &amp; 2017 Salary Schedule</b>		Department/Committee/Individual				
		Mayor Ken Hearing				
		City Administrator – Londi Lindell				
		City Attorney - Mike Kenyon				
		City Clerk – Susie Oppedal				
		Community & Economic Development – Gina Estep				
		Finance Director– Dawn Masko				X
		Public Works Director – Mark Rigos				
Cost Impact: \$						
Fund Source: All						
Timeline: Adoption 12/6/16, effective 1/1/17						
<b>Attachments:</b> Ordinance, Exhibits A-1, A-2 and B, Attachment A, Public Hearing Notice						
<p>The proposed 2017-2018 Draft Preliminary Biennial Budget was delivered to the City Council on October 3, 2016. The City Council deliberated on the Preliminary 2017-2018 Budget at a Budget Workshop on October 11, 2016. Mayor Hearing communicated highlights of the 2017-2018 Budget within his Mayor’s Message. Council comments and direction were incorporated into the 2017-2018 Preliminary Biennial Budget Ordinance. A Public Hearing is being held on November 15, 2016 to receive comments regarding the proposed budget. First reading of the budget ordinance is occurring on November 15<sup>th</sup> as well.</p> <p>The 2017-2018 Biennial Budget is consistent with Council direction and complies with state law and City financial policies. The proposed expenditures are balanced against revenue &amp; resource estimates for each of the City’s funds. The City’s 10% Reserve in the General Fund is also maintained.</p> <p>This budget includes property tax revenues without the 1% statutorily allowed increase over the 2016 levy amount. The budget will be amended as needed prior to adoption to reflect Council action taken regarding property tax levies.</p> <p>Attached is the list of Decision Cards (New Initiatives/Programs/Staff) that were included in the 2017-2018 Budget following Council discussion at the October 11, 2016 budget workshop.</p> <p>Per RCW Chapter 36.40.250 pertaining to biennial budgets, the City Council will be able to review and modify the 2018 budget revenues and expenditures as part of a mid-biennium modification that will occur in the fall of 2017. Additionally, Council will continue to review and approve quarterly budget adjustments throughout the biennium.</p> <p>When the final 2017-2018 Budget document is compiled, it will be published on the City’s Webpage, a copy will be available at the front counter at City Hall and 2 copies will be available at the North Bend Library.</p>						
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b> This item was reviewed at the City Council workshop on October 11, 2016.						
<b>RECOMMENDED ACTION: Conduct Public Hearing and move Ordinance forward for 2<sup>nd</sup> reading and adoption at the December 6, 2016 City Council meeting.</b>						
<b>RECORD OF COUNCIL ACTION</b>						
<i>Meeting Date</i>		<i>Action</i>		<i>Vote</i>		
November 15, 2016		Public Hearing and First Reading of Ordinance				



## ORDINANCE

### **AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, ADOPTING THE 2017-2018 BIENNIAL BUDGET AND SALARY SCHEDULE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, State law requires the City to adopt a budget and provides procedures for the filing of estimates, a preliminary budget, public hearings, and final fixing of the budget; and

**WHEREAS**, the City Council of the City of North Bend adopted Ordinance 1528 on May 20, 2014 establishing a biennial budget process in accordance with the provisions of RCW Chapter 35A.34; and

**WHEREAS**, the City Council has stipulated that the biennial budget will be implemented as two one-year financial plans, that actual expenditures in the first year may not exceed the first year plan appropriations, that second year plan appropriations shall only be expended in the second year, and that any appropriation changes will require City Council approval; and

**WHEREAS**, a preliminary biennial budget for the fiscal years 2017-2018 has been prepared and filed, a public hearing was held on November 15, 2016 for the purposes of fixing the final budget, and the City Council has deliberated and has made adjustments and changes deemed necessary and proper; and

**WHEREAS**, the City Council now wishes to adopt by reference, in accordance with RCW 35A.34.120, a final budget which provides for totals of estimated revenues and appropriations for each separate fund and the aggregate totals for all such funds combined; and

**WHEREAS**, the City Council also desires to adopt a Salary Schedule for 2017;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. 2017-2018 Biennial Budget Adoption.** The Biennial Budget for the City of North Bend, a copy of which is on file with the City Clerk, is hereby adopted by the City Council as the revenue and expenditure authority for the 2017-2018 biennium. Set forth in summary form in Exhibits A-1 and A-2 (2017 and 2018 Annual Budgets) are the totals of the estimated revenues and expenditures for each separate fund and the aggregate totals for all such funds combined.

**Section 2. 2017 Salary Schedule Adoption.** The City Council hereby adopts the 2017 Salary Schedule as shown in Exhibit B. 2018 Salary Schedules will be adopted as part of the Mid-Biennium Modification.

**Section 3. Submittal.** The City Clerk and/or Finance Director are directed to transmit a certified copy of this ordinance and the final 2017-2018 Biennial Budget Document to the Division of Municipal Corporations of the Office of the State Auditor and to the Association of Washington Cities.

**Section 4. Severability.** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 5. Effective Date.** This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force on January 1, 2017.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 6<sup>TH</sup> DAY OF DECEMBER, 2016.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Kenneth G. Hearing, Mayor**

\_\_\_\_\_  
**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Published:  
Effective: January 1, 2017

\_\_\_\_\_  
**Susie Oppedal, City Clerk**

**EXHIBIT A - 1****2017 ANNUAL BUDGET**

<b>Fund</b>	<b>Fund Name</b>	<b>Beginning Fund Balance</b>	<b>Revenues</b>	<b>Expenditures</b>	<b>Ending Fund Balance</b>
001	General Fund	\$ 1,032,573	\$ 7,208,705	\$ 7,516,304	\$ 724,974
101	Street Operations Fund	-	797,466	797,466	-
102	Capital Streets Fund	6,108	163,141	169,249	-
103	Streets Overlay Fund	45,354	289,910	150,000	185,264
106	Impact Fees & Mitigation Fund	1,252,781	3,068,198	1,088,655	3,232,324
107	Hotel/Motel Tax Fund	6,785	13,500	14,000	6,285
108	Economic Development Fund	-	186,735	186,735	-
116	Park Improvement Fund	39,078	14,000	-	53,078
125	Development Projects Fund	173,048	892,140	922,140	143,048
216	2011 Fire Station Bond Fund	180,368	178,975	179,100	180,243
217	2012 LTGO (TBD) Bond Fund	11,930	148,275	148,400	11,805
218	2015 LTGO Bond Fund	-	191,723	191,723	-
219	2015 LTGO (LOC) Bond Fund	-	2,426,500	2,426,500	-
310	Municipal Projects Fund	710,720	2,639,565	2,806,497	543,788
320	Capital Improvements (REET) Fund	1,074,012	520,000	655,756	938,256
401	Water Utility Fund	2,309,483	2,030,663	1,849,075	2,491,071
402	Sewer Utility Fund	1,206,670	5,075,584	4,355,817	1,926,437
404	Storm Drainage Utility Fund	384,676	737,522	798,677	323,521
404	Flood Operations Fund	585,698	172,400	163,111	594,987
405	Solid Waste & Recycling Fund	254,167	93,810	44,789	303,188
451	ULID #6 Bond Redemption Fund	4,764,177	1,078,898	1,388,000	4,455,075
452	ULID #6 Bond Reserve Fund	1,255,955	3,200	-	1,259,155
501	Equipment Operating Fund	-	318,039	318,039	-
501	Technology Operating Fund	-	186,064	186,064	-
502	Equipment Reserve Fund	434,811	227,750	6,900	655,661
502	Technology Reserve Fund	52,699	75,068	13,290	114,477
<b>GRAND TOTAL:</b>		<b>\$ 15,781,093</b>	<b>\$ 28,737,831</b>	<b>\$ 26,376,287</b>	<b>\$ 18,142,637</b>

**EXHIBIT A - 2****2018 ANNUAL BUDGET**

<b>Fund</b>	<b>Fund Name</b>	<b>Beginning Fund Balance</b>	<b>Revenues</b>	<b>Expenditures</b>	<b>Ending Fund Balance</b>
001	General Fund	\$ 724,974	\$ 7,374,815	\$ 7,690,701	\$ 409,088
101	Street Operations Fund	-	813,041	813,041	-
102	Capital Streets Fund	-	163,168	163,168	-
103	Streets Overlay Fund	185,264	280,400	150,000	315,664
106	Impact Fees & Mitigation Fund	3,232,324	7,038,108	1,434,402	8,836,030
107	Hotel/Motel Tax Fund	6,285	40,000	40,000	6,285
108	Economic Development Fund	-	162,289	162,289	-
116	Park Improvement Fund	53,078	14,500	3,779	63,799
125	Development Projects Fund	143,048	892,140	922,140	113,048
216	2011 Fire Station Bond Fund	180,243	175,975	176,100	180,118
217	2012 LTGO (TBD) Bond Fund	11,805	145,675	145,800	11,680
218	2015 LTGO Bond Fund	-	198,259	198,259	-
219	2015 LTGO (LOC) Bond Fund	-	325,500	325,500	-
310	Municipal Projects Fund	543,788	904,779	911,000	537,567
320	Capital Improvements (REET) Fund	938,256	1,038,500	136,050	1,840,706
401	Water Utility Fund	2,491,071	2,156,569	2,068,464	2,579,176
402	Sewer Utility Fund	1,926,437	3,304,250	3,094,222	2,136,465
404	Storm Drainage Utility Fund	323,521	749,847	863,404	209,964
404	Flood Operations Fund	594,987	177,670	167,348	605,309
405	Solid Waste & Recycling Fund	303,188	95,220	45,853	352,555
451	ULID #6 Bond Redemption Fund	4,455,075	903,765	1,370,400	3,988,440
452	ULID #6 Bond Reserve Fund	1,259,155	3,400	-	1,262,555
501	Equipment Operating Fund	-	321,610	321,610	-
501	Technology Operating Fund	-	183,089	183,089	-
502	Equipment Reserve Fund	655,661	227,713	-	883,374
502	Technology Reserve Fund	114,477	75,068	13,005	176,540
	<b>GRAND TOTAL:</b>	<b>\$ 18,142,637</b>	<b>\$ 27,765,350</b>	<b>\$ 21,399,624</b>	<b>\$ 24,508,363</b>

**EXHIBIT B****2017 Salary Ranges**

Position Title	Monthly Salary Range		Employees
	Entry	High	
<b>Mayor and Council</b>			
Mayor	\$ 2,000	N/A	1 Elected
Council Member	400	N/A	7 Elected
<b>Management (Exempt)</b>			
City Administrator	10,000	12,500	1
Asst. City Administrator/Finance Director	8,500	11,800	1
Public Works Director	8,500	11,800	1
Community & Economic Dev. Director	8,500	11,500	1
Deputy Public Works Director	8,500	11,250	1
City Engineer	8,000	10,500	1
Building Official	6,800	8,800	1
PW Project Manager	6,800	8,800	2
SCADA Supervisor	6,000	8,500	1
Wastewater Treatment Plant Manager	6,300	8,000	1
Deputy Finance Director	6,100	7,900	1
City Clerk	6,100	7,900	1
Events/Economic Development Coordinator	3,987	5,834	0.5
<b>Public Works Bargaining Unit</b>			
Lead Parks Technician	5,343	6,242	1
Lead Streets Technician	5,343	6,242	1
Lead Water System Operator	5,343	6,242	1
Wastewater Treatment Plant Operator II Mechanic	4,675	5,823	2
Wastewater Treatment Plant Operator I	4,540	5,601	1
Water System Operator	4,530	5,403	3
Maintenance Worker	4,530	5,356	3
Maintenance Worker - Entry	4,530	5,356	5
Maintenance (Seasonal)	3,986	4,273	0
	12.00/hr	15.00/hr	
<b>Professional, Technical, Clerical Bargaining Unit</b>			
Senior Planner	5,971	7,265	1.75
Associate Planner/2-year term	5,131	6,243	1
Staff Accountant	5,063	6,160	0
Building Inspector/2-year term	4,962	6,037	1
Mapping CAD Technician	4,882	5,940	0.2
Records Coordinator	4,860	5,913	1
Deputy Clerk	4,571	5,561	0
Payroll Officer	4,556	5,543	0
Public Works Office Coordinator	4,358	5,302	1
Office Coordinator / Permit Technician	4,358	5,302	1
Utilities Coordinator	4,344	5,285	2
Business License & Tax Coordinator	4,344	5,285	1
Accounting Assistant II	4,344	5,285	1
Accounting Assistant I	3,731	4,539	0
Administrative Assistant	3,641	4,430	0
<b>Total FTEs</b>			<b>41.45</b>

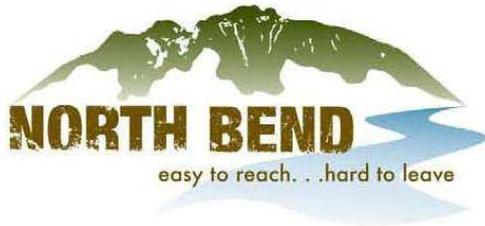
Ordinance

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**LEGAL NOTICE  
CITY OF NORTH BEND  
King County, Washington**

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that the North Bend City Council will hold a public hearing to receive comments on the 2017/2018 Preliminary Budget. The hearing will take place during the Regular City Council Meeting on Tuesday, November 15, 2016, 7:00 P.M., at the Mt Si Senior Center, 411 Main Avenue South, North Bend, WA.

Comments may be submitted in writing to the City Clerk's Office at City Hall, 211 Main Avenue N. (P.O. Box 896) North Bend, WA 98045, up to the close of business, (4:30 P.M.) Monday, November 14, 2016 or verbally during the public hearing.

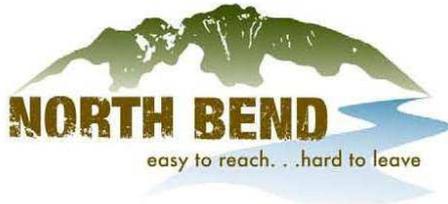
The Preliminary Budget will be available for review at City Hall, 211 Main Ave. N., and on the City's website at <http://northbendwa.gov> beginning November 2, 2016.

Further information is available by contacting City Hall at (425) 888-1211.

Published: October 19 and October 26, 2016

Posted: October 19, 2016





## City Council Agenda Bill

<b>SUBJECT:</b>		<b>Agenda Date: November 15, 2016</b>		<b>AB16-136</b>	
<b>An Ordinance Amending North Bend Municipal Code Chapter 14 Relating to Floodplain Management</b>		Department/Committee/Individual			
		Mayor Ken Hearing			
		City Administrator – Londi Lindell			
		City Attorney - Mike Kenyon			
		City Clerk – Susie Oppedal			
		Community & Economic Development – Gina Estep			
		Finance – Dawn Masko			
		Public Works Director – Mark Rigos			
		Senior Planner - Mike McCarty			
Cost Impact: N/A					
Fund Source: N/A					
Timeline: Immediate					
<b>Attachments:</b> Ordinance (redline), Planning Commission Staff Report and Recommendation					
<p><b>SUMMARY STATEMENT:</b></p> <p>When staff recently updated the floodplain management regulations in North Bend Municipal Code Chapter 14.12 to address required updates identified by the Department of Ecology as a part of the Community Assistance Visit (CAV), they also identified additional amendments that were desired for greater clarity, simplicity and usability to the regulations and to bring them into greater compliance with the criteria of FEMA’s Community Ratings System program.</p> <p>These additional amendments were not addressed with the CAV-related amendments in Ordinance 1594 due to the time constraint for completing the CAV amendments. Following the Council’s adoption of Ordinance 1594, staff has now prepared the additional amendments and brought them through the public process for Council consideration.</p> <p>The most notable amendments include providing fee exemptions for certain minor projects, clarifying that the Flood Insurance Rate Map is the sole basis for determining the locations of the floodplain and floodway in North Bend, and reducing the duration of tracking the valuation of permitted improvements from 10 years to 5 years for determining the “substantial improvements” threshold at which full compliance to the floodplain regulations is required for a building.</p> <p>The Planning Commission reviewed the amendments at their September 8, September 22 and October 13 meetings, held a public hearing on September 22, 2016, and recommended approval on October 13, 2016.</p>					
<p><b>COMMITTEE REVIEW AND RECOMMENDATION:</b> The Community and Economic Development Committee reviewed the Planning Commission’s recommendation at their October 11, 2016 meeting and recommended approval.</p>					
<p><b>RECOMMENDED ACTION:</b> <b>Motion to approve AB16-136, an ordinance amending North Bend Municipal Code Chapter 14 relating to Floodplain Management, as a first and final reading.</b></p>					
<b>RECORD OF COUNCIL ACTION</b>					
<i>Meeting Date</i>		<i>Action</i>		<i>Vote</i>	
November 15, 2016					



## ORDINANCE

**AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, RELATING TO FLOODPLAIN MANAGEMENT; AMENDING NORTH BEND MUNICIPAL CODE (NBMC) SECTIONS 14.05.090, 14.05.165, 14.05.200, AND 14.08.040 AND CHAPTER 14.12 NBMC; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, the City of North Bend (“City”) participates in the National Flood Insurance Program (NFIP) administered by the Federal Emergency Management Agency (FEMA) and has adopted North Bend Municipal Code Chapter 14.12, *Floodplain Management*, in compliance with FEMA requirements; and

**WHEREAS**, on November 15, 2015, the Washington State Department of Ecology conducted a Community Assistance Visit (CAV) at the City, a periodic activity that is required as part of participation in the NFIP, to evaluate the City’s floodplain management program; and

**WHEREAS**, the CAV identified deficiencies in the City’s floodplain management regulations, which the City must address to ensure compliance with the minimum NFIP criteria; and

**WHEREAS**, on July 19, 2016, the City Council adopted Ordinance No. 1594 to correct the deficiencies identified during the 2015 CAV; and

**WHEREAS**, in the process of preparing and adopting Ordinance 1594, City staff identified certain provisions of the City’s floodplain management regulations that warranted additional revision (“Additional Amendments”), but were unable to address the Additional Amendments given the time constraint imposed under the CAV for complying with the NFIP criteria; and

**WHEREAS**, the Additional Amendments, which include revisions to NBMC 14.12 (Floodplain Management), and minor associated amendments to NBMC 14.05 (Critical Areas Administration, General Provisions and Definitions) and 14.08 (Streams), are intended to standardize, clarify and simplify the requirements of the floodplain management regulations, harmonize definitions, and streamline the administration and enforcement by staff of these provisions; and

**WHEREAS**, the draft amendments were forwarded to Commerce Growth Management Services on August 25, 2016, in accordance with RCW 36.70A.106; and

**WHEREAS**, a State Environmental Policy Act Determination of Non-Significance (SEPA DNS) was issued on the draft amendments on September 7, 2016, and no comments were received on the SEPA DNS; and

**WHEREAS**, the Planning Commission reviewed the draft amendments at its September 8, September 22 and October 13, 2016 meetings and recommended approval of the draft amendments on October 13, 2016; and

**WHEREAS**, the Planning Commission held a public hearing on the draft amendments at its September 22, 2016 meeting and received no comment on the amendments; and

**WHEREAS**, the City Council finds that the draft amendments address and are consistent with the requirements of Chapter 36.70A RCW, the Growth Management Act; and

**WHEREAS**, the City Council finds that the City followed the procedural requirements of Chapter 20.08 NBMC to notify and advertise amendments of the Code to the public and interested agencies, and finds that both the Planning Commission and the City Council considered all written and verbal comments received during their respective public participation processes;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. NBMC 14.05.090 (Nonconforming uses and structures), Amended:** North Bend Municipal Code Section 14.05.090 (Nonconforming uses and structures) is hereby amended to read as follows:

A. Purpose. This section establishes the terms and conditions for continuing nonconforming uses, structures and lots near or in critical areas, which are lawfully established prior to the effective date of the ordinance codified in this title. For those areas outside critical area regulation, Chapter 18.30 NBMC applies.

B. Establishing Status.

1. A legally established nonconforming lot, use, or structure may be continued, transferred or conveyed and/or used as if conforming.

2. The burden of establishing that any nonconforming lot, use, or structure lawfully existed as of the effective date of the ordinance codified in this chapter shall, in all cases, rest with the owner and not with the city.

3. A nonconforming lot, use, or structure may be deemed legally nonconforming by providing documentation that the use in question occurred prior to the CAO in 1993 or was permitted under the CAO regulations from 1993 to 2005, from one of the following:

a. Local agency permit;

b. Orthophoto, aerial photo or planimetric mapping recognized as legitimate by the agency; or

c. Tax record.

C. Maintenance and Repair of Nonconforming Structures. Normal maintenance and incidental repair of legal nonconforming structures shall be permitted; provided, that:

1. The maintenance shall not increase the degree of nonconformity; and

2. The cumulative cost of such maintenance or repair within any 180-day period shall not exceed 50 percent of the assessed valuation of such building, structure, or land (as applicable) at the time such maintenance is completed.

D. Reconstruction or Replacement. Reconstruction, restoration, remodeling or repair ~~(and remodeling)~~ of a legal nonconforming structure damaged by fire, flood, earthquake, falling trees or limbs, or other disasters, shall be permitted except where prohibited or conditioned in NBMC ~~14.12.170, Substantial Improvement and 14.12.180 Additions~~ 14.12.020, Performance standards Flood hazard areas; provided, that such reconstruction shall not result in the expansion of the nonconforming structure into or towards the critical area or its buffer, or in a manner that increases the potential impact to the critical area or risk of harm to public safety. Legal nonconforming status will be lost if a building permit is not secured within one year of the date damage is incurred. See applicable critical area performance standards, such as NBMC ~~14.12.200~~ 14.12.020 for structures in a floodway.

E. Expansion of Nonconforming Use or Structure. Within a critical area or its buffer, no legal nonconforming use or structure may be expanded, enlarged, extended, or intensified in any way (including extension of hours of operation) unless such modification is in full compliance with this title or the terms and conditions of approved permits pursuant to this title, or is allowed as provided below, or is considered an exception as provided in NBMC 14.05.085. Approved expansions must be consistent with standards of the zoning code in which such building, structure, or land use lies and with limitations set forth in NBMC ~~14.12.020~~ 14.12.170 and 14.12.180. In no case shall any prohibited uses as designated under NBMC 18.10.030 be permitted to enlarge or expand. The following legal nonconforming expansions or uses are allowed:

1. Vegetation management, including landscaping or gardening revisions on lawfully established and maintained portions of a critical area or its buffer.

2. Fences, decks, and accessory structures that are exempt from a building permit can be established or expanded on lawfully established and maintained portions of a critical area or its buffer without demonstrating full compliance with this title.

3. Building modification or additions that are not considered substantial improvements.

4. Single-family residential building permits are exempt from the requirements of the critical area regulations when the development proposal involves any of the above activities and:

a. Structural modifications to or replacement of an existing single-family residential structure with a new residential structure where construction and associated disturbance does not increase the footprint of any existing structure; and

b. The structure is not located closer to the critical area; and

c. The existing impervious surface within the critical area or buffer is not expanded.

F. Discontinuance of Nonconforming Use or Structure. All legal nonconforming uses shall be encouraged to convert to a conforming use whenever possible. Conformance shall be required when:

1. A change of use is proposed;

2. The use is terminated or discontinued for more than one year, or the structure(s) that houses the use is vacated for more than one year; or

3. The structure(s) or activity that occur on the land in which the use is conducted is proposed for relocation.

**Section 2. NBMC 14.05.165 (Mitigation Plans), Amended:** North Bend Municipal Code Section 14.05.165 (Mitigation plans) is hereby amended to read as follows:

A. Mitigation or alterations to critical areas shall achieve equivalent or greater biological functions and shall include mitigation for adverse impacts upstream and downstream of the development proposal site. Mitigation sites for wetlands, streams, and fish and wildlife habitat conservation areas shall be located to achieve contiguous habitat corridors in accordance with a mitigation plan that is part of an approved critical area report to minimize the isolating effects of development on habitat areas. Mitigation of aquatic habitat shall be located within the same aquatic ecosystem as the area disturbed. Mitigation for floodplain impacts shall be located in the same drainage sub-basin as the area disturbed. Mitigation shall address each function affected by the alteration to achieve functional equivalency or improvement on a per function basis.

B. The scope and content of a mitigation plan shall be decided on a case-by-case basis; as the impacts to the critical area increase, the mitigation measures to offset

these impacts will increase in number and complexity. The city of North Bend shall determine during the review of the requested studies which of the components listed in subsection C of this section shall be required as part of the mitigation plan. Key factors in this determination shall be the size and nature of the development proposal, the nature of the impacted critical areas, and the degree of cumulative impacts on the critical area from other development proposals.

C. At a minimum, the following components shall be included in a complete mitigation plan:

1. Baseline Information. Provide existing conditions information for both the impacted critical areas and the proposed mitigation site as described in NBMC [14.05.145\(C\)](#), ~~General Critical Area Report Requirements~~, and provide additional report requirements for each critical area ~~(as required by NBMC [14.06.060](#), [14.09.090](#), [14.11.090](#) and [14.12.22023014.12.060](#))~~.

2. Environmental Goals and Objectives. The mitigation plan shall include a written report identifying environmental goals and objectives of the compensation proposed and including:

a. A description of the anticipated impacts to the critical areas, the mitigating actions proposed, and the purposes of the compensation measures, including the site selection criteria, identification of compensation goals, identification of resource functions, and dates for beginning and completing site compensation construction activities. The goals and objectives shall be related to the functions and values of the impacted critical area; and

b. A review of the best available science supporting the proposed mitigation.

3. Performance Standards. The mitigation plan shall include measurable specific criteria for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained and whether or not the requirements of this title have been met. They may include water quality standards, species richness and diversity targets, habitat diversity indices, or other ecological, geological, or hydrological criteria.

4. Detailed Construction Plan. These are the written specifications and descriptions of mitigation technique. This plan should include the proposed construction sequencing, grading and excavation details, erosion and sedimentation control features, a native planting plan, detailed site diagrams, and any other drawings appropriate to show construction techniques or anticipated final outcome.

5. Monitoring and/or Evaluation Program. The mitigation plan shall include a program for monitoring construction of the compensation project and for assessing a completed project, as detailed under NBMC [14.05.170](#).

6. Contingency Plan. This section identifies potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates projected performance standards have not been met.

**Section 3. NBMC 14.05.200 (Definitions), Amended:** North Bend Municipal Code Section 14.05.200 (Definitions) is hereby amended to read as follows:

**A. "A" Definitions.**

**1.** "Active fault" means a fault that is considered likely to undergo renewed movement within a period of concern to humans. Faults are commonly considered to be active if the fault has moved one or more times in the last 10,000 years.

**2.** "Additions" means an extension or increase in floor area or height of a building or structure. ~~improvements to an existing building or structure, the cost of which does not exceed 50 percent of the assessed value of the total structure or result in an increase greater than 25 percent of the building footprint (up to a maximum of 500 square feet) before the addition is started. Additions must share a common wall (one full side) with the original structure.~~

**3.** "Adjacent" means immediately adjoining (in contact with the boundary of the influence area) or within a distance less than that needed to separate activities from critical areas to ensure protection of the functions and values of the critical areas. Adjacent shall mean any activity or development located:

**a.1.** On-site immediately adjoining a critical area; or

**b.2.** A distance equal to or less than the required critical area buffer width and building setback.

**4.** "Alteration" means any human-induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to: grading, filling, dredging, channelizing, clearing (vegetation), applying pesticides, discharging waste, construction, compaction, excavation, modifying for stormwater management, relocating, or other activities that change the existing landform, vegetation, hydrology, wildlife, or habitat value, of critical areas.

**5.** "Anadromous fish" means fish that spawn in fresh water and mature in the marine environment.

**6.** "Appeal" means a request for a review of the city director's interpretation of any provision of the critical area regulations or a request for a variance.

7. “Applicant” means a person who files an application for a permit under this chapter and who is either the owner of the land on which that proposed activity would be located, a contract purchaser, or the authorized agent of such a person.

8. “Aquifer recharge area” means an area that, due to the presence of certain soils, geology, and surface water, acts to recharge ground water by percolation.

9. “Area of shallow flooding” means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

10. “Area of special flood hazard” means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

11. “Assessed value” means assessed valuation shall be as established by the King County assessor’s office, unless otherwise provided by a market appraisal institute (MAI) appraisal.

**B. “B” Definitions.**

1. “Base flood” means a flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year flood.” Designated on flood insurance rate maps with the letters A or V.

2. “Base flood elevation” means the water surface elevation of the base flood. It shall be referenced to the North American Vertical Datum of 1988 (NAVD).

3. “Basement” means any area of a building having its floor subgrade (below ground level) on all sides.

4. “Best available science” means current scientific information used in the process to designate, protect, or restore critical areas that is derived from a valid scientific process as defined by WAC 365-195-900 through 365-195-925.

5. “Best management practices” means conservation practices or systems of practice and management measures that:

a. ~~1.~~ Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment;

b. ~~2.~~ Minimize adverse impacts to surface water and ground water flow, circulation patterns, and the chemical, physical, and biological characteristics of wetlands;

c. ~~3.~~ Protect trees and vegetation designated to be retained during and following site construction; and

d. ~~4.~~ Provides standards for proper use of chemical herbicides within critical areas.

6. “Buffer” means the zone contiguous with a critical area that is required for the continued maintenance, function, and structural stability of the critical area.

7. “Building setback line (BSBL)” means a line beyond which the foundation of a structure shall not extend.

C. “C” Definitions.

1. “Channel migration zone (CMZ)” means the lateral extent of likely movement along a stream or river during the next 100 years as determined by evidence of active stream channel migration movement over the past 100 years.

2. “City” means the city of North Bend.

3. “Clearing” means the cutting, killing, grubbing, or removing of vegetation or other organic material by physical, mechanical, chemical, or any other similar means.

4. “Compensation project” means actions specifically designed to replace project-induced critical area and buffer losses. Compensation project design elements may include, but are not limited to, land acquisition, planning, construction plans, monitoring, and contingency actions.

5. “Compensatory mitigation” means types of mitigation used to replace project-induced critical area and buffer losses or impacts.

6. “Concentrated animal feeding operation (CAFO)” means the Department of Ecology regulates and permits CAFO’s areas where animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period. The CAFO permit does not automatically kick in until a facility has a certain number of nonaquatic animals (i.e., 1,000 cattle or 700 dairy cows). Smaller facilities may also be regulated if they are discharging to a waterbody.

7. “Critical aquifer recharge area (CARA)” means areas designated by WAC 365-190-080(2) that are determined to have critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2).

8. “Critical areas” means any of the following areas or ecosystems: wetlands, critical aquifer recharge areas, streams, fish and wildlife habitat conservation

areas, frequently flooded areas, and geologically hazardous areas as defined by the Growth Management Act (RCW 36.70A.170).

9. “Critical facility” means a facility for which even a slight chance of flooding, inundation, or impact from a hazard event might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency installations, and installations that produce, use, or store hazardous materials or hazardous waste.

D. “D” Definitions.

1. “Designated floodway” means the regulatory floodway that has been delineated on the city’s flood insurance rate map (FIRM).

2. “Developable area” means a site or portion of a site that may be utilized as the location of development, in accordance with the rules of this chapter.

3. “Development” means any man-made ~~alteration of~~ change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storage of equipment and materials and subdivision of land. For properties within the floodplain, development also includes the removal of more than five percent of the native vegetation on the property, or alteration of natural site characteristics.

4. “Development permit” means any permit issued by the city of North Bend, or other authorized agency, for construction, land use, or the alteration of land.

5. “Director” refers to the community services director for the city of North Bend.

E. “E” Definitions.

1. “Elevation Certificate” means the official form (FEMA Form 81-31) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine proper insurance premium rate.

2. “Erosion” means the process by which soil particles are mobilized and transported by natural agents such as wind, rain, frost action, or stream flow.

3. “Erosion hazard area” means those areas that, because of natural characteristics including vegetative cover, soil texture, slope gradient, and rainfall patterns, or human-induced changes to such characteristics, are vulnerable to erosion.

F. “F” Definitions.

1. “FEMA – Federal Emergency Management Agency” means the agency that oversees the administration of the National Flood Insurance Program (44 CFR).

2. “Fish and wildlife habitat conservation areas” means areas necessary for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-080(5). These areas include:

1a. Areas with which state or federally designated endangered, threatened, and critical species have a primary association;

2b. Habitats of local importance, including, but not limited to, areas designated as priority habitat by the Department of Fish and Wildlife;

3c. Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish and wildlife habitat;

4d. Waters of the state, including lakes, rivers, ponds, streams (and their associated wetlands), inland waters, underground waters, salt waters and all other surface water and watercourses within the jurisdiction of the state of Washington;

5e. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;

6f. State natural area preserves and natural resource conservation areas; and

7g. Land essential for preserving connections between habitat blocks and open spaces.

3. “Flood” or “flooding” mean a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff or surface waters from any source.

4. “Flood hazard area” means any area subject to inundation by the base flood or risk from channel migration including, but not limited to, an aquatic area, wetland, or closed depression.

5. “Flood insurance rate map (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community (44 CFR Part 59).

6. “Flood insurance study (FIS)” means the official report provided by the Federal Insurance Administration that includes the flood profiles, the FIRM, and the water surface elevation of the base flood (44 CFR Part 59).

7. “Flood protection elevation” means the elevation that which structures and uses regulated by Chapter 14.12 NBMC—14.12 are required to be elevated or floodproofed, an elevation that is one foot or more above the base flood elevation.

8. “Floodplain” means any land area susceptible to being inundated by floodwaters from any source.

9. “Floodproofing” means adaptations that ensure a structure is substantially resistant to the passage of water below the flood protection elevation and resists hydrostatic and hydrodynamic loads and effects of buoyancy.

10. “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

11. “Floodway Dependent Structure”- means Sstructures that are floodway dependent includinge, but are not limited to, dams, levees and pump stations, stream bank stabilization, boat launches and related recreational structures, bridge piers and abutments, and fisheries enhancement or stream restoration projects.

12. “Formation” means an assemblage of earth materials grouped together into a unit that is convenient for description or mapping.

13. “Formation, confining” means the relatively impermeable formation immediately overlaying a confined aquifer.

14. “Frequently flooded areas” means lands in the floodplain subject to a one percent or greater chance of flooding in any given year and those lands that provide important flood storage, conveyance, and attenuation functions, as determined by the director, in accordance with WAC 365-190-080(3). Classifications of frequently flooded areas include, at a minimum, the 100-year floodplain designations of the Federal Emergency Management Agency (FEMA) and National Flood Insurance ProgramProtection (NFIP).

15. “Functions” and “values” mean the beneficial roles served by critical areas, including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, ground water recharge and discharge, erosion control, and recreation. “Functions” and “values” may be considered independently, with functions being measured indicators such as water quality, hydrologic functions, and habitat functions and values being nonmeasured indicators such as local importance, potential qualities, or recreational benefits.

G. "G" Definitions.

1. "Geologically hazardous areas" means areas that may not be suited to development consistent with public health, safety or environmental standards, because of their susceptibility to erosion, sliding, earthquake, or other geological events as designated by WAC 365-190-080(4). Types of geologically hazardous areas include erosion, landslide, seismic, volcanic hazards, and mine.

2. "Grading" means any excavation, clearing, filling, leveling, or contouring of the ground surface by human or mechanical means.

H. "H" Definitions.

1. "Hazard areas" means areas designated as frequently flooded or geologically hazardous areas due to potential for erosion, landslide, seismic activity, mine collapse, or other geologically hazardous conditions, including steep slopes.

2. "Hazardous substance(s)" means:

1a. A hazardous substance as defined by Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); any substance designated pursuant to Section 311(b)(2)(A) of the Clean Water Act (CWA); any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress); any toxic pollutant listed under Section 307(a) of the CWA; or any imminently hazardous chemical substance or mixture with respect to which the United States Environmental Protection Agency has taken action pursuant to Section 7 of the Toxic Substances Control Act;

b2. Hazardous substances that include any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical, or biological properties described in WAC 173-303-090, 173-303-102, or 173-303-103.

3. "High-intensity land use" means land uses consisting of commercial, urban, industrial, institutional, retail, residential with more than one unit per acre, agricultural (dairies, nurseries, raising and harvesting crops, requiring annual tilling, raising and maintaining animals), high-intensity recreation (golf courses, ball fields), and hobby farms.

4. "Heavy equipment" means such construction machinery as backhoes, treaded tractors, dump trucks, and front-end loaders.

5. “Hydraulic project approval (HPA)” means a permit issued by the state of Washington’s Department of Fish and Wildlife for modification to waters of the state in accordance with Chapter 75.20 RCW.

I. “I” Definitions.

1. “Impervious surface area” means any nonvertical surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil mantle including, but not limited to, roof tops, swimming pools, paved or graveled roads and walkways or parking areas, and excluding landscaping and surface water retention/detention facilities.

2. “Isolated wetland” means those wetlands and their buffers that are outside of the following critical areas and their buffers, where applicable: 100-year floodplain, lake, river, stream, or wetland. Isolated wetlands have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.

J. “J” Definitions.

Reserved.

K. “K” Definitions.

Reserved.

L. “L” Definitions.

1. “Lake” means an area permanently inundated by water in excess of two meters deep and greater than 20 acres in size measured at the ordinary high water mark.

2. “Landslide” means episodic down slope movement of a mass of soil or rock that includes, but is not limited to, rock falls, slumps, mudflows, and earth flows.

3. “Landslide hazard areas” means areas that are potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

4. “Low-intensity land use” includes, but is not limited to, forestry and open space (such as passive recreation and natural resources preservation).

5. “Lowest floor” means the lowest floor of the lowest enclosed area (including basement) of a structure. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that

such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of these critical areas regulations found in NBMC [14.12.120](#) (~~[14.12.030](#) and [14.12.040](#)~~) (i.e., provided there are adequate flood ventilation openings).

M. “M” Definitions.

1. “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

2. “Mobile home park, “manufactured housing community, or “manufactured/mobile home community Manufactured home park or subdivision” means ~~a parcel (or contiguous parcels) of land divided into two or more parcels intended for the sale or rent of manufactured homes. A manufactured home park or subdivision shall include the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~any real property which is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes, or park models for the primary purpose of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

3. “Minor utility project” means the placement of a utility pole, street sign, anchor, vault, or other small component of a utility facility, where the disturbance of an area is less than 75 square feet.

4. “Mitigation” means the process of minimizing or compensating for adverse environmental impact(s) of a proposal on a critical area.

5. “Mobile home” means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. A mobile home is also included within the definition of manufactured homes, however, the standards relating to mobile homes shall take precedence over the standards relating to manufactured homes where such standards are more stringent.

6. “Moderate-intensity land use” includes, but is not limited to, residential at a density of up to one dwelling unit per acre ~~or less~~, moderate intensity open space (parks), agriculture (moderate intensity land uses such as orchards and hay fields).

7. “Monitoring” means the collection of data by various methods for the purpose of understanding natural systems and features, evaluating the impact of

development proposals on such systems, and/or assessing the performance of mitigation measures imposed as conditions of development.

N. "N" Definitions.

1. "Native growth protection easement (NGPE)" means an easement granted to the city of North Bend for the protection of native vegetation within a critical area or its associated buffer.

2. "Native vegetation" means plant species that are indigenous to the region.

3. "New construction" means structures for which the start of construction commenced on or after the effective date of the ordinance codified in this chapter.

O. "O" Definitions.

1. "Ordinary high water mark" means, on all lakes, streams, and tidal waters, the biological vegetation mark that indicates the "ordinary" high water level (WAC 173-22-030(11)).

P. "P" Definitions.

1. "Practical alternative" means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impact to critical areas.

2. "Priority habitat" means habitat types or elements with unique or significant value to one or more species as classified by the State Department of Fish and Wildlife.

3. "Public agency" means every city, county, state, or federal office, every officer, every institution, whether educational, correctional, or other, and every department, division, board, and commission that provides services or recommendations to the public or other such agencies.

4. "Public utility" means a public service corporation performing some public service subject to special governmental regulations, or a governmental agency performing similar public services, either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, gas, and transportation for persons and freight.

Q. "Q" Definitions.

1. "Qualified professional" means a person with experience and training in the pertinent scientific discipline, and who is a qualified expert with expertise

appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental sciences, fisheries, geomorphology, or related field, and two years of related work experience.

4a. A qualified professional for habitats or wetlands must have a degree in wildlife or wetland biology or a related environmental science and professional experience in Washington State related to the subject.

b2. A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington.

c3. A qualified professional for critical aquifer recharge areas must be a hydrologist, geologist, engineer, or other scientist with experience in preparing hydrological assessments, with recent experience in Washington State.

d4. A qualified professional with flood and CMZ expertise must be a hydrologist.

R. "R" Definitions.

1. "Reasonable use" means a legal concept articulated by federal and state courts in regulatory taking cases.

2. "Recreational vehicle" means a vehicle that is built on a single chassis; and 400 square feet or less when measured at the largest horizontal projection; and designed to be self-propelled or permanently towable by an automobile or light duty truck; and designed primarily for use as temporary living quarters for recreational, camping, travel, or seasonal use, not as a permanent dwelling.

3. "Riparian habitat" means areas adjacent to aquatic systems with flowing water that contains elements of both aquatic and terrestrial ecosystems that mutually influence each other.

S. "S" Definitions.

1. "Salmonid" means a member of the fish family Salmonidae. In King County, chinook, coho, chum, sockeye, and pink salmon; cutthroat, brook, brown, rainbow, and steelhead trout; kokanee; and native char (bull trout and Dolly Varden).

2. "Section 404 Permit" means a permit issued by the Army Corp of Engineers for the placement of dredge or fill material waterward of the ordinary high water mark or clearing in waters of the United States, including wetlands, in accordance with 33 United States Code (USC) Section 1344.

3. “Seismic hazard areas” means areas that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.

~~“Critical areas” means any of the following areas or ecosystems: wetlands, critical aquifer recharge areas, streams, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas as defined by the Growth Management Act (RCW 36.70A.170).~~

4. “Special flood hazard area (SFHA)” means an area subject to a base or 100-year flood; areas of special flood hazard are shown on [the a flood hazard boundary map](#) or flood insurance rate maps as Zone A, AO, [A1-30](#), AE, [A99](#), AH.

5. “Species and habitats of local importance” means those species that may not be endangered, threatened, or critical from a state-wide perspective, but are of local concern due to their population status, sensitivity to habitat manipulation, or other educational, cultural, or historic attributes. These species may be priority habits, priority species, and those habitats and species identified in the critical areas code as having local importance (e.g., elk).

6. “Species, threatened and endangered” means those native species that are listed by the State Department of Fish and Wildlife pursuant to RCW 77.12.070 as threatened (WAC 232-12-011) or endangered (WAC 232-12-014), or that are listed as threatened or endangered under the federal Endangered Species Act (16 U.S.C. 1533).

7. “Start of construction” means and includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit issuance date. For cumulative tracking, the permit may extend beyond the specified time frame to the time of permit completion. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

8. “Steep slopes” means those slopes (excluding city-approved geotechnical engineered slopes) 40 percent or steeper within a vertical elevation change of at

least 10 feet. A slope is defined by establishing its toe and top and is measured by averaging the inclination over at least 10 feet of vertical relief.

9. “Structure” means a walled and roofed building including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

10. “Stream” means any portion of a watercourse, either perennial or intermittent, where the surface water flow is sufficient to produce a defined channel or bed. Streams also include natural watercourses modified by humans. Streams do not include irrigation ditches, canals, stormwater run-off facilities, or other entirely artificial watercourses.

11. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the ~~assessed-market~~ value of the structure before the damage occurred.

12. “Substantial improvement” means any repair, reconstruction, rehabilitation, ~~remodel~~, addition, or improvement of a building or structure, the cost of which exceeds 50 percent of the ~~assessed-market~~ value of the structure before the improvement or repair is started. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term ~~can~~ excludes: 1-

a. Any project for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary, or safety code specification that have been previously identified by the local code enforcement or building official and are the minimum necessary to assure safe living conditions; and

b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places; provided that the alteration will not preclude the structure’s continued designation of a historic structure.

~~Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement or building official and are the minimum necessary to assure safe living conditions; or~~

~~2. Any alteration of a historic structure; provided, that the alteration will not preclude the structure’s continued designation as a historic structure.~~

T. “T” Definitions.

1. “Topping” means the severing of main trunks or stems of vegetation at any place above 25 percent of the vegetation height.

2. “Trees” mean any living woody plant characterized by one main stem or trunk and many branches and having a diameter of four inches or more measured 24 inches above ground level.

U. “U” Definitions.

1. “Unavoidable” means adverse impacts that remain after all appropriate and practicable avoidance and minimization have been achieved.

2. “Understory” means the vegetation layer of a forest that includes shrubs, herbs, grasses, and grass-like plants, and tree saplings having a diameter of four inches or less measured 24 inches above ground level, but excludes trees as defined in this section.

3. “Utility” means a service and/or facility that produces, transmits, carries, stores, processes, or disposes of electrical power, gas, potable water, stormwater, communications (including, but not limited to, telephone and cable), sewage, oil, and the like.

V. “V” Definitions.

1. “Variance” means a grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by this chapter.

2. “Vegetation” means plant life growing below, at, and above the soil surface.

3. “Vegetation alteration” means any clearing, grading, cutting, topping, limbing, or pruning of vegetation.

W. “W” Definitions.

1. “Water dependent activities” means a use or portion of a use that cannot exist in a location that is not adjacent to the water, but is dependent on the water by reason of the intrinsic nature of its operations. A use that can be carried out only on, in, or adjacent to water. Examples of water dependent uses include fishing, marinas, moorage, and boat launching facilities; aquaculture; surface water intake; and sanitary sewer and storm drain outfalls.

2. “Water resources inventory area (WRIA)” means one of 62 watersheds in the state of Washington, each composed of the drainage areas of a stream or streams, as established in Chapter 173-500 WAC as it existed on January 1, 1997.

3. “Water typing system” means the system used to classify freshwater surface water systems. Current regulations establish “interim” water typing (1

through 5) until fish habitat water type maps are available for permanent water typing (S, F, Np, Ns) (WAC 222-16-031).

4. “Wetland” means as defined by Chapter 36.70 RCW or as hereafter amended, those areas that are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

1a. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.

2b. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate conversion of wetlands.

5. Wetlands Rating System. Wetlands shall be rated according to the Washington State Wetland Rating System for Western Washington, Department of Ecology, Publication No. 04-06-025, or as revised.

X. “X” Definitions.

Reserved.

Y. “Y” Definitions.

Reserved.

Z. “Z” Definitions.

Reserved.

**Section 4. NBMC 14.08.040 (Development provisions), Amended:** North Bend Municipal Code Section 14.08.040 (Development provisions) is hereby amended to read as follows:

A. Applicability – No degradation. The requirements provided in this section supplement those identified in Chapter 14.05 NBMC. Activities may only be permitted in a stream or stream buffer if the applicant can show that the proposed activity will not degrade the functions and values of the stream, stream buffer, or other critical area.

~~AB. Inner Buffer Development Provisions – Type S and F Streams. Except as provided in this subsection (B), all activities and uses shall be prohibited in inner buffers of Type S and F streams. except as provided for in Chapter 14.05 NBMC, Critical Areas Administration, General Provisions and Definitions, and those within the range of the allowable activities and uses are listed below:~~

1. Stream Crossings. Stream crossings shall be minimized, but when necessary they shall conform to the following standards as well as other applicable laws (see the State Department of Fish and Wildlife, or the State Department of Ecology).

a. The stream crossing is the only reasonable alternative that has the least impact;

b. It has been shown in the critical area report that the proposed crossing will not decrease the stream and associated buffer functions and values;

c. The stream crossing shall use bridges instead of pipe or box culverts unless it can be demonstrated that a pipe or box culvert would result in equal or less ecological impacts;

d. All stream crossings using pipe culverts shall use super span or oversized culverts with appropriate fish enhancement measures. Culverts shall not obstruct fish passage;

e. Stream crossings shall be designed according to the Washington Department of Fish and Wildlife Fish Passage Design at Road Culverts, 1999, and the National Marine Fisheries Service Guidelines for Salmonid Passage at Stream Crossings, 2000;

f. All stream crossings shall be constructed during the summer low flow period between June 15th and September 15th or as specified by the State Department of Fish and Wildlife in the Hydraulic Project Approval;

g. Stream crossings shall not occur through salmonid spawning areas unless no other feasible crossing site exists;

h. Bridge piers or abutments shall not be placed in either the floodway or between the ordinary high water marks unless no other feasible alternative placement exists;

i. The natural drainage pattern and discharges of the upstream drainage basin, up to the runoff event having an exceedance probability of 0.01, shall not be altered or diminished by a stream crossing;

j. Stream crossings shall minimize interruption of downstream movement of wood and gravel;

k. Stream crossings shall be designed to facilitate routine maintenance of culverts and bridges; and

1. Stream crossings shall be minimized by serving multiple properties when-ever possible.

2. Trails. The criteria for alignment, construction, and maintenance of trails within wetlands and their buffers shall apply to trails within stream buffers. Fishing platforms or docks shall be included in the list of permitted trail improvements for streams, subject to shoreline regulations.

3. Utilities. The criteria for alignment, construction, and maintenance within the wetland buffers shall apply to utility corridors within stream buffers. In addition, corridors shall not be aligned parallel with any stream channel unless the corridor is outside the buffer, and crossings shall be minimized. Installation shall be accomplished by boring beneath the scour depth and hyporheic zone of the water body where feasible. Crossings shall be contained within the existing footprint of an existing or new road or utility crossing where possible. Otherwise, crossings shall be at an angle greater than 60 degrees to the centerline of the channel. The criteria for stream crossing shall also apply.

4. Stormwater conveyance facilities; provided, that they are only located in the buffer when no practicable alternative exists outside the buffer. Stormwater facilities shall be planted with native plantings where feasible to provide habitat, and/or less intrusive facilities should be used.

5. Floodway-Dependent Structures. Floodway-dependent structures or installations may be permitted within streams or their buffers if allowed or approved by other ordinances or other agencies with jurisdiction. See [NBMC Chapter 14.12 NBMC-030](#) for more information on allowed uses and activities within flood hazard areas.

6. Septic Systems. New septic systems are prohibited in the inner stream buffers.

7. Stream bank stabilization shall only be allowed when it is shown, through a stream bank stability assessment conducted by a qualified fluvial geomorphologist or hydraulic engineer, that such stabilization is required for public safety reasons, that no other less intrusive actions are possible, and that the stabilization will not degrade instream or downstream channel stability. Stream bank stabilization shall utilize bioengineering or soft armoring techniques unless otherwise demonstrated. Stream bank stabilization shall conform to the Integrated Streambank Protection Guidelines developed by the Washington State Department of Fish and Wildlife, 2002, or as revised. Stabilization measures must demonstrate the following:

a. Natural shoreline processes will be maintained. The project will not result in increased erosion or alterations to, or loss of, shoreline substrate within one-quarter mile of the project area;

b. The stabilization measures will not degrade fish or wildlife habitat conservation areas or associated wetlands; and

c. Adequate mitigation measures ensure that there is no net loss of the functions or values of riparian habitat.

8. Maintenance, repair, or replacement of lawfully established existing bank stabilization is allowed, provided it does not increase the height or linear amount of bank and does not expand waterward or into aquatic habitat landward.

9. Activities and uses allowed under Chapter 14.05 NBMC.

**Section 5. NBMC 14.12 (Floodplain Management), Amended:** North Bend Municipal Code Chapter 14.12 (Floodplain Management) is hereby amended to read as follows:

**Chapter 14.12  
FLOODPLAIN MANAGEMENT<sup>1</sup>**

Sections:

14.12.010

Applicability.

14.12.020

Severability.

14.12.030

Floodplain Development permit.

14.12.040

Review of building permits.

14.12.050

Information to be obtained and maintained.

14.12.060

Alteration of watercourses.

- 14.12.070 Performance standards – Flood hazard areas.
- 14.12.080 Construction materials and methods.
- 14.12.090 Utilities.
- 14.12.100 Subdivision and development proposals.
- 14.12.110 Residential construction.
- 14.12.120 Accessory ~~structures~~buildings and accessory dwelling units.
- 14.12.130 Nonresidential construction.
- 14.12.140 Mobile/manufactured homes.
- 14.12.150 Recreational vehicles.
- 14.12.160 Shallow flooding areas.
- 14.12.170 Substantial improvement.
- 14.12.180 Additions.
- 14.12.190 Critical facilities.
- 14.12.200 Floodways.
- ~~14.12.210205~~ Hazardous materials.
- ~~14.12.220210~~ Floodplain habitat assessment.
- ~~14.12.220230220~~ Critical area report.

**14.12.010 Applicability.**

This chapter shall apply to all areas of special flood hazards (also referred to as “special flood hazard areas” or “SFHA”) within the city. ~~Areas of s~~Special flood hazard ~~areas (also referred to as “special flood hazard areas” or “SFHA”)~~ shall have the meaning ascribed in NBMC 14.05.200(S)(4), which areas shall be determined by consideration of the following:

A. ~~The areas of s~~Special flood hazard areas identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for King County, Washington, and Incorporated Areas” dated April 19, 2005, and any revisions thereto, with an accompanying Flood Insurance Rate Map (FIRM), and any revisions thereto, which are hereby adopted by reference as though fully set forth. The Flood Insurance Study (FIS) and the FIRM are on file at North Bend City Hall. The best available information for flood hazard area identification as outlined in NBMC 14.12.010(B) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under NBMC 14.12.010(B); and

B. Those areas identified by the city based on review of base flood elevation and floodway data available from federal, state, county, or other valid sources when base flood elevation data has not been provided by the FIS or FIRM. When base flood elevation data has not been provided by the FIS or FIRM, the city shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from federal, state, county, or other valid sources.

~~B.C.~~ In the event of a conflict, the more restrictive provision shall apply.

**14.12.020 Severability.**

If any provision of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining provisions of this chapter.

**14.12.030 Floodplain Development permit.**

A. A floodplain development permit shall be obtained before new construction, substantial improvement, or development begins within any ~~area of special flood hazard~~ SFHA. The permit shall be for all structures, including mobile and manufactured homes or non-licensed recreational vehicles on-site for more than 180 days, as set forth in NBMC 14.12.140 and -.150, and for all other development including fill and other activities as defined in NBMC 14.05.200.

B. ~~The fee and/or review cost for a floodplain development permit shall be as set forth in the City's Taxes Rates and Fees Schedule, as now adopted or as may be amended from time to time.~~

C. The fee and/or review cost for a floodplain development permit shall be waived by the City when the permit is for a structure under 200 square feet in size.;  
~~— (The permit is for a structure under 200 square feet in size; or~~

~~C.~~ D. ~~The fee and/or review cost for a floodplain development permit shall be waived by the City when the permit is associated with a building permit for any of the following improvements:~~

- i. Electrical repairs;
- ii. Furnace repairs or replacements;
- iii. Water heater or boiler repairs or replacements;
- iv. Air conditioner repairs or replacements;
- v. Re-roofs;
- vi. Re-siding;
- vii. Insulation or simple weatherization or energy efficiency upgrades;
- viii. Roof-mounted or existing structure mounted solar collectors;
- ix. Window and door replacements; or
- x. Renovation or remodel projects that cost less than \$750.;

Provided, that waiver under this subsection (D) shall not apply if the project includes other improvements that are not listed above, increases the structure's floor area or footprint, causes a floodplain encroachment, or constitutes a substantial improvement under NBMC 14.12.170.

The cost of improvements that qualify for a waiver under this subsection (D) shall not be included in the cumulative calculation required by NBMC 14.12.170, unless the improvements are part of a substantial damage calculation or estimate.

~~D.~~ E. Permit application. Application for a floodplain development permit shall be made on forms furnished by the director. ~~and~~ Required application materials may include ~~but not be limited to;~~

1. ~~p~~Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities, and other information as identified on the application information sheet. These documents shall be maintained by the city for

inspection of all records pertaining to the provisions of these critical areas regulations.

2. ~~The director may require a~~ critical areas report, which, when required, shall include for development within the floodplain. The following information is required for critical areas review:

a. The base flood elevation (~~BFE~~) in relation to the lowest floor (including basement) of all structures located in the AE zone or within the AO zone. Identify the highest adjacent natural grade next to the building prior to construction;

b. Proposed floodproofing elevation in relation to the ~~BFE~~base flood elevation or highest adjacent natural grade next to the building prior to construction;

c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in NBMC 14.12.130;

d. A description of the extent to which a watercourse will be altered or relocated as a result of a proposed development;

e. The accuracy of said elevation as proposed and as built shall be certified by a licensed professional engineer and/or a professional land surveyor; and

f. All development permits for the site must be reviewed to ensure all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.

**14.12.040 Review of building permits.**

Where base flood elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source identified within NBMC 14.12.010(B), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding; provided, that the elevation of the lowest floor (including basement) shall be at least two feet above the highest adjacent grade in those zones. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

**14.12.050 Information to be obtained and maintained.**

A. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or other source in accordance with NBMC 14.12.010, the applicant shall obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

B. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or other source in accordance with NBMC 14.12.010:

1. The applicant shall obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed; and

2. The City shall maintain the floodproofing certifications required in NBMC 14.12.130.

C. The City shall maintain for public inspection all records pertaining to the provision of this chapter.

**14.12.060 Alteration of watercourses.**

Adjacent communities and the Department of Ecology must be notified prior to any alteration or relocation of a watercourse, and evidence of such notification must be submitted to the Federal Insurance Administration.

**14.12.070 Performance standards – Flood hazard areas.**

The following standards apply to development proposals and alterations on sites within special flood hazard areas:

A. A development proposal shall not increase the base flood elevation unless revisions to the FIRM are approved by FEMA in accordance with 44 CFR 70, and appropriate legal arrangements have been made and documents filed prior to issuance of a construction permit.

B. The following circumstances are presumed to produce no increase in base flood ~~heights-elevation~~ and shall not require special studies to establish this fact:

1. Reconstruction or remodeling of existing structures in the floodway where the structure's footprint is not increased;

2. Development of new residential structures outside the FEMA floodway on lots in existence before November 17, 1998;

3. Substantial improvements to existing residential structures in the floodplain but outside the FEMA floodway;

4. New development or substantial improvement in the area identified in the downtown commercial zoning district which is within the AO-1, AO-2, AO-3 or AE (outside the floodway) flood zone; provided, that in the AE flood zone it is presumed there is no increase in the base flood heights when there is no more than two feet of the difference between the highest adjacent grade of the site and the base flood elevation as measured on the Flood Insurance Rate Map is no greater than 2 feet~~limited to two feet below base flood elevation and above~~; and/or

5. Minor accessory structures exempt from building permits under the International Building Code.

C. The cumulative effect of any proposed development, where combined with all other existing and anticipated development on the site, shall not reduce the effective base flood storage volume of the floodplain. Except as exempted in NBMC

14.12.070(B), grading or other activity that would reduce the effective storage volume shall be mitigated by creating compensatory storage on-site, or off-site if legal arrangements can be made, to assure that the effective compensatory storage volume will be preserved over time; provided, however, that no increased upstream or downstream flood hazard shall be created by any fill authorized in the floodplain by this chapter or other applicable chapters.

D. If a lot has buildable site out of the special flood hazard area, all new structures shall be located there, when feasible. If the lot is fully in the floodplain, structures must be located to have the least impact on ~~salmon~~riparian habitat and listed species.

E. If the proposed project will create new impervious surfaces so that more than 10 percent of the portion of the lot in the regulatory floodplain is covered by impervious surface, the applicant shall demonstrate that there will be no net increase in the rate and volume of the stormwater surface runoff that leaves the site or that the adverse impact is mitigated per the approved habitat mitigation assessment.

F. When fill is proposed to achieve elevated construction, a ~~critical area~~ report by a registered professional engineer is required demonstrating that the proposal will not increase the base flood elevation.

G. If grading or other activity will displace any effective flood storage volume, compensatory storage shall be created on-site, or off-site if legal arrangements can be made, to assure that the effective compensatory storage volume will be preserved over time, in equivalent volume, at equivalent elevations to that being displaced. Compensatory storage areas must be hydraulically connected to the source of flooding. Alternatively, if feasible, the applicant may provide an increase in side channel habitat as mitigation for floodway alterations.

H. Approved alterations shall not block side channel habitats.

~~I. Where the floodway of either Gardiner Creek or Ribary Creek is not identified by the applicant in special studies, the entire floodplain of the site shall be treated as the floodway.~~

~~J.~~I. An analysis of bioengineering and/or vegetation enhancements will be required when existing levees or dikes are proposed to be repaired or renovated as specified in King County's Guidelines for Bank Stabilization.

**14.12.080 Construction materials and methods.**

Construction materials and methods for residential and nonresidential structures shall meet the following criteria:

A. All construction elevated by pilings must be designed and certified by a professional structural engineer registered in the state of Washington and approved by the city building official.

B. All new or substantially improved ~~ment to~~ buildings and structures shall be constructed with materials and utility equipment resistant to flood damage, using methods and products that minimize flood damage; and

C. Electrical, mechanical, plumbing, heating, ventilation and air conditioning and other service facilities shall be elevated or floodproofed to the flood protection elevation ~~on all new, substantially improved buildings, so as to prevent water from entering or accumulating within the components during conditions of flooding.~~

D. All new construction shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

**14.12.090 Utilities.**

Utilities and on-site sewage facilities shall meet the following criteria:

A. All new and replacement utilities including sewage treatment facilities shall be floodproofed to the flood protection elevation;

B. New on-site sewage disposal systems shall be, ~~to the extent possible,~~ located outside the limits of the floodway and may be installed in the flood fringe floodplain if no feasible alternative site is available. On-site sewage disposal systems that are located within the flood hazard areas must be sited to avoid impairment of the system during flooding and to avoid contamination from the system during flooding;

C. Sewage and manure waste storage facilities, if allowed, shall be floodproofed to the flood protection elevation;

D. Buried utility transmission lines transporting hazardous substances (as defined by the Washington State Hazardous Waste Management Act in RCW 70.105.010005) shall be buried a minimum of four feet beneath the maximum depth of scour of the base flood for the entire width of the floodway and shall achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated; and

E. Aboveground utility transmission lines, not including electrical transmission lines, shall only be allowed in the floodway for the transportation of nonhazardous materials, as defined by the Washington State Department of Ecology, where a bridge or other structure is capable of transporting the line.

~~E.F.~~ Water wells shall be located on high ground that is not in the floodway.

**14.12.100 Subdivision and development proposals.**

Subdivisions, short subdivisions, master site plans, contract rezones, site plan/design review, planned residential developments, and binding site plans shall follow these requirements:

A. New buildable lots shall contain 5,000 square feet or more of buildable land outside the floodway;

B. Locate and construct all utilities and their facilities in a manner that minimizes flood damage;

C. Provide adequate drainage to reduce exposure to flood damage;

D. Base flood data and flood hazard notes shall be shown on the face of the recorded plat; this may include the floodwater depth, required flood elevations, and the boundary of the base flood and floodway as deemed appropriated by the city; and

E. Where base flood elevation data has not been provided or is not available from another authorized source, it shall be generated for subdivision proposals and other proposed developments that contain at least 50 lots or five acres (whichever is less);

F. The following note shall appear on the face of the recorded documents and shall be recorded on the title of records for all affected lots:

*Note: Lots and structures located within special flood hazard areas may be inaccessible to emergency vehicles during flood events. Residents and property owners should take appropriate advance precautions to provide access.*

**14.12.110 Residential construction.**

New residential construction and substantial improvements within the SFHA shall meet the following criteria:

A. The lowest floor, including basement, shall be elevated two feet or more above base flood elevation; and

B. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited. The area and rooms below the lowest floor shall be designated to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must meet or exceed the following minimum criteria:

1. A minimum of two openings shall be provided on ~~opposite two~~ different walls having a total new area of not less than one square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be no higher than one foot above grade; and

3. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the ~~unrestricted~~ automatic entry and exit of floodwaters.

C. Portions of the building below the base flood elevation must be constructed with materials resistant to flood damage. This includes not only the foundation walls

of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the base flood elevation.

~~C.D.~~ The elevation of the interior crawlspace grade must be at or above the lowest elevation of the exterior grade; provided, that below-grade crawlspace foundations ~~are~~ may be allowed ~~only~~ when all of the following conditions are met; ~~in addition to the minimum criteria set forth above in this subsection.~~

1. The interior grade of the crawlspace below the base flood elevation ~~must not be~~ is no more than 2 feet below the lowest adjacent exterior grade; and

2. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, ~~must~~ does not exceed 4 feet at any point; and

3. ~~The crawlspace contains~~ There ~~must be~~ an adequate drainage system that removes floodwaters from the interior of the crawlspace. ~~Possible options include, such as natural drainage through porous, well-drained soils, and/or constructed drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means; and~~

4. Any building utility systems within the crawlspace ~~must be~~ are elevated to the flood protection elevation or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. ~~Ductwork, in particular, all ductwork is~~ must be elevated above the design flood elevation or sealed from floodwaters; and

5. The velocity of floodwaters at the site ~~should~~ does not exceed five (5) feet per second for any crawlspace; and

6. All other minimum criteria set forth in this Section 14.12.110 are satisfied.

**14.12.120 Accessory ~~structures buildings and accessory dwelling units.~~**

This provision applies to ~~A~~ accessory structures that are used for parking or storage only, such as garages or small storage sheds. ~~uses or buildings (less than 200 square feet) are exempt from International Code building permits but do require a city of North Bend floodplain permit. All accessory dwelling units require a floodplain permit.~~ The following standards shall apply in the SFHA:

A. Accessory ~~structures buildings, uses and dwelling units~~ shall be designed to have low flood damage potential;

B. Accessory ~~structures buildings, uses and dwelling units~~ shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

C. Accessory ~~structures buildings, uses and dwelling units~~ shall be firmly anchored to prevent flotation that may result in damage to other structures;

D. ~~For new buildings, accessory dwelling units, or substantial improvements,~~ Service facilities such as electrical ~~and heating~~ equipment shall be floodproofed or elevated above the base flood elevation ~~or floodproofed~~;

E. Floodway encroachment standards must be met;

F. The portions of accessory ~~structures buildings or dwelling units~~ located below the ~~BFE~~ base flood elevation must be constructed of flood-resistant materials; and

G. Accessory ~~structures buildings and dwelling units~~ must be designed to allow for the automatic entry of flood waters as described in NBMC 14.12.110(B), unless the floor is elevated above the base flood elevation. ~~(i.e., they must have proper openings); and~~

H. ~~Accessory dwelling units (ADUs) shall comply with all applicable sections of the NBMC.~~

#### **14.12.130 Nonresidential construction.**

New ~~nonresidential~~ construction and substantial improvements of any existing commercial, industrial, or other nonresidential structure ~~that requires a building permit~~ shall either:

A. Elevate the lowest floor, including the basement, a minimum of two feet or more above base flood elevation and meet the requirements same standards for space below the lowest floor as described in ~~of~~ NBMC 14.12.110; or

B. Floodproof the structure to the same elevation. If the structure is floodproofed, the following criteria are required:

1. The floodproofing must be certified by a professional ~~civil or structural~~ engineer or architect registered in the state of Washington stating that the floodproofing methods are adequate to withstand the flood-depths, pressures, velocities, impacts, uplift forces, and other factors associated with the base flood. The certification shall be provided to the official as set forth in NBMC 14.12.050. ~~After construction, the engineer shall certify that the permitted work conforms to the approved plans and specifications;~~

2. Approved building permits for floodproofed nonresidential buildings shall contain a statement to notify applicants that flood insurance premiums will be based upon rates ~~for structures~~ that are one foot below the floodproofed level.

#### **14.12.140 Mobile and /manufactured homes~~s.~~**

For all mobile and /manufactured homes, all standards for flood hazard protection for residential construction shall apply. All mobile and /manufactured homes must be securely- anchored ~~and shall be installed using methods and practices that minimize flood damage. to an adequately anchored foundation system to resist flotation, collapse and lateral movement.~~ For existing mobile and /manufactured homes where

the value of the repair ~~/ or~~ reconstruction of the utilities and pad equals or exceeds 50 percent of the value of utilities and pad before the repair or ~~/reconstruction~~ has commenced, all standards for flood hazard protection applicable for residential construction shall apply ~~to the mobile/manufactured home~~.

**14.12.150 Recreational vehicles.**

Recreational vehicles placed on sites in the SFHA are required to either:

- A. Be on the site for fewer than 180 consecutive days; or
- B. Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
- C. Meet the manufactured home elevation and anchoring requirements.

**14.12.160 Shallow flooding areas.**

Shallow flooding zones appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

A. Residential structures. New construction and substantial improvements of residential structures within AO zones shall have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, two feet or more above the depth number specified on the FIRM (at least two feet if no depth number is specified). ~~Where appropriate, such structures shall be elevated above the crown of the nearest road, one foot or more above the depth number specified on the FIRM. Where hazardous velocities are noted on the FIRM, consideration shall be given to mitigating the effects of these velocities through proper construction techniques and methods.~~

B. Nonresidential structures. New construction and substantial improvements of nonresidential structures that require a building permit within AO zones shall either:

1. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified). ~~Where appropriate, such structure shall be elevated above the crown of the nearest road, one foot or more above the depth number specified on the FIRM;~~ or

2. Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as defined under qualified professional. Where hazardous velocities were noted on the FIRM, consideration shall be given to

mitigating the effects of these velocities through proper construction techniques and methods; or

C. Drainage for residential and nonresidential structures. ~~Require a~~adequate drainage ~~pads~~ paths around structures on slopes are required to guide floodwaters around and away from proposed structures.

**14.12.170 Substantial improvement.**

A project is considered a substantial improvement when the cost of any repairs, reconstruction, rehabilitation, addition, or improvement of a building or other structure equals or exceeds 50% of the market value of the structure ~~either~~ before the improvement or repair is started; or b) if the structure has been damaged and is being restored, before the damage occurred. Substantial improvements are calculated on a cumulative basis, beginning with improvements commenced 5- years prior to the date of the current building permit application. When the total cost of all improvements within the 5-year period equals or exceeds 50% of the market value of the structure, the project is considered a substantial improvement and the structure must be brought into compliance with this chapter. The cumulative calculation provision does not ~~apply to~~include tenant improvements of commercial structures, ~~exclusions listed or to any of the excluded improvements listed under the definition of substantial improvements in~~ NBMC 14.05.200(S)(12), or improvements that qualify for waiver under NBMC 14.12.030(D).

~~If a project is worth more than 50 percent of the assessed value (MAI appraised value may be used at owner choice) of the original building the project is considered a “substantial improvement.” The building must then be elevated or otherwise brought up to current flood protection codes and other applicable city codes as required. To determine project value, the proposed project value shall be added to permitted additions or expansions to the building over the last 10 years. This provision will run with the property and not the property owner. Projects necessary to maintain the function of an existing building or structure such as electrical, mechanical, plumbing, roofing, siding, or windows shall be tracked for 180 days. Any outstanding permit for work on the building that has not received a final inspection or certificate of occupancy as required by the applicable construction code will be included in the calculation. This provision will run with the property owner and not the property.~~

**14.12.180 Additions.**

A. Except as provided in subsection (B) of this section, additions to existing buildings or structures must comply with all floodplain regulations as set forth in this Chapter 14.12 NBMC.

B. Additions that meet the following criteria shall not be required to elevate, but must be flood resistant to a minimum of 2 feet above the base flood elevation:

1. Expansion of existing building or structure does not exceed 500 square feet; and
2. Expansion of existing building or structure does not increase the building footprint by more than 25 percent; and

3. The addition shares a common wall (one full side) with the primary structure; and

4. The addition does not constitute a substantial improvement under NBMC 14.12.170. Where expansion to an existing building or structure does not exceed 500 square feet and does not increase the building footprint more than 25 percent, and shares a common wall (one full side) with the primary structure, the addition shall not be required to elevate, but must be flood resistant to a minimum of two feet above the BFE base flood elevation. Additions will require full adherence to flood regulations if the addition exceeds the size threshold or if the project is considered a substantial improvement as described in NBMC 14.12.170., sum of all improvements over the last 180 days as described in NBMC 14.12.170 and additions over the last 10 years exceeds 50 percent of the current assessed value, or exceeds the addition size threshold above. This provision will run with the property and not the property owner.

**14.12.190 Critical facilities.**

Critical facilities include, but are not limited to, schools, hospitals, police, fire and emergency response installations, nursing homes, wastewater treatment plants, potable water and sanitary sewer system components, and hazardous materials production. Construction of new critical facilities shall only be allowed within the floodplain when no reasonable alternative site is available. Critical facilities constructed within the floodplain shall have the lowest floor elevated to three or more feet above the level of the base flood elevation, except that factory assembled portable school classrooms shall have the lowest floor elevated to two feet or more above the base flood elevation. Floodproofing and sealing measures must be taken to ensure toxic or hazardous substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the 100-year frequency flood shall be provided to all critical facilities to the extent possible.

**14.12.200 Floodways.**

Floodways are special flood hazard areas as determined in NBMC 14.12.010 due to the velocity of floodwaters that can actually carry debris and increase erosion potential. The following provisions apply in all designated floodways within the city:  
A. Located within areas of special flood hazard established in NBMC 14.12.010 are areas designated as floodways. Since the floodway is a hazardous area due to the velocity of floodwaters that can actually carry debris, and increase erosion potential, the following provision apply:

A. Construction of new residential, ~~or~~ commercial or industrial structures is prohibited within the floodway. ~~New construction in nonconforming developments shall meet the construction standards set forth in this chapter.~~

B. ~~Prohibit~~ encroachments, including fill, new construction, substantial improvements or other developments, unless certification by a registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

~~C. Construction or reconstruction—New construction and substantial improvement of residential structures is prohibited within designated the floodways, except for: Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area.; and Repairs, reconstruction, or improvements to a structure, which are not considered a substantial improvement as defined in NBMC 14.12.170.~~

~~D. If the requirements of subsection (2) of this section are met, all Any new construction and substantial improvement permitted under subsection (B) or (C) of this section shall comply with all other applicable flood hazard reduction standards of this chapter.~~

~~B. Reconstruction of existing structures within the floodway shall be subject to the requirements of WAC 173 158 070; provided, that reconstruction of existing residential structures between the floodway defined in WAC 173 158 030 and the floodway defined in this chapter need only meet the standards for new residential construction set forth in this chapter.~~

~~C. Installations or structures that are floodway dependent may be located within the floodway; provided, that the development proposal receives approval from all other agencies with jurisdiction. Such installations or structures include, but are not limited to:~~

~~1. Dams or diversions for water supply, flood control, hydroelectric production, irrigation, or fisheries enhancement;~~

~~2. Flood damage reduction facilities such as dikes, levees, and pumping stations when necessary to protect the public from an imminent hazard;~~

~~3. Stream bank stabilization structures are allowed only if no feasible alternative exists for protecting structures, public roadways, and flood protection facilities or sole access routes. Bank stabilization projects shall be consistent with Washington Department of Fish and Wildlife and the National Marine Fisheries Service guidelines and applicable sections of this chapter, and shall use bioengineering to the maximum extent possible;~~

~~4. Surface water conveyance facilities subject to the requirements of the development standards for streams and wetlands;~~

~~5. Boat launches and related recreation structures;~~

~~6. Bridge piers and abutments when no reasonable alternative is available; and~~

~~7. Approved aquatic area or wetland restoration projects to improve natural functions including, but not limited to fisheries enhancement projects;~~

~~8. Substantial improvements of existing structures, and minor accessory structures exempt from building permits under the International Building Code, only when in conformance with NBMC 14.12.070;~~

~~D. Prohibited Encroachments. Encroachments in the floodway that are prohibited include new construction of residential, commercial or industrial structures. Other development is prohibited unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.~~

**14.12.210205 Hazardous materials**

The storage or processing of chemicals, petroleum products or by-products, fertilizers, insecticides, pesticides, lime, cement, or other materials that, when inundated, will constitute a hazard to life, health and safety, or adversely affect the quality of surface waters is prohibited at or below three feet above the base flood elevation within the SFHA.

**14.12.210 220210 Floodplain habitat assessment.**

A. Requirement Assessment required. A floodplain habitat assessment and mitigation plan shall be required for all new construction or substantial improvement within the Special Flood Hazard Area unless exempted under section B below, or unless the CED director makes and documents a determination of no adverse effect on any species listed under the Endangered Species Act. If required, the habitat assessment and mitigation plan shall be prepared at the applicant's sole expense by a qualified consultant in accordance with the requirements of the Floodplain Habitat Assessment and Mitigation ~~Draft~~ Regional Guidance 20132014 prepared by FEMA Region X, or any successor guidance document approved by FEMA for habitat assessment and mitigation. The city's actual costs of review of applicant's habitat assessment and mitigation plan shall be paid by the applicant per the adopted taxes, rates and fee schedule.

B. Exemptions. Any of the following activities do not require the preparation of a floodplain habitat assessment or consideration of associated mitigation measures, even if they may require a floodplain permit:

1. Nondevelopment activities ~~that do not meet the definition of development~~ are allowed in the floodplain and do not require a floodplain permit or habitat assessment and mitigation consideration.

2. Development activities that are fully contained within the footprint of an existing building and do not involve any site clearing or grading.

3. Critical area habitat enhancement and restoration projects that are exempt from Critical Areas review pursuant to NBMC 14.05.085(A)(2). Exceptions permitted under NBMC 14.05.085(A)(2) do not require a habitat assessment or mitigation consideration even if they may require a floodplain permit.

**14.12.220 230220 Critical area report.**

The director may waive a critical area report when existing mapping and flood insurance study is determined to be adequate. When a critical area report is required the following provisions shall apply:

A. A critical area report for flood hazard areas shall be prepared by an engineer or hydrogeologist, licensed in the state of Washington, with expertise analyzing geologic, hydrogeologic and surface and ground water flow systems, and who has experience preparing reports for the relevant type of hazard.

B. In addition to the requirements of Chapter 14.05 NBMC, critical area reports required for special flood hazard areas shall include the following information:

1. On the site map:

a. The dimensioned location of all proposed development in the floodplain;

~~b. The location of the floodway where it has been delineated on the most recent flood insurance study map (FIRM) or by special studies for Gardiner or Ribary Creeks; where basin plans have been completed and adopted. The location of the floodplain and floodways shall be based upon the hydrologic and hydraulic analysis; and~~

~~e.b.~~ Identification of all proposed structures and grading within the floodplain.

2. In the report:

a. Identify how the boundaries of the floodways and floodplain were determined; and

b. Establish the elevation of the lowest floor of all new or substantially improved structures proposed in the existing floodplain, utilizing the North American Vertical Datum of 1988.

**Section 6. Severability:** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 7. Effective Date:** This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON,  
AT A REGULAR MEETING THEREOF, THIS 15<sup>TH</sup> DAY OF NOVEMBER, 2016.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Kenneth G. Hearing, Mayor**

\_\_\_\_\_  
**Michael R. Kenyon, City Attorney**

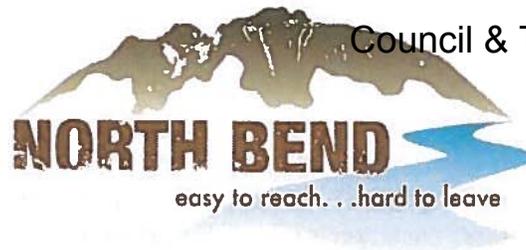
**ATTEST/AUTHENTICATED:**

Published:

Effective:

\_\_\_\_\_  
**Susie Oppedal, City Clerk**





**Staff Report to the Planning Commission  
Amendments to Floodplain Development Regulations in NBMC 14.12, and associated  
minor amendments to NBMC 14.05 and 14.08**

**Date:** September 29, 2016

**Proponent:** City of North Bend

**I. Summary of Proposed Municipal Code Amendments:**

(Summary provided by Christina Wollman, Perteet Inc., who is coordinating the City's update to these regulations.)

The city recently updated NBMC 14.12 Floodplain Management after a Community Assistance Visit from the Department of Ecology. Those updates were to bring the city's code into compliance with state and federal floodplain management regulations.

The city is now proposing additional updates to NBMC 14.12 Floodplain Management, as well as minor associated updates to NBMC 14.05 *Critical Areas Administration, General Provisions and Definitions*, and 14.08 *Streams*. These updates primarily are based on the state's model floodplain ordinance. While many of the updates do not change the intent of the code, they do standardize and clarify the requirements which will allow the code to be easier understood by the public and better enforced by current and future staff. Some changes also reduce the burden on the public while streamlining the administration and enforcement by staff.

Following is a summary of the most pertinent amendments.

**14.12.010(B)** - This revision changes the current language to conform to the model flood ordinance and permits the city to use base flood elevation data provided by other sources, when the base flood elevation is not provided on the Flood Insurance Rate Maps (FIRM).

**14.12.030(B)** - The fee waiver for structures under 200 square feet was approved by City Council on July 19, 2016. Staff recommends expanding the fee exemption for floodplain development permits to specific maintenance activities. These activities currently require a building permit and a floodplain development permit. However, floodplain development permits have historically not been issued for these projects because they occur within the footprint of an existing structure. The specific activities are limited to maintenance on existing components of a structure, such as a window replacement or re-roof, or projects valued at less than \$750 that do not increase the footprint of the structure. A fee exempt project application form will serve as the development permit and the habitat assessment exemption form. This will simplify and streamline the process for both the public and city staff, while allowing the city to come into greater compliance with federal floodplain regulations. The fee waiver also clarifies which types of activities require full floodplain development permit review.

**14.12.080(C)** - This revision adds the option of elevating instead of floodproofing machinery, such as air conditioners and hot water heaters. Elevation is the preferred method as floodproofing may be less effective and is more expensive, and can lead to higher flood insurance premiums.

**14.12.110** - Basic floodplain regulations do not allow below grade crawlspaces, but in North Bend many homebuilders prefer to use a below grade crawlspace. The addition to code provides a provision to legally allow below grade crawlspaces based on certain criteria. These criteria have been determined to be the maximum depth and height possible to prevent damage to the foundation during a flood. It is important for these provisions to be reflected in code to ensure proper construction. If the crawlspaces are constructed deeper or higher than the maximum allowed, the homeowners will face unnecessarily high flood insurance premiums.

**14.12.120** - All references to accessory dwelling units were removed, as an accessory dwelling unit is considered a residential structure. Accessory structures are limited to the use of parking or storage only, such as a garage or storage shed.

**14.12.140** - The revisions in this section standardize the language to that used in the model flood ordinance.

**14.12.160** – The regulations for AO Zones allow a provision to be used “where appropriate,” but do not include any guidance to help determine what is considered appropriate. Additionally, the provision allows structures to be constructed lower than would be required otherwise, which may increase the flood insurance rates for the structure.

**14.12.170** – Federal regulations include a substantial improvement provision, which requires a structure to be brought into compliance with current regulations when a repair or improvement project costs more than 50% of a structure’s current market value.

The city currently has a cumulative substantial improvement provision, which means the cost of improvements to a structure is calculated cumulatively over time. This provision provides a benefit to landowners in that it allows access to a flood insurance benefit called Increase Cost of Compliance which provides funds to bring a structure into compliance after it has been substantially damaged. The provision also prevents piecemeal improvements to a structure without bringing the structure into compliance.

The city’s provision is complicated and confusing, and the provision requires tracking for 10-years of projects. The proposed revision simplifies the provision and reduces the tracking to 5-years, making the regulation less burdensome on the public and to staff. The provision also excludes interior tenant improvements and minor maintenance projects exempt from floodplain development permit fees. Per federal regulation, substantial improvements also excludes improvements required by code enforcement to bring a structure into compliance with safety regulations, and improvements to listed historic structures.

**14.12.200** – The floodway is the most hazardous area within the floodplain, and has the strictest regulations. This revision simplifies the regulations and is consistent with the language in the model flood ordinance. The enforcement within floodways does not change based on these revisions; the regulations will just be easier to understand and enforce.

**14.12.210** – Added a new section prohibiting the storage or processing of hazardous materials within the floodplain below 3 feet above the base flood elevation, which could cause human and environmental harm if released during flood events.

**14.05.200** – Updated definitions for consistency with other code and state code provisions.

**14.05.090, 14.05.165, and 14.08.040** – Corrected code cross-references within provisions of the Critical Areas Regulations, to correctly refer to updated Floodplain Development Regulation sections.

The language of the draft amendments is provided in the attached Exhibit A, shown in redline/track changes format, and with additional staff comments provided for facilitating review.

## **II. Impacts of Proposed Amendment**

NBMC 20.08.070 and .080 requires that applications for municipal code amendments be evaluated for their environmental, economic and cultural impacts, as well as impacts to surrounding properties. These impacts are evaluated below.

- 1) **Environmental Impacts.** The amendments are minor in nature and don't result in additional environmental impacts from development. The prohibition on processing or storage of hazardous materials in the floodplain in section 14.12.210 will reduce potential environmental impacts during flood events.
- 2) **Economic Impacts.** Minor positive economic impacts are anticipated from the proposed amendments. Under current floodplain regulations, "substantial improvements" (when the cost of the proposed improvements exceed 50% of the assessed/appraised value of the existing building) require bringing the entire building into conformance to current floodplain regulations, which would include the requirement to elevate the structure. Current regulations track substantial improvements cumulatively for 10 years. The proposed amendments to NBMC 14.12.170 reduce the cumulative tracking to 5 years, and exempt commercial interior tenant improvements from the tracking requirement. This reduces regulatory burdens and enables reasonable continued investment in properties. The tenant improvement exclusion is particularly important for commercial property owners within the floodplain, as tenants can frequently turn over, and the associated interior tenant improvements could quickly take a building over the substantial improvement threshold. Many existing commercial buildings cannot financially feasibly be elevated or flood proofed.
- 3) **Cultural Impacts.** No significant cultural impacts are anticipated from the amendments.
- 4) **Impacts to Surrounding Properties.** No negative impacts to surrounding properties are anticipated from the amendments. The amendments apply city-wide within the floodplain.

**III. Compatibility of Proposed Amendment with North Bend Comprehensive Plan (NBCP)**

In accordance with NBMC 20.08.070 and .080, applications for municipal code amendments must be evaluated for compliance with the Comprehensive Plan. The Comprehensive Plan Critical Areas Element describes broad objectives of preserving the flood storage function of floodplains and protecting the public from flood hazards. More specifically, the City's 2012 Floodplain Management Plan discusses the need to comply with the standards of the National Flood Insurance Program and to maintain the City's status as Class 6 Community in the Community Ratings System. The proposed amendments are necessary for achieving both of these objectives.

**IV. Compatibility of Proposed Amendment with the North Bend Municipal Code (NBMC)**

In accordance with NBMC 20.08.070 and .080, applications for municipal code amendments must be evaluated for compliance with the North Bend Municipal Code. The amendments specifically amend the floodplain management regulations, Chapter 14.12 of the North Bend Municipal Code, and the amendments are not inconsistent with other provisions of the municipal code.

**Planning Commission Findings and Analysis**

Pursuant to NBMC 20.08.100, the Planning Commission shall consider the following criteria with respect to a proposed amendment the criteria in NBMC 20.08.100 (B) as follows: (Staff analysis is provided in italics under each criterion below).

1. Is the issue already adequately addressed in the Comprehensive Plan?  
The amendments are necessary to maintain the City's conformance to the criteria of the National Flood Insurance Program and current Class 6 ranking in the National Flood Insurance Program, which is an objective stated in the City's 2012 Floodplain Management Plan.
2. If the issue is not addressed in the Comprehensive Plan, is there a need for the proposed change?  
Yes. The need for the amendments is clarified in the introduction section above.
3. Is the proposed change the best means for meeting the identified public need?  
Yes. The amendments are necessary for the City to ensure conformance to the requirements of the National Flood Insurance Program and Community Ratings System (CRS).
4. Will the proposed change result in a net benefit to the community?  
Yes. The code amendments will ensure that the City maintains conformance to the requirements of the National Flood Insurance Program and ensures that it does not lose points toward its Community Rating classification (Class 6), which provides property owners within the floodplain a discount on their flood insurance premiums. The amendments also will benefit the community through clearer, easier to understand regulations.

**Summary Findings:**

1. The Planning Commission reviewed the draft amendments at their September 8, September 22, and October 13 meetings.
2. Pursuant to RCW 36.70A.106, the draft amendments were forwarded to Commerce - Growth Management Services on August 25, 2016.
3. A State Environmental Policy Act Determination of Nonsignificance and Notice of Hearing was issued and published in the Valley Record on September 7, 2016. No comments were received on the SEPA DNS.

4. The Planning Commission held a public hearing on the proposed amendments at their September 22, 2016 meeting. No comments were received for or at the hearing.
5. The proposed amendments are consistent with the procedures established in NBMC 20.08, *Comprehensive Plan and Development Regulations Amendment Procedures*. The Planning Commission finds that the proposed amendments are consistent with the criteria in NBMC 20.08.100(B) and would result in a net benefit to the community.

**Staff Recommendation**

Based on the findings above, Staff recommends approval of the amendments as provided in the attached Exhibit A.

  
\_\_\_\_\_  
Mike McCarty, Senior Planner

10/13/2016  
Date

**Planning Commission Recommendation**

Following consideration of the Comprehensive Plan and Development Regulation Amendment process in NBMC 20.08.070 through 20.08.110, the Planning Commission recommends approval of amendments as provided in the attached Exhibit A.

  
\_\_\_\_\_  
Planning Commission Chair

10/20/2016  
Date

**Exhibits**

Exhibit A – Proposed Municipal Code Amendments





## City Council Agenda Bill

<b>SUBJECT:</b>		<b>Agenda Date: November 15, 2016</b>		<b>AB16-137</b>		
<b>A Motion Authorizing the Mayor to Create a Second Project Manager (Development Review Engineer) in the City’s Public Works Department</b>		Department/Committee/Individual				
		Mayor Ken Hearing				
		City Administrator – Londi Lindell				
		City Attorney - Mike Kenyon				
		City Clerk – Susie Oppedal				
		Community & Economic Development – Gina Estep				
		Finance – Dawn Masko				
		Public Works – Mark Rigos, P.E.				X
Cost Impact: Approximately \$155,000 / year						
Fund Source: 100% paid for by development						
Timeline: 1/1/2017						
<b>Attachments:</b>						
<p><b>SUMMARY STATEMENT:</b></p> <p>During 2016, the City of North Bend’s Public Works Department has become overloaded with engineering review, and primarily on land use development applications, such as subdivisions and multi-family residential complexes. During the 2016 summer, it became even busier as several large new private developments were added to the development pipeline combined with several large complicated projects that were under construction. At the present time, there is a tremendous amount of new road and utility infrastructure being planned, analyzed, designed, constructed, and inspected. Current Development Review Project Manager Brian Tucker does not have enough capacity, thus a second full time development review engineer is recommended to support the growing number of projects.</p> <p><b><u>A. Responsibilities of Position Include:</u></b></p> <ol style="list-style-type: none"> <li>1. Provides development engineering review on proposed roads and utilities (sewer, water, storm drainage);</li> <li>2. Directs consultants on traffic, geotechnical or structural engineering reviews;</li> <li>3. Coordinates with CED on projects;</li> <li>4. Serves as Project Manager for a variety of engineering activities, and manages construction and service contracts in accordance with applicable City, State and Federal requirements;</li> <li>5. Presents at Public Hearings;</li> <li>6. Meets with citizens, developers, contractors, other agencies, and City personnel;</li> <li>7. Provides oversight on technical issues to senior staff such as the Public Works Director;</li> <li>8. Inspects infrastructure construction on private land development projects;</li> <li>9. Provides CESCL (Certified Erosion and Sediment Control Lead) inspections on active construction projects;</li> <li>10. Provides written and verbal responses to applicants on technical issues;</li> <li>11. Can provide code enforcement on unpermitted grading, critical area violations, etc.; and</li> <li>12. Respond to questions and concerns from the public concerning engineering and construction issues.</li> </ol> <p><b><u>B. Benefits to City Include:</u></b></p> <ol style="list-style-type: none"> <li>1. Results in improved customer service;</li> <li>2. Allows City to keep pace with State Law required timelines such as the Preliminary Plat process;</li> <li>3. Allows City to have engineering staff available at CED Pre-Application Meetings to ensure developers, builders, and engineers have a clearer understanding of required infrastructure, estimated fees, timelines, permit processing, etc.;</li> <li>4. Allows City to review plans in adequate detail per NBMC so that the project designs do not result in</li> </ol>						

## City Council Agenda Bill

- prematurely failing infrastructure or uncertainties for the contractor in the field; and
5. Allows City to monitor contractors on private construction projects to ensure contractors are not cutting corners and that proper infrastructure is being built.

**C. Funding:**

Revenue: This position's billing rate is \$158 per hour, and is subject to annual increases. The estimated number of billable hours in a typical week for this employee is 30 hours. This amounts to \$246,480 in revenue. However, due to vacations, sick leave, several holidays, non-chargeable staff meetings, etc. a more realistic billing amount, when averaged, is 25 hours per week which amounts to \$205,400.

Expense: This position's salary would be approximately \$100,000 year. Minimum qualifications would be 10-15 years engineering experience, possible PE or equivalent education and experience. With benefits, the compensation amount is roughly \$155,000 per year. The estimated revenue exceeds the estimated expenses, thus the position "pays for itself".

**D. Timing:**

A Decision Card was prepared for this position. This Mayor and City Administrator received almost \$2 million dollar in requests for new initiatives and this Decision Card was not recommended to be moved forward during the Budget process because the administration was not convinced the position could pay for itself. Since that time additional analysis has been performed on billing statements and new oversight has been implemented on all planners and engineers who are responsible to bill developers under the City's Taxes, Rates and Fee Schedule to insure that "growth pays for growth". Based upon this new information, the Mayor, City Administrator and Assistant City Administrator/Finance Director are confident that this position can be funded not only from this position's billable hours but also from other staff's diligence in tracking billable hours. Thus, administration is now in support of this position.

Further, positions that are added to meet the needs of the development community may not be sustainable if there is a change in the economy or in real estate market conditions. Thus, this position is structured to be a yearly position, with 1-year extensions as recommended by staff and approved by City Council dependent upon the amount of development and construction occurring in the City.

**COMMITTEE REVIEW AND RECOMMENDATION:** This item was discussed at the November 9, 2016 Transportation and Public Works Committee and was recommended for approval and placement on General Discussion.

**RECOMMENDED ACTION: MOTION to approve AB16-137, authorizing the Mayor to create a second Project Manager (Development Review Engineer) position in the City's Public Works Department.**

**RECORD OF COUNCIL ACTION**

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
November 15, 2016		



# City Council Agenda Bill

<b>SUBJECT:</b>	<b>Agenda Date: November 15, 2016</b>		<b>AB16-138</b>
<p><b>Motion to (1) Select Architect for Design of City Hall and for Mayor to enter into Professional Services Agreement; and (2) Adopt Resolution Identifying the Municipal Campus Site as the Preferred Location for City Hall</b></p> <p>Cost Impact: Architect Fees are a percentage of construction cost. TBD based upon negotiations</p> <p>Fund Source: Civic Center Fund \$480,000 – REET Fund – Approximately \$800,000 available</p> <p>Timeline: Immediate</p>	Department/Committee/Individual		
	Mayor Ken Hearing		
	City Administrator – Londi Lindell		X
	City Attorney - Mike Kenyon		
	City Clerk – Susie Oppedal		
	Community & Economic Development – Gina Estep		
	Finance – Dawn Masko		
	Public Works – Mark Rigos		
<p><b>Attachments:</b> Lawhead Architect Examples of Design; TCA Examples of Design; Public Comment from Open Houses; Council Resolution Identifying Municipal Campus Site as the Preferred Location for City Hall; Office of Financial Management Schedule for Architectural and Engineering Fees</p>			
<p><b>SUMMARY STATEMENT:</b></p> <p>The City of North Bend has been discussing the need for a new city hall for almost 25 years in order to provide citizens one-stop shopping, as a result of the age, safety issues and deteriorating condition of the existing City building and due to operational inefficiencies resulting from city staff being located in 3 separate buildings. Recently Council authorized a competition among two architectural firms to prepare preliminary designs of an affordable city hall reflecting the citizen’s vision statement including preserving North Bend’s natural beauty, small town scale and rural character.</p> <p>A lengthy public process was conducted in the 1990s on the best location to put city hall and at that time the City purchased a site called the Municipal Campus Site located slightly east of our historic downtown on North Bend Way where our Fire Station and Public Works Shop and Administration Buildings are currently located. The City owns this property without any debt, it is located outside of the flood plain, and was purchased for the purpose of constructing a city hall as part of a municipal campus.</p> <p>Citizens attended two evening public open houses on October 25<sup>th</sup> and November 8<sup>th</sup>, 2016 and the architects’ exhibits were available for citizens to view at city hall during the last two weeks. Public comments received during these open houses have been typed up and compiled in the attached Exhibit entitled “Public Comments from Open Houses”. Design is truly in the eye of the beholder as some of these comments and feedback are conflicting. For example, some folks didn’t like the amphitheater proposed by TCA while others felt it would be a great public amenity used by “kids, Boys/Girls Scouts, Weddings “ and other groups. We received similar conflicting comments about the parking areas and fireplaces. Some common themes were that all liked the idea of new public spaces, trails and possible amenities. The idea of a large working public counter to conduct business was seen as a good and practical addition. We had an interesting comment from one of our fellow elected officials from the Park District about the idea of using some of the public spaces for classroom or programming space when it was not being used for city hall purposes and we assured him these conversations were already occurring between the two staffs.</p> <p>We also asked the public to tell us what their priorities were in relationship to a new city hall. It is no surprise that affordability received the highest number of votes, followed closely by providing usable public spaces and making sure a new city hall is consistent with the City’s vision of maintaining our rural character, natural beauty and small town scale. Other objectives which received positive support from</p>			

## City Council Agenda Bill

the public was to insure our city hall remembers our history, connects the government to the community and reduces operation costs through efficient design and that a veterans' memorial be considered. The City Administrator has met with your Historical Society and suggested they participate in this process and they are hoping to present an idea to the Council next year on a role they would like to play to insure that North Bend's history be represented in any new city hall. We believe we will be meeting the citizen's objective of affordability by selecting a site outside of the flood plain, on property which the city owns free and clear, which has a number of site improvements already made, is flat, does not require condemnation or legal fees to proceed with a city hall and has a total project cost \$9 million dollars *less* than the civic center which was being discussed approximately 4 years ago for downtown North Bend. Finally both designs do provide significant useable public spaces both on the interior and the exterior of the site. Staff also believes both designs respect North Bend's humble and organic past by using natural materials and either design will maintain our rural character and will be a nod to both the surrounding natural beauty and small town scale of North Bend. Obviously providing one stop shopping and large useable counters to allow our citizens to conveniently conduct city business will better connect citizens to their city staff.

We also asked citizens for feedback specifically on 'public spaces' and citizens thought our public spaces should "use native and drought tolerant landscaping and use green systems such as rain barrels, rain drums and green roofs". They also thought it was important that any such public spaces connect to Tanner Trail. Both designs proposed good connections to Tanner Trail and these elements will be used in any landscape plan associated with a new city hall.

### **Selection of Architect**

In Washington state, architects and engineers are selected through a qualifications based selection process which is dissimilar from how we award public works contracts which are awarded to the lowest bid by a responsible bidder. In a qualifications based selection process the City is not allowed to base its selection decision on price. The City must assess the expertise of the competing firms and select the most highly qualified firm, then negotiate the final project scope and associated fee. If the City cannot reach an agreement on an agreeable fee, the City can move on to the next architect until they reach an agreeable fee.

The City of North Bend along with many other Washington state cities uses Municipal Research Services Center (MRSC) to maintain our Architect and Engineer roster and MRSC advertises and updates this list in compliance with state law. Thus, we are able to select candidates from this list to interview when seeking architects or engineers for city projects such as city hall. The North Bend City Hall staff team is comprised of Mayor Ken, City Administrator Londi Lindell, Assistant City Administrator/Finance Director Dawn Masko, Community and Economic Development Director Gina Estep, Public Works Director Mark Rigos, Building Official David Spencer and Deputy Finance Director Beth Wright. This Team reviewed the various Statement of Qualifications from 3 separate firms and ultimately recommended the City proceed with schematic design with TCA and Lawhead Architects in a competition manner through schematic design. Both of these firms and the architects working on the city's projects have significant experience on public facilities. In fact, both firms have worked successfully with the City in the past on the subject Municipal Campus Site as Lawhead Architects designed the Public Work Buildings and TCA designed the Fire Station. See attached Resolution for detail including prior design fees paid to both firms in connection with these former city projects.

On October 25, 2016, the City Council had the opportunity to review preliminary schematic designs from both of these firms and now have had a chance to consider public comments regarding both of these schematic designs. The City of North Bend now owns these schematic designs pursuant to the terms of

## City Council Agenda Bill

the Professional Services Agreements we previously entered into with each of these firms and we can incorporate elements from either of these designs into our eventual final city hall design. *It is important to note that the City is not making any final decision on the design of its city hall tonight but merely selecting which architect to move forward with toward negotiating the next level of design service.* The next step will be to work with Council and the staff to refine the design based upon Council, public and staff feedback and bring the design to 20% which will include specifying materials, equipment, construction sequencing, timelines, and more detail on economic cost analysis. Once we finalize design, the architect moves to preparation of construction documents which is preparing plans and specifications that the City uses to advertise the project for bid.

However, the key decision tonight is which architect should the City Administrator commence negotiations with. If an agreement is unable to be reached, she may be required to commence negotiations with the next architectural firm. Please note that a typical architect fee for the design of a public building can vary widely from 6% to 15% or more of the total construction cost of the building. I have included a Schedule that the State of Washington has prepared for transportation projects and educational projects (universities) which provides a range of *maximum* recommended percentage levels for architectural fees based upon the size of the capital project and I have attached the first page of this schedule to this Agenda Bill because it covers capital projects up to \$8,000,000 and our program budget given to the architects was a budget of \$5 million dollars exclusive of sales tax and exclusive of any adjacent park development. The state lists an office building as a Schedule B type of building under this schedule. This schedule is prepared by the Washington State Office of Financial Management or OFM and we are recommending that any Motion approving a contract authorize the contract not exceed the percentages recommended by this schedule. Until the design is further refined and cost estimated we won't have a final number on the cost of city hall but this is the project budget Mayor Ken and I are recommending to the Council at this time. Obviously, as Council makes future decisions on design they will also be making decisions on the cost of the project and each of these decisions will correspondingly increase the percentage cost of the architect (e.g. more elaborate parking area separated with trails recommended by TCA vs. more simplified and less expensive parking area recommended by Lawhead).

### **Resolution Setting Forth Property History/Municipal Campus Preferred Location**

Your City Attorney has suggested that Council adopt a Resolution which sets forth the history surrounding the Municipal Campus Site and the developments which have occurred on this site so there is a record of how the decision was made to locate city hall at this site. A draft of such a Resolution was included with the August 16, 2016 packet and is being presented for adoption this evening.

COMMITTEE REVIEW AND RECOMMENDATION: This matter was considered by the full City Council at the July 26, 2016 Workstudy, at the August 16, 2016 regular City Council Meeting; at the October 25, 2016 Special City Council Meeting and the TPW Council Committee was briefed on November 9, 2016.

### **RECOMMENDED ACTION: MOTION to approve AB16-138, authorizing**

- (1) the Mayor to enter into Professional Services Agreement in a form approved by the City Attorney with \_\_\_\_\_ Architects to complete design development of City Hall, preparation of construction documents for the North Bend City Hall and all other design services for the North Bend City Hall, in an amount not to exceed the recommended maximum percentage set forth in the Washington State OFM Architectural Fee Schedule; and**
- (2) Approve Resolution Identifying Municipal Campus as Preferred**

## City Council Agenda Bill

<b>Location for the North Bend City Hall.</b>		
<b>RECORD OF COUNCIL ACTION</b>		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
November 15, 2016		

# CITY OF NORTH BEND NEW CITY HALL

RENDERING | BUILDING PERSPECTIVES (2-STORY OPTION)



City of North Bend

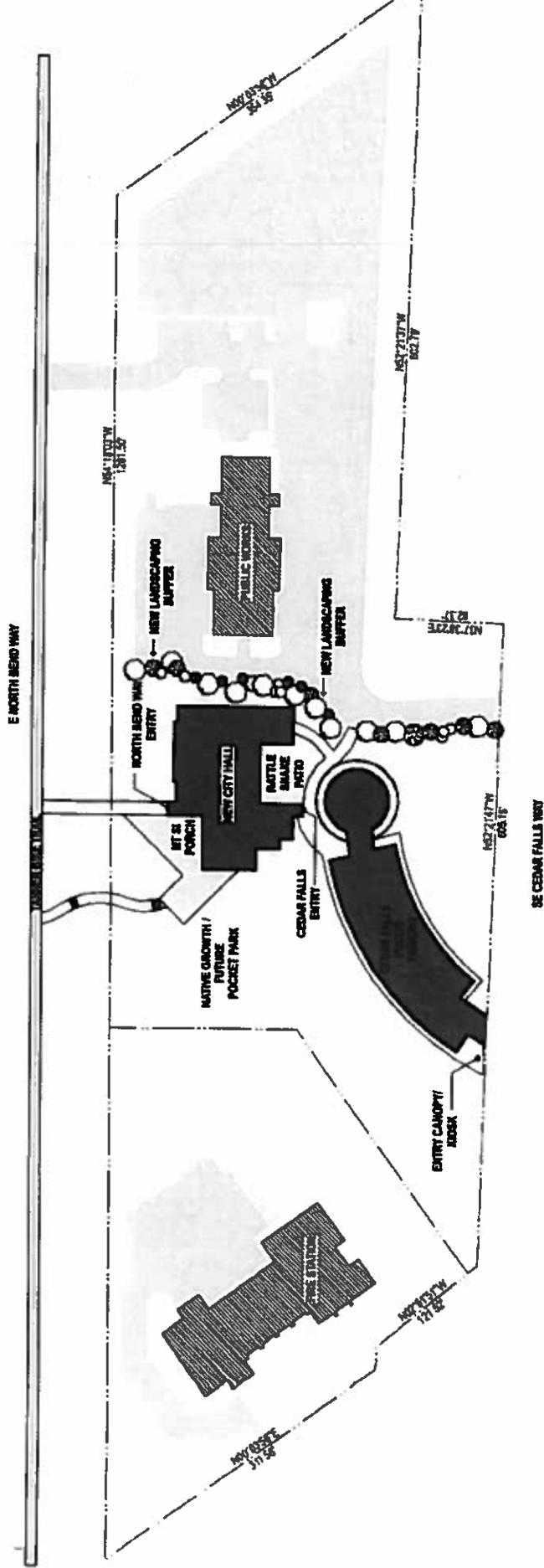


Lawhead Architects P.S.

# CITY OF NORTH BEND NEW CITY HALL

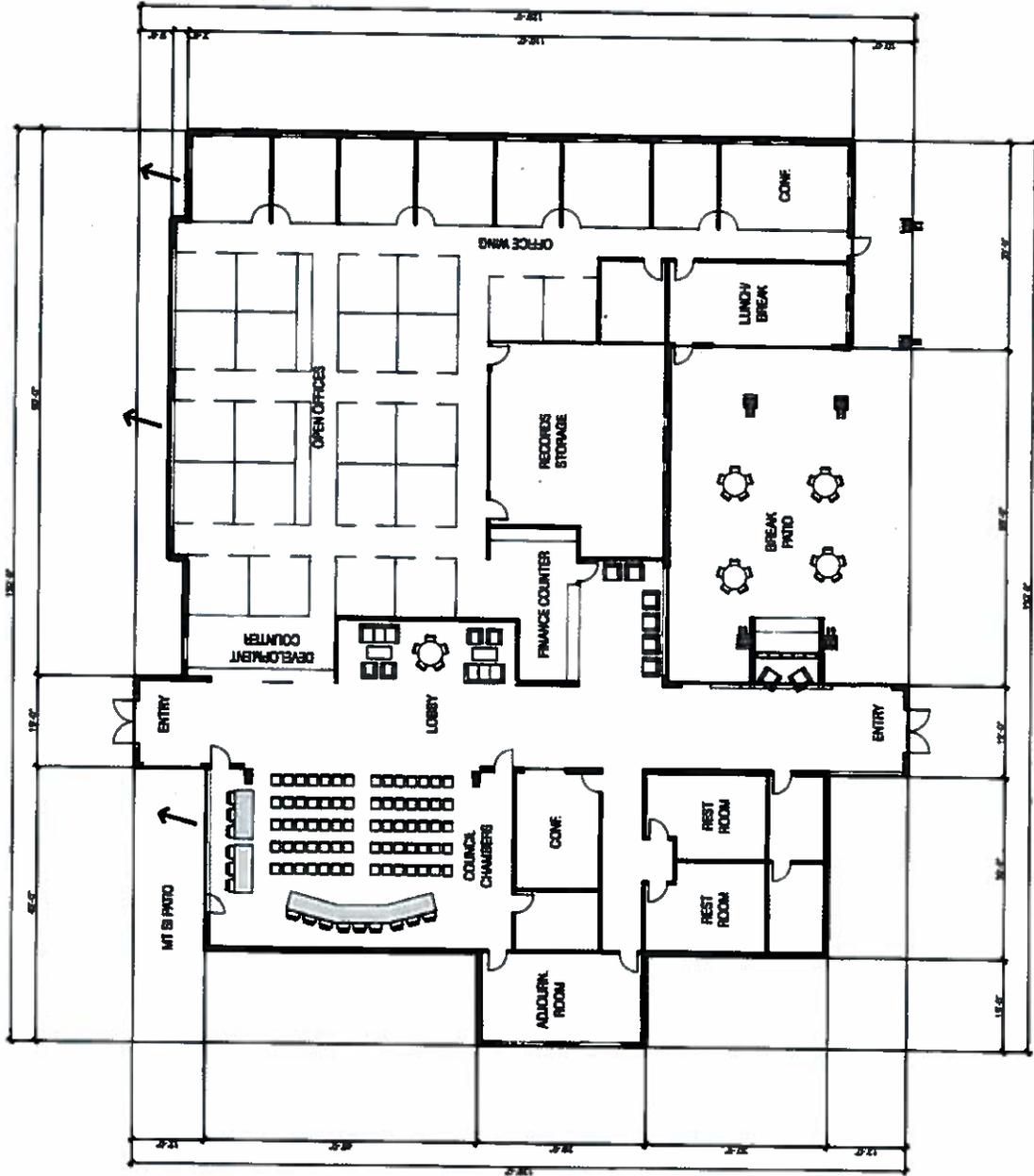
SCHEMATIC DESIGN

OCTOBER 5, 2016



# CITY OF NORTH BEND NEW CITY HALL

## SINGLE STORY OPTION: FLOOR PLAN



# CITY OF NORTH BEND NEW CITY HALL

RENDERING | EXTERIOR PERSPECTIVE (2-STORY OPTION)

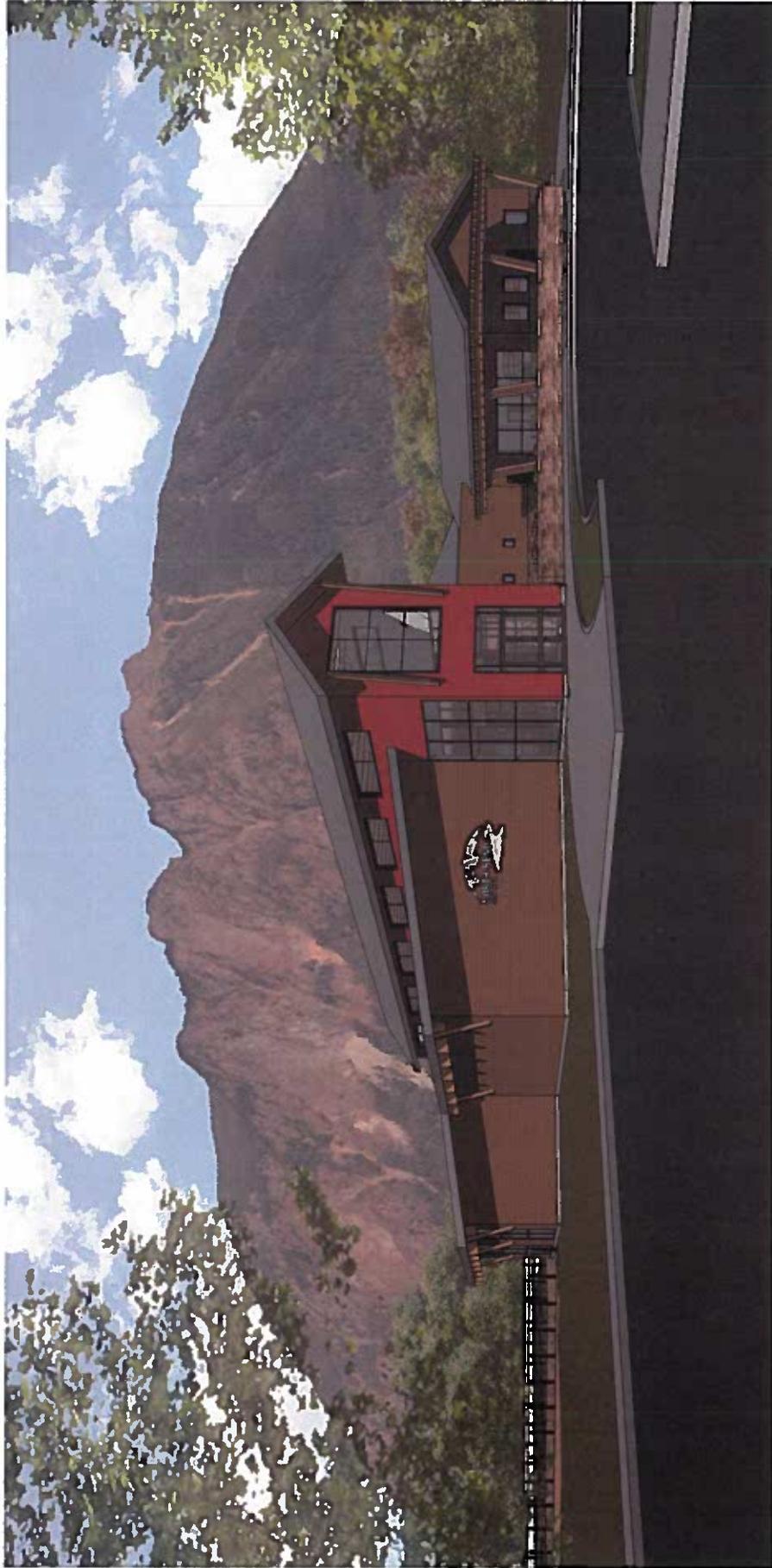


City of North Bend

Lawhead Architects P.S.

# CITY OF NORTH BEND NEW CITY HALL

RENDERING | EXTERIOR PERSPECTIVE (2-STORY OPTION)



Lawhead Architects P.S.



City of North Bend

# CITY OF NORTH BEND NEW CITY HALL

RENDERING | EXTERIOR PERSPECTIVE (2-STORY OPTION)



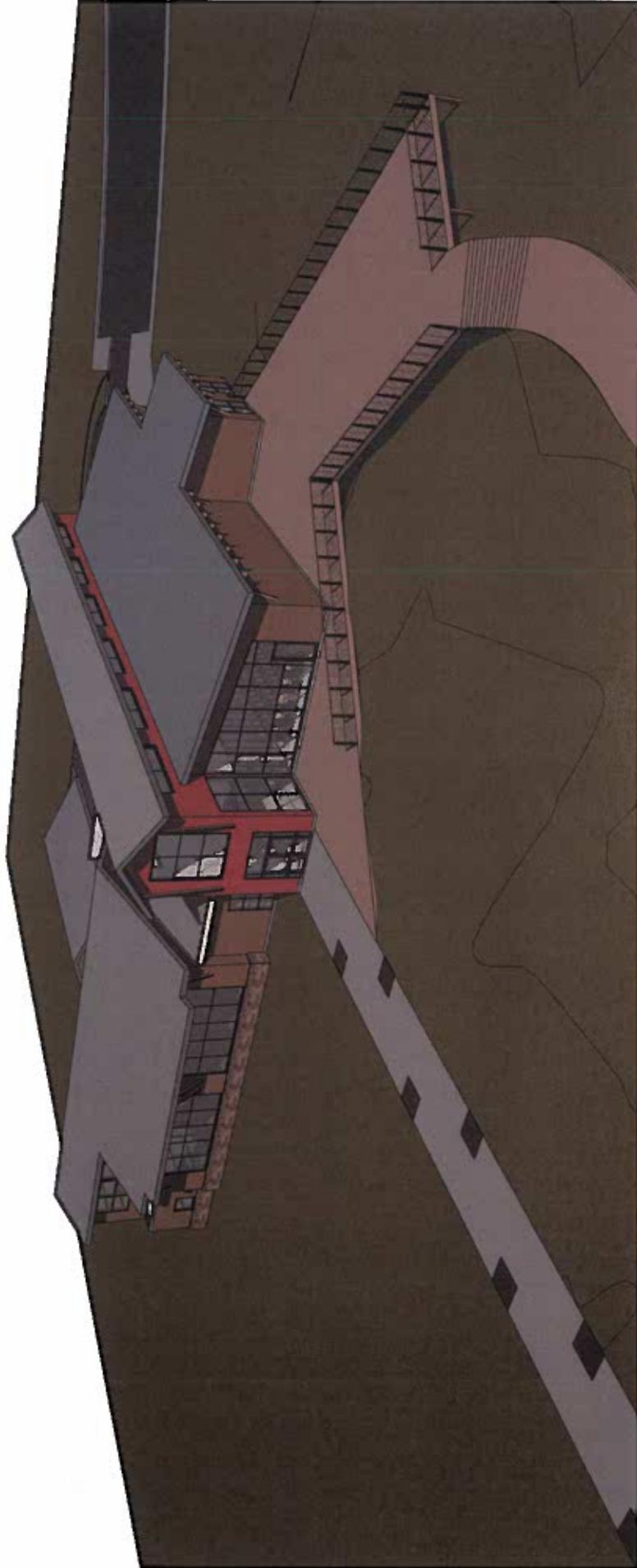
City of North Bend



Lawhead Architects P.S.

# CITY OF NORTH BEND NEW CITY HALL

RENDERING | EXTERIOR PERSPECTIVE (2-STORY OPTION)



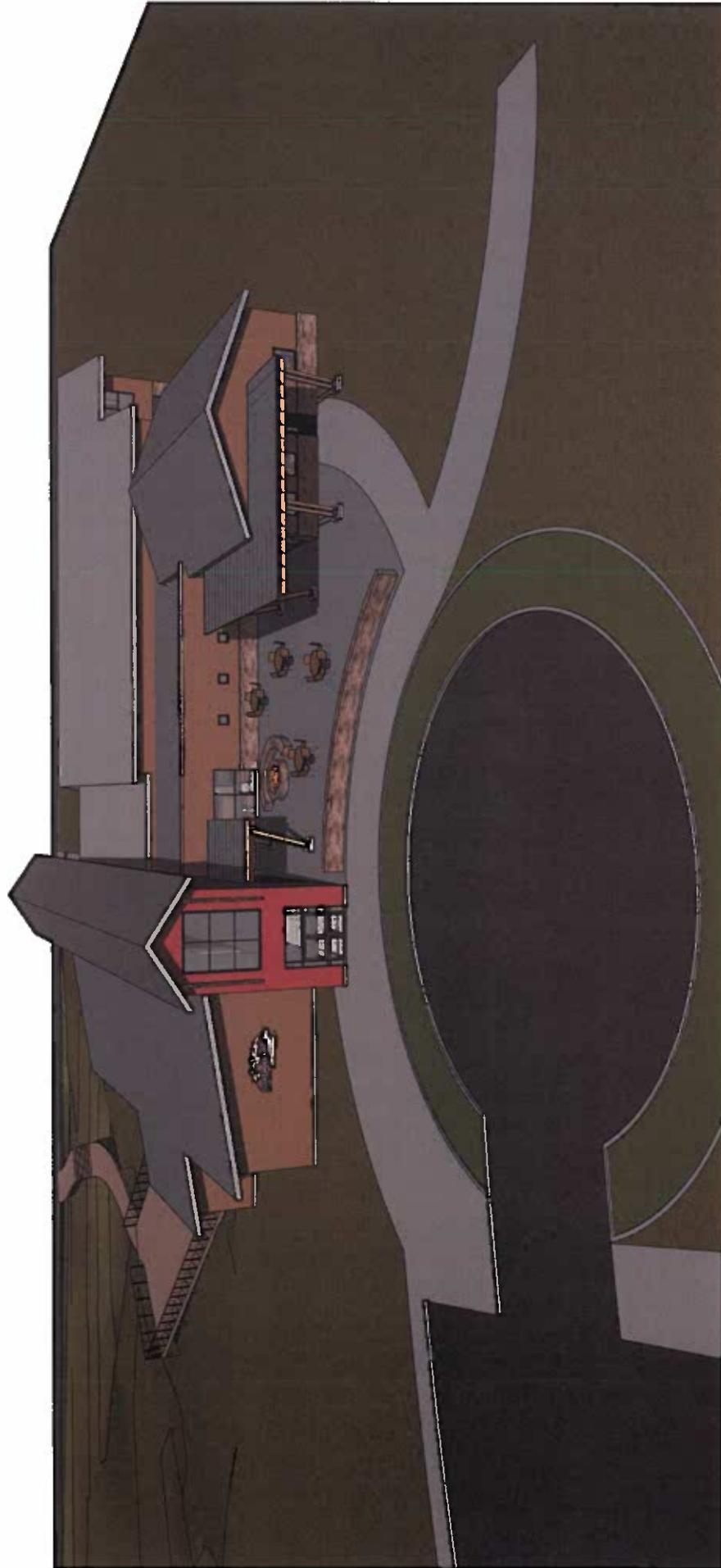
Lawhead Architects P.S.



City of North Bend

# CITY OF NORTH BEND NEW CITY HALL

RENDERING | EXTERIOR PERSPECTIVE (2-STORY OPTION)



Lawhead Architects P.S.



City of North Bend

# CITY OF NORTH BEND NEW CITY HALL

SITE STRUCTURES (1-STORY OPTION)



City of North Bend

Lawhead Architects P.S.

# CITY OF NORTH BEND NEW CITY HALL

RENDERING | INTERIOR PERSPECTIVE (2-STORY OPTION)

LAWHEAD  
ARCHITECTS  
P.S.



Lawhead Architects P.S.

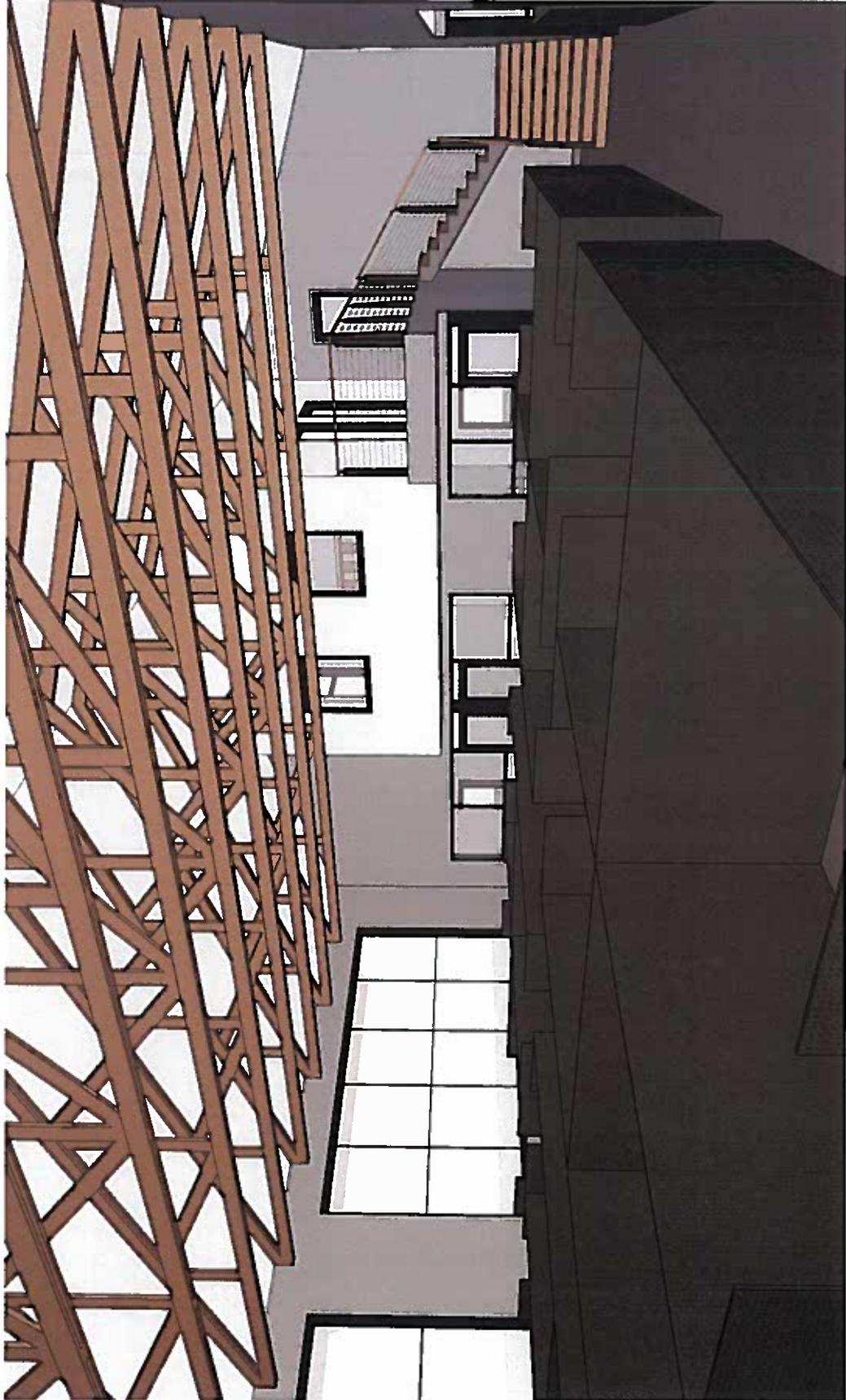


City of North Bend

# CITY OF NORTH BEND NEW CITY HALL

RENDERING | INTERIOR PERSPECTIVE (2-STORY OPTION)

LAWHEAD  
ARCHITECTS  
P.S.



City of North Bend

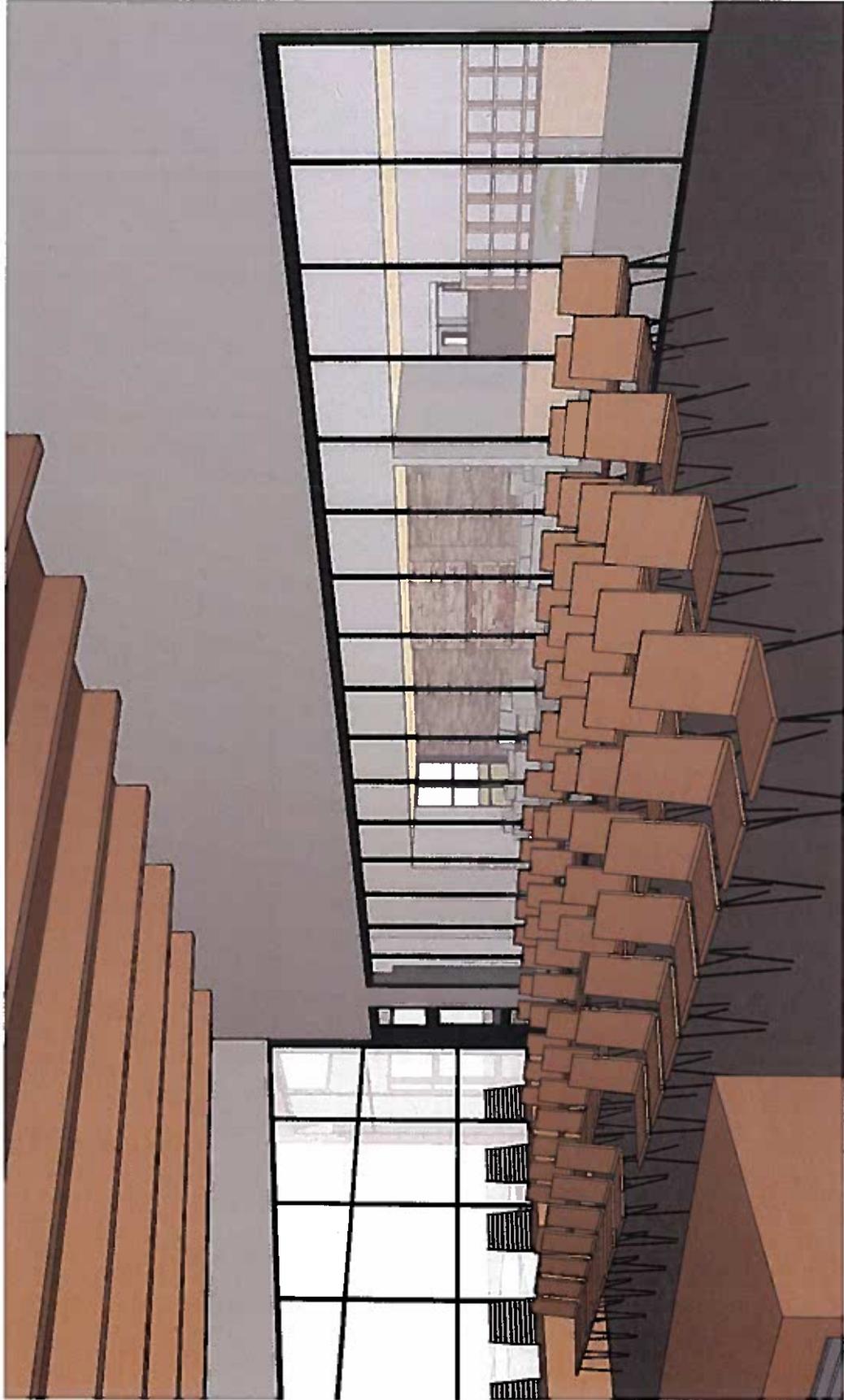


Lawhead Architects P.S.

# CITY OF NORTH BEND NEW CITY HALL

RENDERING | INTERIOR PERSPECTIVE (2-STORY OPTION)

LAWHEAD ARCHITECTS P.S.



Lawhead Architects P.S.



City of North Bend

# CITY OF NORTH BEND NEW CITY HALL

RENDERING | INTERIOR PERSPECTIVE (2-STORY OPTION)

LAWHEAD  
ARCHITECTS  
P.S.



City of North Bend



Lawhead Architects P.S.

# CITY OF NORTH BEND NEW CITY HALL

RENDERING | INTERIOR PERSPECTIVE (2-STORY OPTION)



Lawhead Architects P.S.



City of North Bend

# CITY OF NORTH BEND NEW CITY HALL

RENDERING | INTERIOR PERSPECTIVE (2-STORY OPTION)



Lawhead Architects P.S.

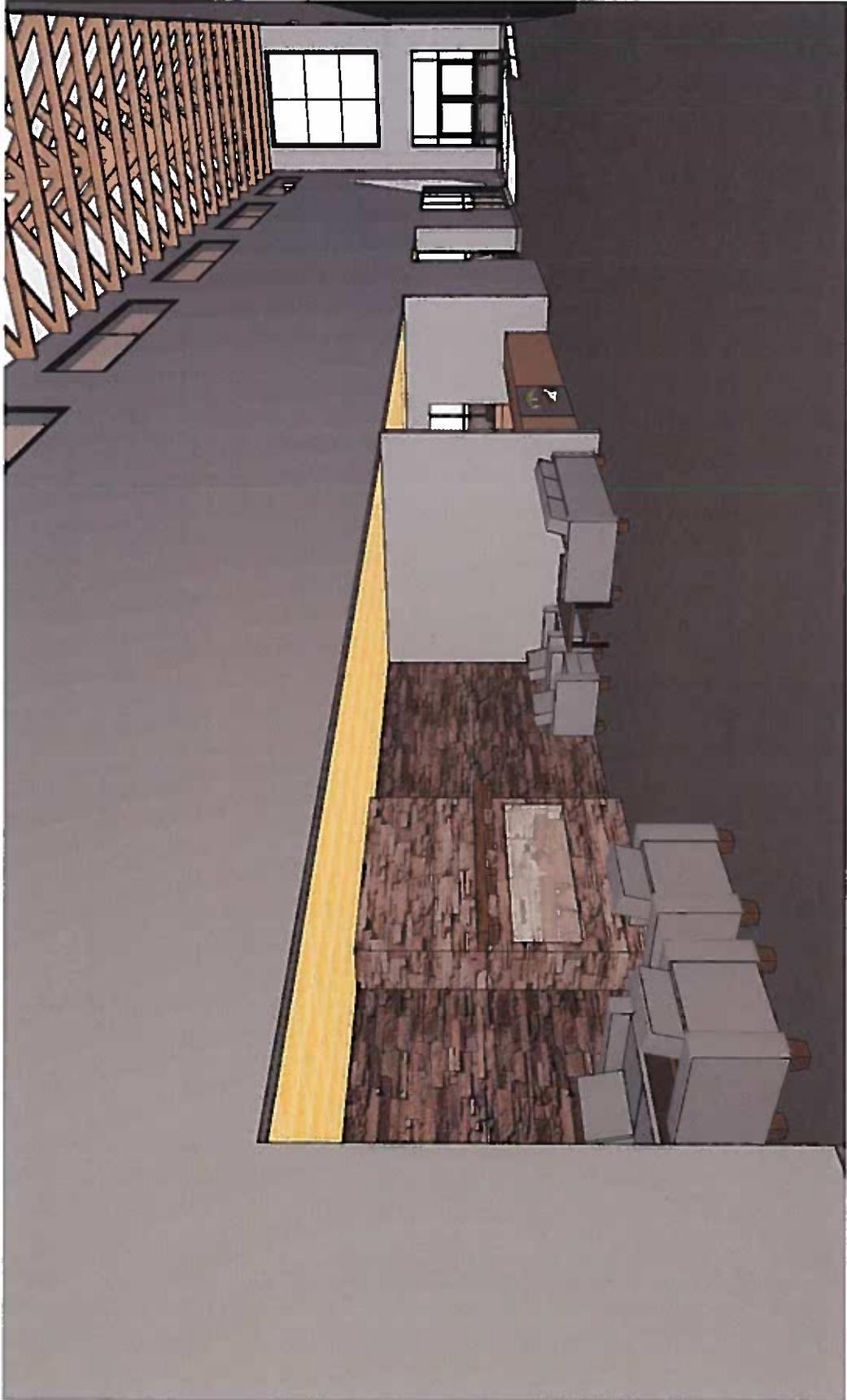


City of North Bend

LAWHEAD  
ARCHITECTS  
P.S.

# CITY OF NORTH BEND NEW CITY HALL

RENDERING | INTERIOR PERSPECTIVE (2-STORY OPTION)

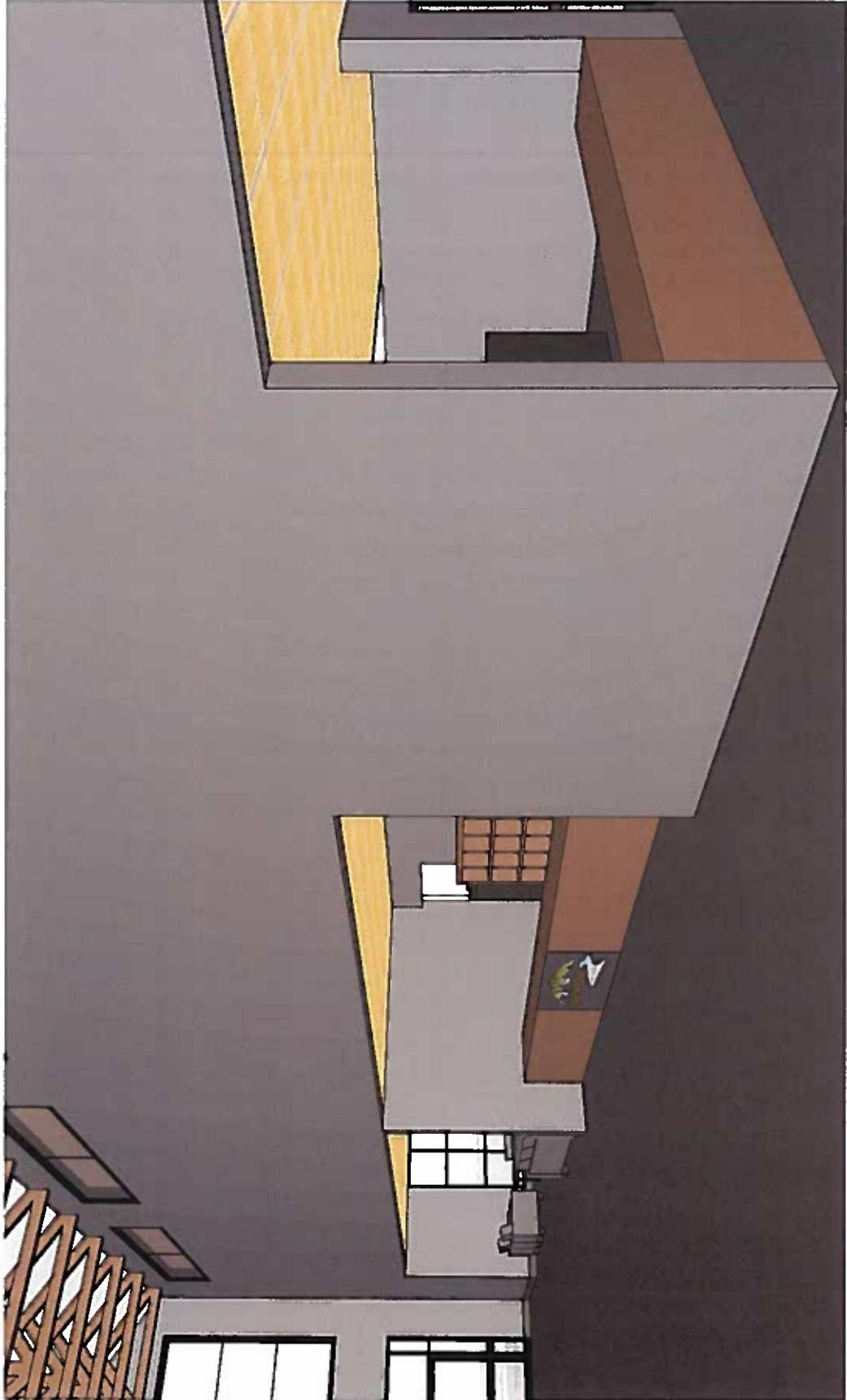


City of North Bend

Lawhead Architects P.S.

# CITY OF NORTH BEND NEW CITY HALL

RENDERING | INTERIOR PERSPECTIVE (2-STORY OPTION)



City of North Bend



Lawhead Architects P.S.

# CITY OF NORTH BEND NEW CITY HALL

RENDERING | INTERIOR PERSPECTIVE (2-STORY OPTION)

LAWHEAD  
ARCHITECTS  
P.S.



City of North Bend



Lawhead Architects P.S.

# CITY OF NORTH BEND NEW CITY HALL

RENDERING | EXTERIOR PERSPECTIVE (2-STORY OPTION)



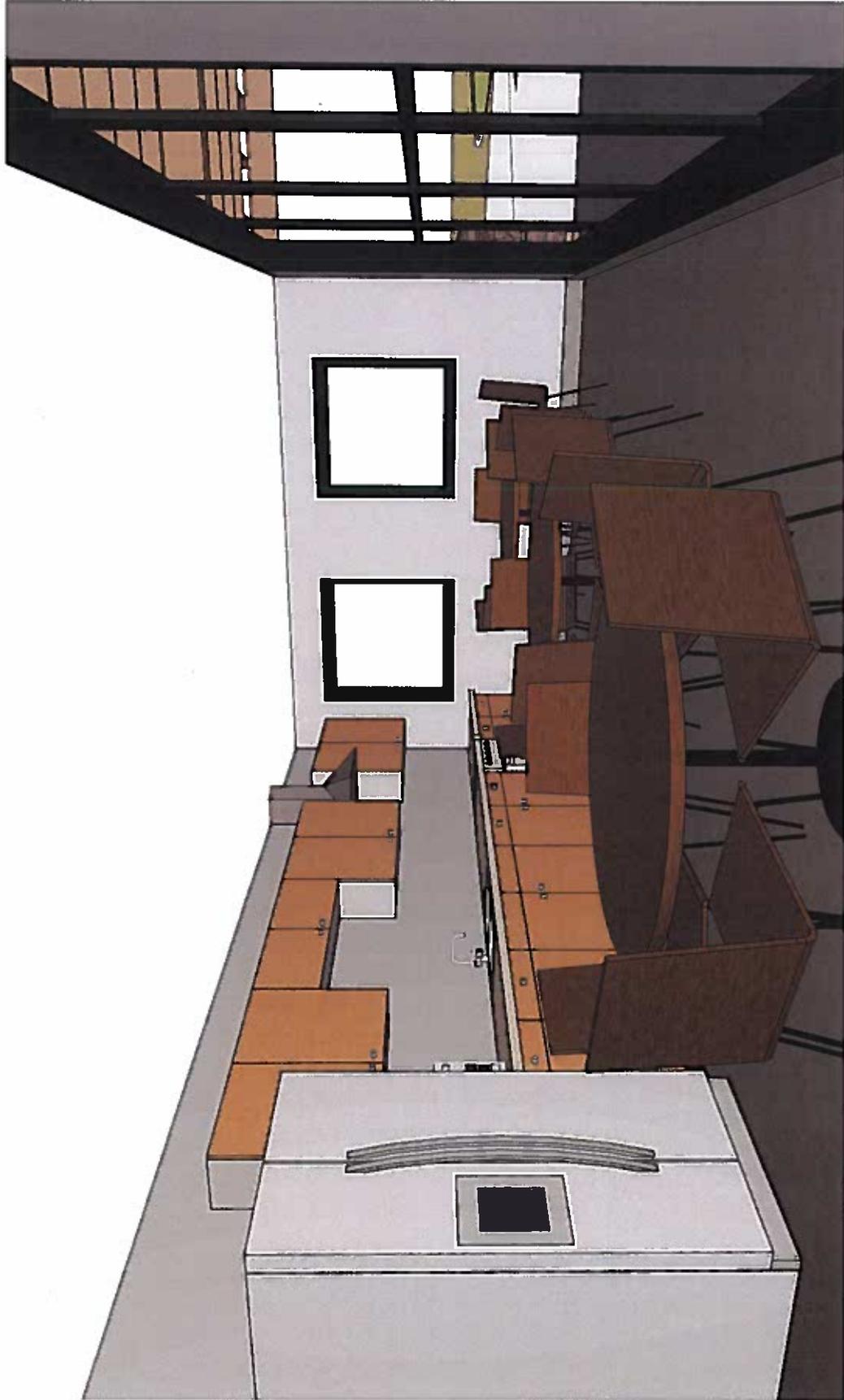
City of North Bend



Lawhead Architects P.S.

# CITY OF NORTH BEND NEW CITY HALL

RENDERING | INTERIOR PERSPECTIVE (2-STORY OPTION)



Lawhead Architects P.S.



City of North Bend

# CITY OF NORTH BEND NEW CITY HALL

RENDERING | EXTERIOR PERSPECTIVE (2-STORY OPTION)

LAWHEAD  
ARCHITECTS  
P.S.



City of North Bend



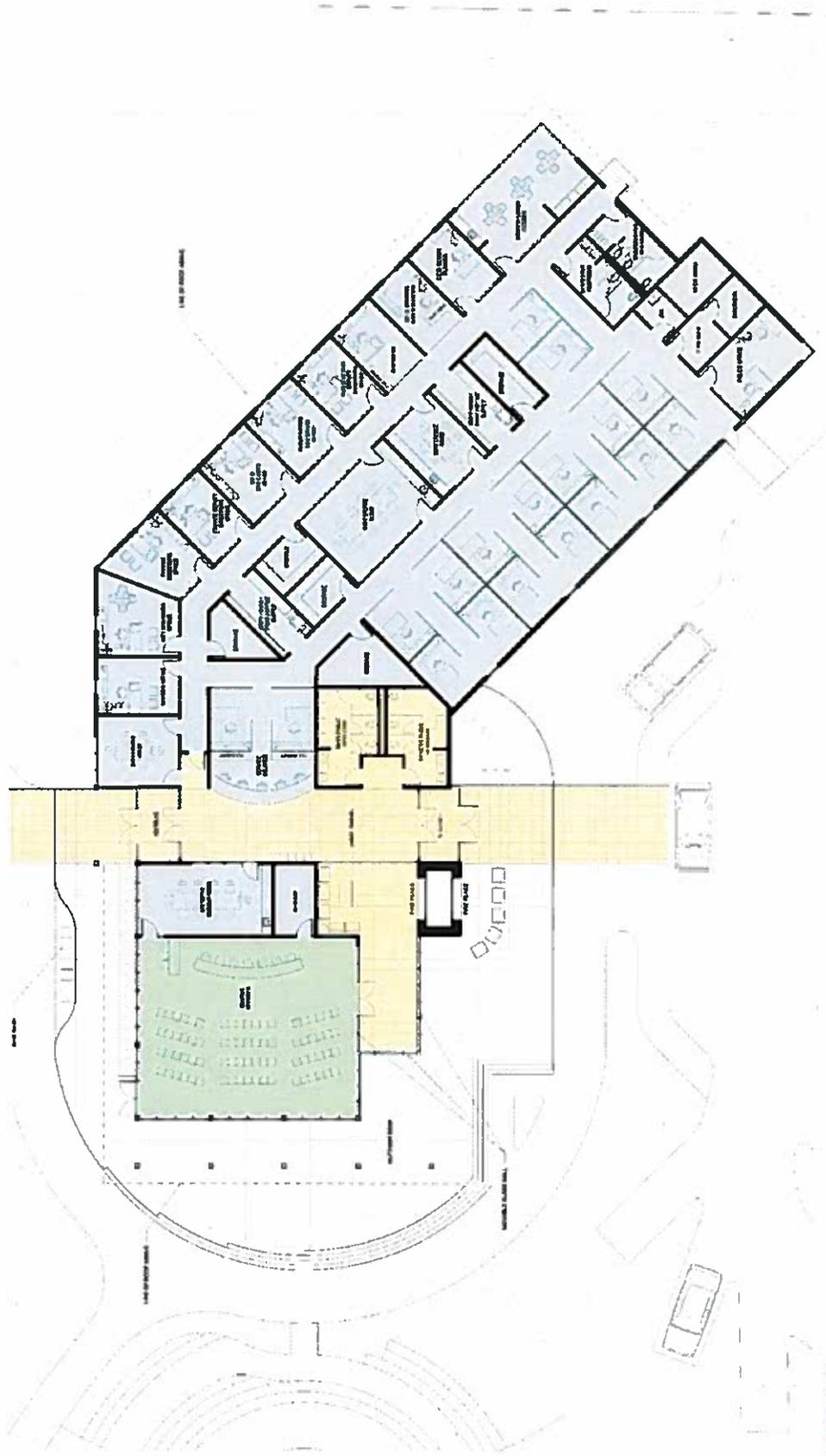
Lawhead Architects P.S.



**NORTH BEND CITY HALL  
1 STORY SCHEME - SITE PLAN**



**NORTH BEND CITY HALL  
1 STORY SCHEME - FLOOR PLAN**



**NORTH BEND CITY HALL  
1 STORY SCHEME - ELEVATIONS**



**NORTHEAST ELEVATION**



**NORTHWEST ELEVATION**



**NORTH BEND CITY HALL  
1 STORY SCHEME - ELEVATIONS**



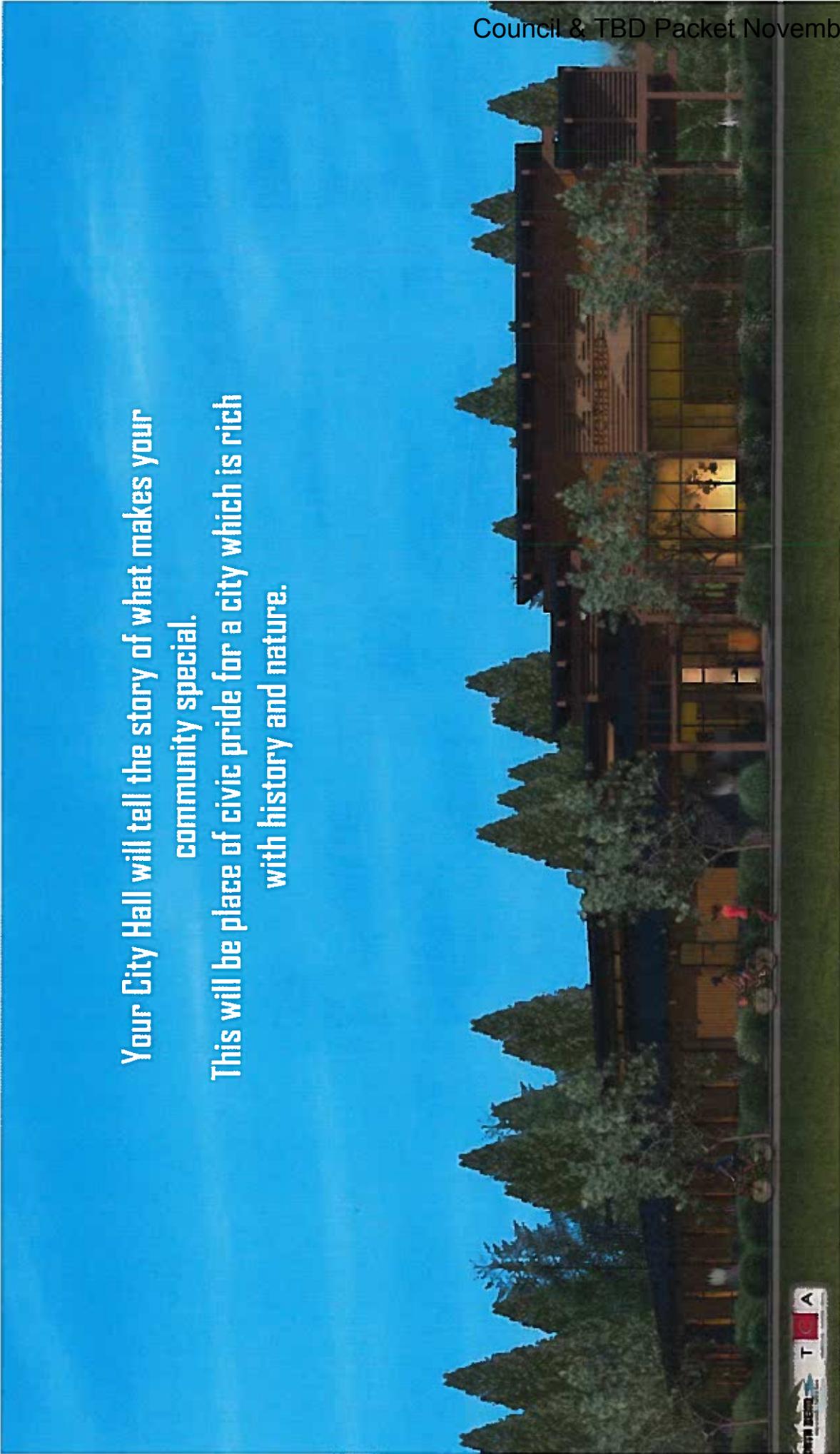
**SOUTHWEST ELEVATION**



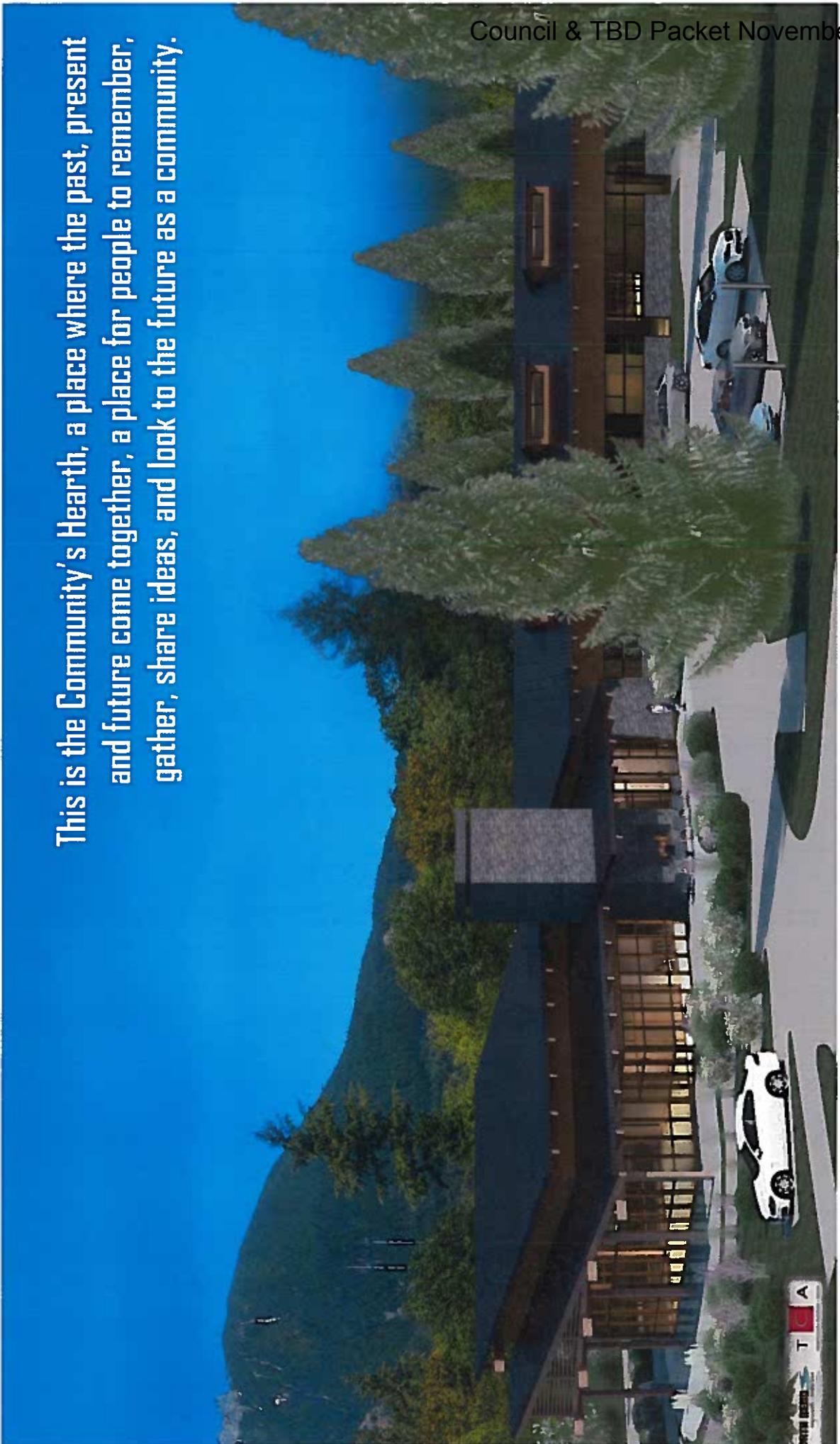
**WEST ELEVATION**



Your City Hall will tell the story of what makes your  
community special.  
This will be place of civic pride for a city which is rich  
with history and nature.



*This is the Community's Hearth, a place where the past, present and future come together, a place for people to remember, gather, share ideas, and look to the future as a community.*



**NORTH BEND CITY HALL  
2 STORY SCHEME - SITE PLAN**





**NORTH BEND CITY HALL  
2 STORY SCHEME - 1<sup>st</sup> FLOOR PLAN**





**NORTH BEND CITY HALL  
2 STORY SCHEME - ELEVATIONS**



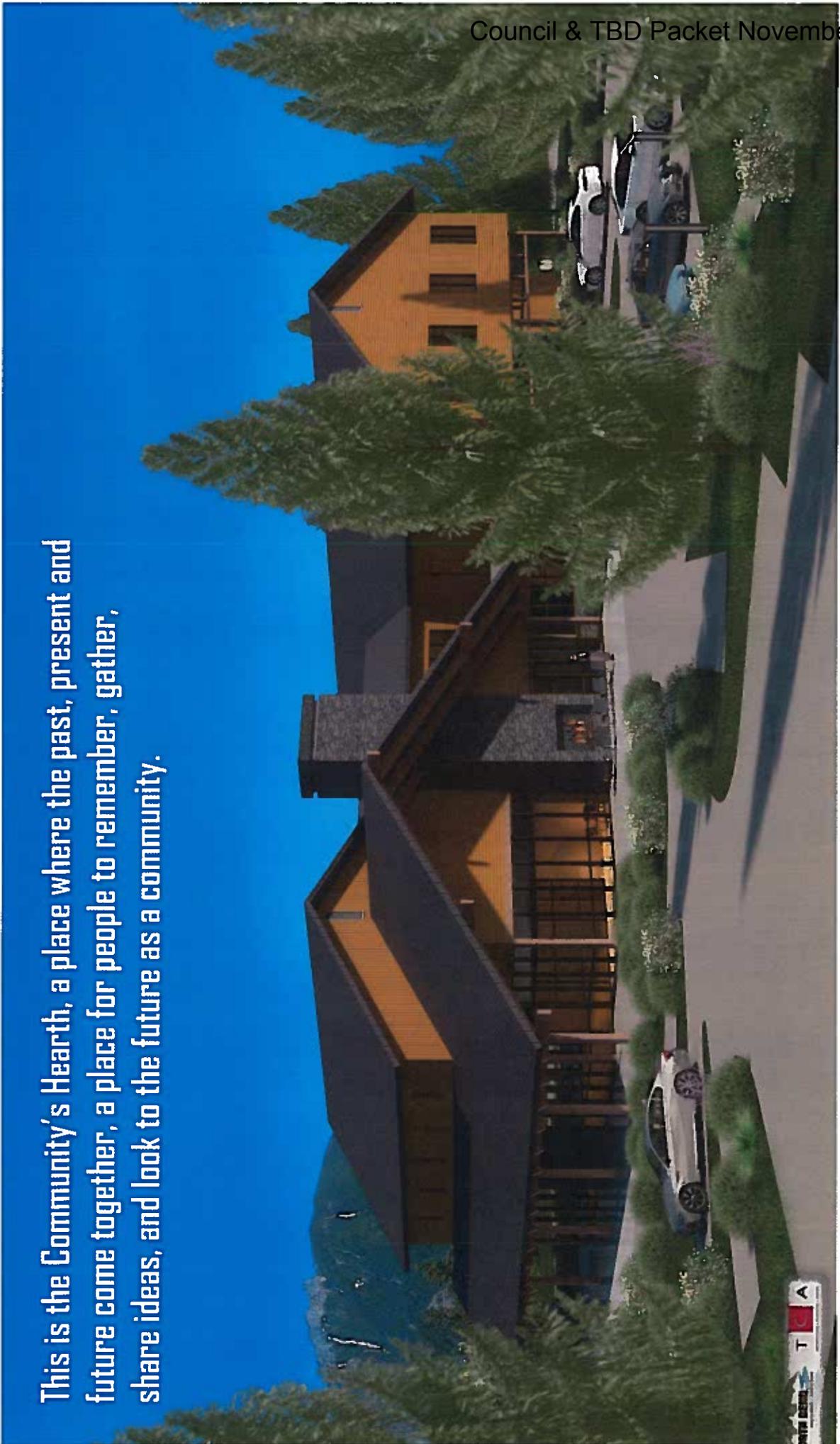
**NORTHEAST ELEVATION**



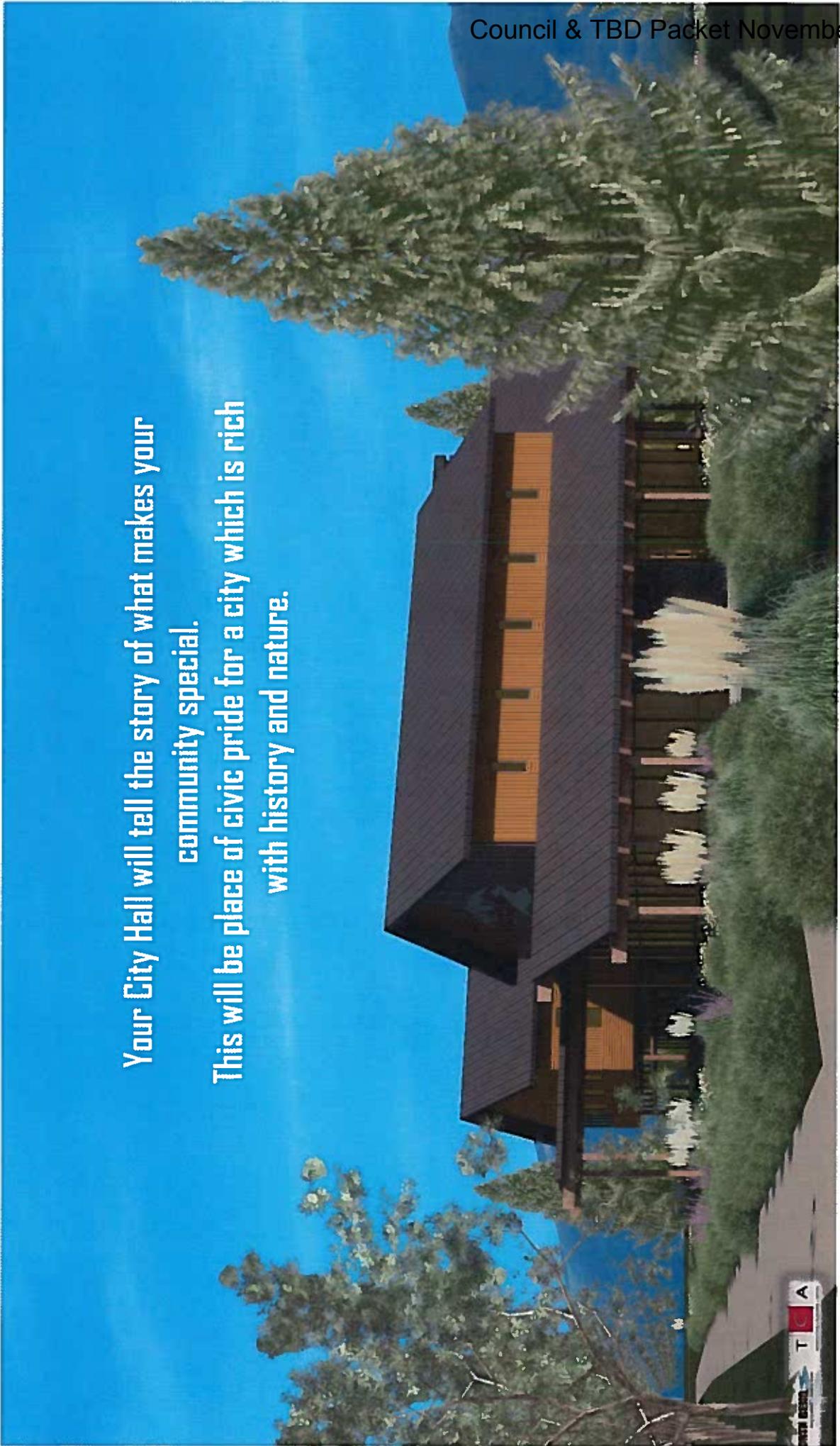
**NORTHWEST ELEVATION**



*This is the Community's Hearth, a place where the past, present and future come together, a place for people to remember, gather, share ideas, and look to the future as a community.*

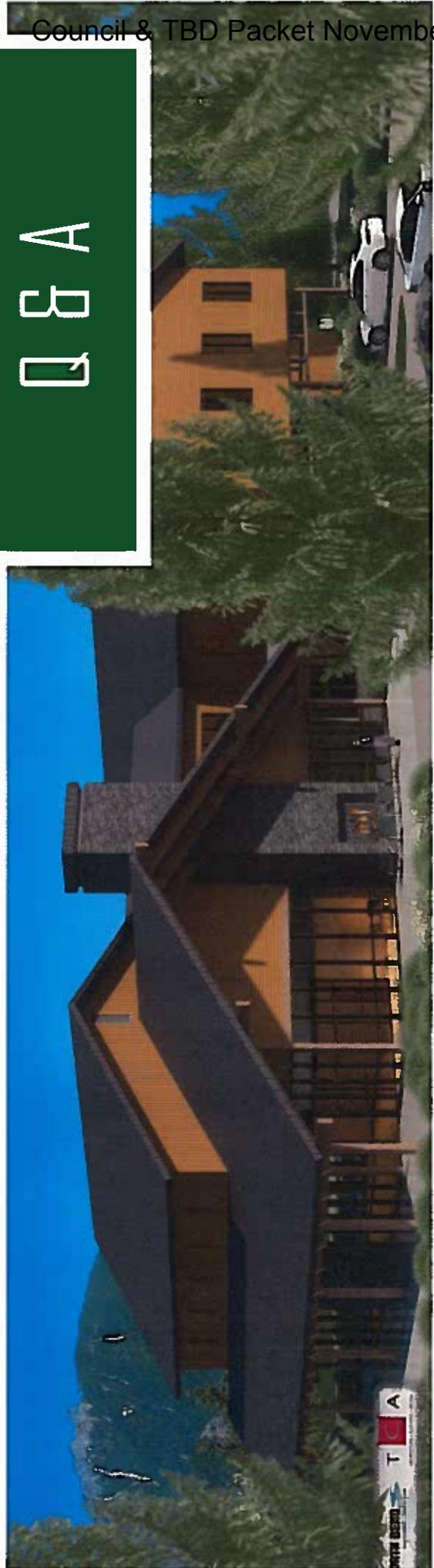


**Your City Hall will tell the story of what makes your  
community special.  
This will be place of civic pride for a city which is rich  
with history and nature.**





Q & A





## **PUBLIC COMMENT**

**FROM**

**OPEN HOUSES**

**October 25, 2016**

**November 7, 2016**

**November 8, 2016**

**November 9, 2016**

**TELL US WHAT YOU THINK OF THE CITY HALL DESIGNS**

**TCA ARCHITECTS**

<b>What I Like</b>	<b>What I DON'T Like</b>	<b>What is Missing</b>
TCA 1 story seems best	Amphitheater - \$\$ and night time security	Capture rain like Cedar River Watershed + green
TCA 1 story theme layout	Offices on exterior and conference in center - switch	Fewer trees and more open spaces
Building location in site plan	Amphitheater	Solar Panels
Parking arrangement	1 story looking to NE/not much Southern exposure	Less trees and more open spaces
TCA 1 story	Amphitheater	Water feature
TCA 1 story	Fire place	Outdoor meeting space
TCA 2 story	This is a remote location – now developers in this area can build the fireplaces, amphitheaters – this is not a great time to surround government with luxury features	Unisex bathrooms
Amphitheater	Executive Conference room is visibility to main lobby – distractions	Classroom programming space
Parking layout	Number of parking spaces	
Works with forest nature		
Retains significant trees		
Incorporation of Tanner Trail		
Amphitheater for our Community (Boy/Girl Scouts, Weddings, Theater groups and Christmas tree lighting)		
Amphitheater for Community groups		
Trails on site		
Deck and the ability to open up interior and expand		
Connectivity to trails		
Hidden parking area mask an integrate it into the trees		
Lobby space is great for little meetings		
Site Plan; Floor Plan; Bld Design; Lanscaping	Inefficient Parking Wasteful Outdoor Fireplace	Functional Parking

**TELL US WHAT YOU THINK OF THE CITY HALL DESIGNS**

**LAWHEAD ARCHITECTS**

<b>What I Like</b>	<b>What I DON'T Like</b>	<b>What is Missing</b>
Nice deck facing Mt Si and into lobby space	Site location of building	Solar panels
Unisex bathrooms	Fireplace	Yes ! – get panels
Better parking layout	Fireplace	Outdoor meeting space
Great public spaces	Parking	Unisex – single stall bathrooms
Layout of office spaces	Parking lot	More than one conference room
????????	Site doesn't acknowledge existing forest character	Classroom programming space
The more rustic look	2 story option – could do more with the 2 <sup>nd</sup> floor	
Fireplace	Restroom (public) location nice for council, not good for public.	
1 story	Need space to meet outside of work area	
Large windows / fireplaces // public patio	Lobby setup not as good as TCA for little meetings	
Amount of parking and 2 outdoor plaza areas	Council chambers staff seating out of view of council	
Compatibility design with Fire station	1 story, please	
Parking layout		
Natural area at entrance		
Lots of room to provide emergency services / space for citizens		
Great service counter layout for public and builders		
Authentic to North Bend		
Dollar Amount is "right sized" to North Bend		
Parking Plan makes sense		
Efficient convenient parking concept	Floor Plan; Site Plan, Second Story Concept	

**PUBLIC SPACES THE SITE SHOULD .....**

**Use stickers to vote for your top three priorities**

Connect to  
Tanner Trail along North Bend Way



Retain  
Significant trees



Build a citizen's  
park connecting City Hall and  
the Fire Station



Use green systems  
(rain barrels, rain drums,  
green roofs, etc.)



Provide public amenities  
to encourage gathering  
(picnic benches, tables, etc.)



Use native and drought  
tolerant landscaping



Have meandering paths and trails



Include wayfinding signs  
(trail, distance markers to downtown,  
Mt Si, Middle Fork, etc.)



Other

**CITY HALL SHOULD .....**

**Use stickers to vote for your top three priorities**

Be consistent with the City's vision  
\*Maintain rural character,  
natural beauty and small town scale



Provide usable public spaces



Remember our History

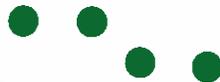


Low Impact site design

Be affordable



Connect the government to the community



Reduce operation costs  
through efficient design



Create community pride

Other



A Veterans memorial



## RESOLUTION

### **A RESOLUTION OF THE CITY OF NORTH BEND, WASHINGTON, SELECTING THE MUNICIPAL CAMPUS SITE LOCATED AT 1155 EAST NORTH BEND WAY, NORTH BEND, WASHINGTON, AS THE PREFERRED LOCATION FOR A NEW CITY HALL AND SELECTING AN ARCHITECT FOR THE CITY HALL DESIGN**

**WHEREAS**, in determining whether or not to locate a new city hall on certain real property currently improved by an existing public works administration building and shop and by a fire station, it is important to review the history of why this property was originally purchased and the history of each of these improvements to the site; and

**WHEREAS**, the City of North Bend contracted with Mithun, a Seattle architectural firm, to conduct a number of public meetings and workshops in 1992, 1993 and 1994 to ascertain citizen and Council preference and vision regarding the preferred location for a municipal campus for a city hall, police station, fire station and public works facilities; and

**WHEREAS**, Mithun then conducted an extensive search of all available properties within the City to locate a “Municipal Campus Site” which would be centrally located for the citizens, outside of the floodplain to facilitate emergency response, provide sufficient property for expansion and be affordable; and

**WHEREAS**, by the Municipal Campus Site Evaluation and Design Report dated December 7, 1993 and Municipal Facilities Site Analysis dated November 1994 prepared by Mithun (collectively, the Mithun Reports), a preferred site was identified comprised of approximately 9.42 acres located between North Bend Way and Cedar Falls Way immediately east of Maloney Grove Ave. (the “Municipal Complex Site”); and

**WHEREAS**, Mithun recommended the City consider the following features in connection with construction of a city hall on the Municipal Complex Site:

- City hall should have a strong physical connection to the central business district along North Bend Way with pedestrian orientation;
- Design major car access off SE Cedar Falls; and
- Create a park like “Village Green” which is a traditional feature of many small town city halls.

**WHEREAS**, the advantages of the Municipal Campus Site were described in the Mithun Reports as:

- Central location within service area;
- Compliance with EMS established response times;
- Access to two major east-west roadways;

- Room for future expansion;
- Minimum site development cost;
- No flooding;
- Within current city limits; and
- Ten inch water main adjacent to property (Note: ULID #6 has now extended sewer to property within North Bend Way also).

**WHEREAS**, by Real Estate Purchase and Sale Agreement dated March 19, 1992, between the City of North Bend as Buyer and North Bend Auto Parts, Inc, executed by Frank Padavich as Seller, recorded June 6, 1992 in the Office of King County Records, North Bend purchased the Municipal Complex Site for a purchase price of \$475,000 with final payment being made on or about November 1, 2010; and

**WHEREAS**, at the August 17, 1999 regular North Bend City Council meeting, Council approved awarding the design of the Public Works administration building and shop (Public Works Buildings) to Lawhead Architects in the amount of \$173,028, which was later amended to increase this design contract by \$24,245 on May 15, 2001 by Resolution No. 804, for a total of \$197,273 for design services; and

**WHEREAS**, by Resolution No. 803, the City Council awarded the lowest qualified bid to Premium Construction for construction of the Public Works Buildings. The total cost (including all hard construction and soft design and other costs) for building the Public Works Buildings was \$3,381,220; and

**WHEREAS**, on April 19, 2011, the North Bend City Council approved awarding a design contract to TCA Architects to design the Fire Station for the Municipal Campus Site in the amount of \$436,040, which was later increased by change orders in the amount of \$58,627.56 which exceeded the original base contract for a total of \$494,667.56 for design services; and

**WHEREAS**, at the June 5, 2012, the North Bend City Council awarded a construction contract to Kirtley-Cole Associates, LLC for a new Fire Station on the Municipal Campus Site. Total soft and hard construction costs for the Fire Station when completed was \$5,187,325 and these costs were shared between the City of North Bend and Fire District #38 who the City owns the Fire Station with as tenants in common; and

**WHEREAS**, at a June 24, 2013 Special City Council Workstudy, a Town Hall meeting was advertised and held to gather public input regarding the preferred location of a civic center. Approximately 68 people attended and the preferred location of a civic center to include a performing arts center was in the historic downtown in order to revitalize some vacant and derelict buildings; and

**WHEREAS**, Council awarded a contract to Beckwith Consulting on October 7, 2014 to conduct a needs assessment for the civic center in the preferred historic downtown location and the estimated cost to construct a civic center was \$9.8 million without the costs associated with architectural and engineering (soft costs), property acquisition and litigation associated with condemnation; and

**WHEREAS**, financial estimates to construct a civic center within the historic downtown site including construction costs, soft costs, legal costs, condemnation costs were estimated to be in excess of \$15 million dollars; and

**WHEREAS**, in 2014 Council adopted Financial Priorities of Government for purposes of allocating limited taxpayer resources in the following order:

1. Public safety;
2. Maintain basic infrastructure (water, sewer, streets, etc.)
3. All remaining governmental services (e.g. parks, municipal buildings, etc.)

**WHEREAS**, there are many general governmental needs competing for limited tax revenues and Council has determined it is necessary to reduce the scope of the civic center to a city hall and address the most pressing needs of providing a safe working environment for city staff in one location so citizens can conduct business conveniently; and

**WHEREAS**, on August 16, 2016, the City Council approved First Amendments to Professional Services Agreements with Lawhead Architects and TCA Architects who were retained to prepare schematic designs of a city hall on the Municipal Campus Site for the City Council's review and consideration; and

**WHEREAS**, on October 25, 2016, a public open house and a regular City Council Meeting was conducted and the architects each presented their various designs were presented to the public and Council which included possible site plans, floor plans and elevations of a city hall; and

**WHEREAS**, there were additional opportunities for the public to provide comments on the architectural designs during the first two weeks of November 2016 while the architectural exhibits were displayed at City Hall and during another public open house on November 8, 2016; and

**WHEREAS**, on November 15, 2016, Council considered all of the public comments and testimony and directed the City Administrator to commence negotiations with one of the architects selected but recognized that the City owned both designs prepared by both architectural firms;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1. Preferred Location for City Hall.** The preferred location for the North Bend City Hall is on the Municipal Campus Site for the following reasons:

- The City owns the property without any debt;
- A more affordable city hall can be constructed in this location allowing for the use of other tax revenues for higher priority city services such as public safety and maintaining basic government infrastructure;
- The property was purchased for this intended purpose;
- The property is located outside of the flood plain;

- There is access to two major east-west roadways for ingress and egress to facilitate emergency response of police vehicles. The City's police contract employees will use city hall as a police substation;
- There are no "property rights" issues associated with this location which exist whenever a property must be condemned for public use and necessity;
- The property is centrally located within the City of North Bend providing ease of access fairly to all citizens;
- The portion of the property title which remains solely in North Bend's control is approximately 5 acres and this provides significant room for future expansion, if necessary. The planned approximately 10,000 to 12,000 square foot city hall is planned to accommodate any expected growth for the next 20 years;
- The site is flat and already developed with entrances off both North Bend Way and Cedar Falls Way for the Public Works Building so there will be reduced site development costs as compared to condemning and then demolishing historic buildings with possible hazardous materials;
- Utilities are readily available. There is a 10' water main in the street serving the Public Works Building. ULID #6 sewer main is in NBW which the city hall would connect too. Two storm drainage ponds are available to be expanded at either the Public Works Building or Fire Station;
- Construction of city hall in this location will allow improvement of the Tanner Bike Trail along the Municipal Campus Site and completion of a plaza to incorporate the City's Brand Statement of "We are the small town that is creating the premiere outdoor adventure destination in the Puget Sound region";
- Although this location is not located within the boundaries of historic downtown, in the next 20 years, this location will be part of North Bend's Downtown and the design will encourage a strong physical connection and orientation to the central business district along North Bend Way with pedestrian orientation; and
- This property will allow city hall to be oriented to take advantage of views of Mt Si consistent with Council's direction that new construction should be situated on properties and oriented to take advantage of our spectacular views consistent with our citizen's vision statement of wanting to highlight North Bend's "natural beauty".

**PASSED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 15<sup>TH</sup> DAY OF NOVEMBER, 2016.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Kenneth G. Hearing, Mayor**

\_\_\_\_\_  
**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Effective:  
Posted:

\_\_\_\_\_  
**Susie Oppedal, City Clerk**

**EXHIBIT A**  
**A/E FEE SCHEDULE**

<b>MACC</b>	<b>Sch A</b>	<b>Sch B</b>	<b>Sch C</b>	<b>MACC</b>	<b>Sch A</b>	<b>Sch B</b>	<b>Sch C</b>
\$100,000				\$4,100,000	10.40%	8.99%	7.59%
\$200,000				\$4,200,000	10.37%	8.97%	7.57%
\$300,000				\$4,300,000	10.34%	8.94%	7.54%
\$400,000	Basic Services fee amount to be			\$4,400,000	10.32%	8.92%	7.52%
\$500,000	negotiated for projects with a MACC			\$4,500,000	10.29%	8.90%	7.50%
\$600,000	less than \$1,000,000			\$4,600,000	10.27%	8.87%	7.48%
\$700,000				\$4,700,000	10.24%	8.85%	7.46%
\$800,000				\$4,800,000	10.22%	8.83%	7.44%
\$900,000				\$4,900,000	10.20%	8.81%	7.42%
\$1,000,000	11.75%	10.30%	8.85%	\$5,000,000	10.17%	8.79%	7.40%
\$1,100,000	11.67%	10.22%	8.77%	\$5,100,000	10.15%	8.77%	7.38%
\$1,200,000	11.60%	10.15%	8.70%	\$5,200,000	10.13%	8.75%	7.36%
\$1,300,000	11.53%	10.08%	8.63%	\$5,300,000	10.11%	8.73%	7.35%
\$1,400,000	11.46%	10.01%	8.56%	\$5,400,000	10.09%	8.71%	7.33%
\$1,500,000	11.40%	9.95%	8.50%	\$5,500,000	10.06%	8.69%	7.31%
\$1,600,000	11.34%	9.89%	8.45%	\$5,600,000	10.04%	8.67%	7.29%
\$1,700,000	11.29%	9.84%	8.39%	\$5,700,000	10.02%	8.65%	7.28%
\$1,800,000	11.23%	9.79%	8.34%	\$5,800,000	10.00%	8.63%	7.26%
\$1,900,000	11.18%	9.74%	8.29%	\$5,900,000	9.98%	8.61%	7.24%
\$2,000,000	11.13%	9.69%	8.25%	\$6,000,000	9.96%	8.60%	7.23%
\$2,100,000	11.09%	9.65%	8.20%	\$6,100,000	9.94%	8.58%	7.21%
\$2,200,000	11.04%	9.60%	8.16%	\$6,200,000	9.93%	8.56%	7.20%
\$2,300,000	11.00%	9.56%	8.12%	\$6,300,000	9.91%	8.54%	7.18%
\$2,400,000	10.96%	9.52%	8.08%	\$6,400,000	9.89%	8.53%	7.17%
\$2,500,000	10.92%	9.48%	8.05%	\$6,500,000	9.87%	8.51%	7.15%
\$2,600,000	10.88%	9.44%	8.01%	\$6,600,000	9.85%	8.49%	7.14%
\$2,700,000	10.84%	9.41%	7.98%	\$6,700,000	9.83%	8.48%	7.12%
\$2,800,000	10.80%	9.37%	7.94%	\$6,800,000	9.82%	8.46%	7.11%
\$2,900,000	10.76%	9.34%	7.91%	\$6,900,000	9.80%	8.45%	7.09%
\$3,000,000	10.73%	9.30%	7.88%	\$7,000,000	9.78%	8.43%	7.08%
\$3,100,000	10.70%	9.27%	7.85%	\$7,100,000	9.77%	8.42%	7.07%
\$3,200,000	10.66%	9.24%	7.82%	\$7,200,000	9.75%	8.40%	7.05%
\$3,300,000	10.63%	9.21%	7.79%	\$7,300,000	9.73%	8.39%	7.04%
\$3,400,000	10.60%	9.18%	7.76%	\$7,400,000	9.72%	8.37%	7.03%
\$3,500,000	10.57%	9.15%	7.74%	\$7,500,000	9.70%	8.36%	7.01%
\$3,600,000	10.54%	9.12%	7.71%	\$7,600,000	9.68%	8.34%	7.00%
\$3,700,000	10.51%	9.10%	7.68%	\$7,700,000	9.67%	8.33%	6.99%
\$3,800,000	10.48%	9.07%	7.66%	\$7,800,000	9.65%	8.31%	6.97%
\$3,900,000	10.45%	9.04%	7.63%	\$7,900,000	9.64%	8.30%	6.96%
\$4,000,000	10.42%	9.02%	7.61%	\$8,000,000	9.62%	8.29%	6.95%



## A/E Fee Schedule - Building Types

<b><u>Schedule A</u></b>	<b><u>Schedule B</u></b>	<b><u>Schedule C</u></b>
<p><b>Facilities with more than average design difficulty:</b></p> <p>Art galleries                      Auditoriums (with stage)                      Communications buildings                      Courthouses                      Detention/correctional facilities, maximum                      Exposition buildings                      Extended care facilities                      Fish hatcheries                      Heating and power plants                      Hospitals                      Laboratories (research)                      Medical office facilities and clinics                      Mental institutions                      Museums                      Observatories                      Research facilities                      Sewer treatment plants                      Special schools                      Theaters and similar facilities                      Veterinary hospitals                      Water treatment plants</p>	<p><b>Facilities with average difficulty:</b></p> <p>Apartment buildings                      Archive building                      Armories                      Auditoriums (without stage)                      College classroom facilities                      Computer rooms                      Convention facilities                      Day care families                      Detention/correctional facilities, minimum and medium                      Dining halls/institutes                      Dormitories                      Fire and police stations                      Gymnasiums                      Laundry and cleaning facilities                      Libraries                      Neighborhood centers and similar recreation facilities                      Nursing homes  <b>Office buildings</b>                      Recreational building                      Residences                      Schools (primary and secondary)                      Science labs (teaching)                      Stadiums, multi-purpose                      Storage facilities, cold                      Transportation terminals                      Vocational schools</p>	<p><b>Projects with less than average design difficulty:</b></p> <p>Civil and utility projects                      Emergency generator facilities                      Farm structures                      Greenhouses                      Guard towers                      Industrial buildings without special facilities                      Parking structures and garages                      Printing plants                      Prototype facilities (for any replication of previously designed facility)                      Service garages                      Shop and maintenance facilities                      Simple loft-type structures (without special equipment)                      Stadiums, grandstand type                      Warehouses</p>