



CITY COUNCIL MEETING*

January 2, 2024 – Agenda

City Hall, 920 SE Cedar Falls Way, North Bend, Washington

7:00 P.M. – CALL TO ORDER & FLAG SALUTE

Administer Oath of Office to Mayor Miller, Councilmembers Elwood, Koellen, Rustik & Torguson

Roll Call (followed by ten-minute break)

CONSENT AGENDA:

			Pg.#
1) Minutes	City Council Meetings of November 21, 2023 & December 5, 2023		1
2) Payroll	December 5, 2023 – 28741 through 28747 , in the amount of \$342,625.19		
	December 20, 2023 – 28748 through 28754 , in the amount of \$295,965.46		
3) Checks	December 19, 2023 – 74903 through 74975 , in the amount of \$2,077,849.67		
	December 29, 2023 – 74976 through 75015 , in the amount of \$382,478.31		
	January 2, 2024 – 75016 , in the amount of \$6,115.07		
4) AB24-001	Motion – Authorizing Contract with G&O for NW 8 th Street Watermain Project	Mr. Rigos	11

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

ANNOUNCEMENTS, PRESENTATIONS, APPOINTMENTS:

5) Proclamation	National Mentoring Month	Mayor Miller	21
6) AB24-002	Appointments to Planning Commission	Mayor Miller	23
7) AB24-003	2024 Council Standing Committee Appointments	Mayor Pro Tem Gothelf	29

INTRODUCTIONS:

8) AB24-004	Motion – Authorizing Memorandum of Agreement with ARCH for MFTE Services	Ms. Deming	31
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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.)

EXECUTIVE SESSION: To Discuss Collective Bargaining Negotiations, pursuant to RCW 42.30.140(4)

ADJOURNMENT:



***PLEASE NOTE:** Members of the public may choose to attend in person or by teleconference. It is strongly encouraged that members of the public that are attending by teleconference provide comments in advance of the meeting. Please email comments on any agenda items prior to the meeting to the City Clerk at soppedal@northbendwa.gov. Please provide comments by 5 p.m., Tuesday, January 2, 2024 so a copy can be provided to the City Council prior to the meeting.

Those wishing to access the meeting by teleconference will be required to have a registered Zoom account and display your full name to be admitted to the online meeting.

Zoom Meeting Information:

To Sign Up for a Zoom Account: <https://zoom.us/join>

Meeting ID: 881 2610 1456

Password: 658184

Call In Phone Number: 1-253-215-8782

NORTH BEND CITY COUNCIL MINUTES

November 21, 2023

City Hall, 920 SE Cedar Falls Way, North Bend, Washington

CALL TO ORDER, ROLL CALL:

Mayor McFarland called the regular meeting to order at 7:00 p.m.

Councilmembers Present: Elwood, Gothelf, Joselyn, Koellen, Miller, and Rosen.

Mayor McFarland announced the portion of the Executive Session scheduled to discuss potential litigation, pursuant to RCW 42.30.110(1)(i) was cancelled.

CONSENT AGENDA:

Minutes – City Council Meeting of November 7, 2023

Payroll – November 3, 2023 – 28727 through 28733, in the amount of \$340,785.77

Checks – November 21, 2023 – 74797 through 74856, in the amount of \$1,027,374.75

AB23-133 – Resolution 2088 Designating 2024 Paper of Record

Councilmember Gothelf **MOVED**, seconded by Councilmember Miller to approve the consent agenda as presented. The motion **PASSED** 6-0.

CITIZEN'S COMMENTS:

Debra Landers, 14615 438th Ave. SE, noted North Bend Art & Industry would be holding an Artist Sunday event at the North Bend Outlet Stores on November 26th from 11 a.m. to 4 p.m.

COMMISSION AND COMMITTEE REPORTS:

Community & Economic Development Committee – Councilmember Miller, Chair
No report. The November 21st meeting was cancelled.

Finance & Administration Committee – Councilmember Gothelf, Chair
A report of the November 14th meeting was provided.

Public Health & Safety Committee – Councilmember Rosen, Chair
No report. The November 7th meeting was cancelled.

Transportation & Public Works Committee – Councilmember Miller, Chair
A report of the October 24th meeting was provided.

Council Workstudy – Mayor Pro Tem Koellen
A report of the October 10th Special Workstudy was provided.

Eastside Fire & Rescue Board Meeting – Councilmember Gothelf
A report of the November 8th meeting was provided.

Planning Commission
A report of the November 15th meeting was provided.

Parks Commission
No report.

Economic Development Commission
A report of the November 7th meeting was provided.

Sound Cities Association Board of Health – Councilmember Koellen
A report of the November 16th meeting was provided.

MAIN AGENDA:

**AB23-134 – Public Hearing Cont., Ordinance 1798 Adopting 2024
Property Tax Levy**

Audio: 11:12

Interim Finance Director Boutu provided the staff report.

**Mayor McFarland announced the Public Hearing on an Ordinance Adopting 2024
Property Tax Levy was opened at the November 7, 2023 City Council meeting and
continued to tonight's meeting.**

The following individual commented on the agenda item:

Robyn Balcom, 246 Olallie Place

Mayor McFarland closed the Public Hearing at 7:14 p.m.

Councilmember Gothelf **MOVED**, seconded by Councilmember Koellen to approve AB23-134, an ordinance adopting the 2024 Property Tax Levy, with a 1 percent increase (Option Number 2), as a second and final reading. The motion **PASSED** 4-2 (Gothelf, Rosen).

**AB23-135 – Public Hearing Cont., Ordinance 1799 Adopting 2023/2024
Mid-Biennium Budget Modification & 2024 Salary Schedule**

Audio: 29:54

Interim Finance Director Boutu provided the staff report.

Mayor McFarland announced the Public Hearing on an Ordinance Adopting 2023/2024

Mid-Biennium Budget Modification was opened at the November 7, 2023 City Council meeting and continued to tonight's meeting.

The following individual commented on the agenda item:

Robyn Balcom, 246 Olallie Place

Mayor McFarland closed the Public Hearing at 7:35 p.m.

Councilmember Gothelf **MOVED**, seconded by Councilmember Elwood to approve AB23-135, an ordinance adopting the 2023-2024 Mid-Biennial Budget Modification & 2024 Salary Schedule, as a second and final reading. The motion **PASSED** 6-0.

AB23-136 – Resolution 2089 Adopting Six Year Capital Improvement Plan **2024-2029** **Audio: 40:17**

Deputy City Administrator/Public Works Director Rigos provided the staff report.

The following individual commented on the agenda item:

Robyn Balcom, 246 Olallie Place

Councilmember Miller **MOVED**, seconded by Councilmember Rosen to approve AB23-136, a resolution adopting the City's 2024 – 2029 Six-Year Capital Improvement Plan, as a second and final reading.

Councilmember Koellen **MOVED**, seconded by Councilmember Elwood to amend AB23-136, by moving Items T—034, T-001 and T-052 up to placements Nos. 8, 9, 10 respectively on the Capital Improvement Plan (CIP) list. The motion **FAILED** 1-5 (Elwood, Gothelf, Joselyn, Miller & Rosen).

The main motion then **PASSED** 6-0.

AB23-137 – Motion Authorizing Amendment to Republic Contract **Audio: 58:24**

Deputy City Administrator/Public Works Director Rigos provided the staff report.

Councilmember Miller **MOVED**, seconded by Councilmember Rosen to approve AB23-137, approving the rate restructure by King County and authorizing an amendment to the Solid Waste Contract with Republic, in a form and content approved by the City Attorney. The motion **PASSED** 6-0.

AB23-138 – Ordinance 1800 Amending Taxes, Rates & Fees Schedule **RE Solid Waste & Recycling Rates** **Audio: 1:03:00**

Interim Finance Director Boutu provided the staff report.

Councilmember Gothelf **MOVED**, seconded by Councilmember Elwood to approve AB23-138, an ordinance increasing the Solid Waste & Recycling Rates and amending the Taxes, Rates & Fees Schedule, as a first and final reading. The motion **PASSED** 6-0.

AB23-139 – Motion Authorizing Contract for City Attorney Services

Audio: 1:06:12

City Administrator Miller provided the staff report.

Councilmember Gothelf **MOVED**, seconded by Councilmember Joselyn to approve AB23-139, authorizing the Mayor to execute a contract with Kenyon Disend, PLLC for City Attorney Services. The motion **PASSED** 6-0.

Mayor McFarland announced Mayor, Council & Administrator Concerns and Initiatives would take place at this time followed by the Executive Session to discuss collective bargaining, pursuant to RCW 42.30.140(4).

MAYOR, COUNCIL, AND ADMINISTRATOR CONCERNS AND INITIATIVES:

Councilmember Gothelf noted it was getting dark earlier in the day and encouraged all to be aware of pedestrian traffic when traveling on City streets, particularly in areas with crosswalks. Additionally, he mentioned the recent pedestrian/vehicular accident that resulted in a fatality and extended his condolences to the pedestrian's family.

Councilmember Miller echoed Councilmember Gothelf's comments and wished everyone a Happy Thanksgiving.

Councilmember Elwood echoed Councilmember Gothelf's comments.

Councilmember Joselyn echoed Councilmember Miller's Thanksgiving comments and noted he was thankful to be able to serve the City and to work with such a wonderful City staff.

Councilmember Rosen echoed Councilmember Joselyn's thoughts regarding City staff and encouraged pedestrians walking during the nighttime hours to wear highly visible light or bright colored clothing to increase their visibility.

Councilmember Koellen wished everyone a Happy Thanksgiving and encouraged all to travel safely.

Mayor McFarland spoke regarding the following items:

- City Offices closed November 23rd & 24th in observance of Thanksgiving Holiday
- Holly Days & Tree Lighting Ceremony – December 2nd 5 – 8 p.m. @ Downtown

- Cancellation of November 28th City Council Workstudy

EXECUTIVE SESSION:

Mayor McFarland recessed the regular meeting for an Executive Session at 8:19 p.m. to discuss collective bargaining negotiations, pursuant to RCW 42.30.140(4). No action was anticipated as a result of the Executive Session, which was expected to last fifteen minutes and videotaping of the meeting ceased.

At 8:34 p.m. Mayor McFarland announced to audience members outside the Council Chambers that the Executive Session was expected to last an additional ten minutes.

At 8:44 p.m. Mayor McFarland announced to audience members outside the Council Chambers that the Executive Session was expected to last an additional ten minutes.

The regular meeting reconvened at 8:54 p.m.

AB23-140 – Council Vacancy & Appointment

Audio: 1:19:03

Council Applicant Interviews

Mayor McFarland explained the process to be followed for filling the vacant Council position created by the resignation of Councilmember Loudenback. He reported the City Council interviewed five applicants at the November 14, 2023 Special City Council meeting and moved forward consideration of the applicants Errol Tremolada and Sam White to tonight's meeting.

Each applicant answered questions from the City Council.

Council Appointment

Following the interviews, the Council recessed into **Executive Session** at 9:36 p.m. for an estimated sixty minutes to consider the qualifications of the applicants for Position No.4, as authorized by RCW 42.30.110(1)(h).

Following the Executive Session, Mayor McFarland reconvened the meeting at 10:37 p.m.

Councilmember Miller **MOVED**, seconded by Councilmember Elwood to appoint Errol Tremolada to North Bend City Council Position No. 4 to serve until certification of the November 2025 General Election. The motion **PASSED** 5-1 (Joselyn).

ADJOURNMENT:

Councilmember Gothelf **MOVED** to adjourn, seconded by Councilmember Koellen. The motion **PASSED** 6-0.

The meeting adjourned at 10:48 p.m.

ATTEST:

Rob McFarland, Mayor

Susie Oppedal, City Clerk

DRAFT

NORTH BEND CITY COUNCIL MINUTES

December 5, 2023

City Hall, 920 SE Cedar Falls Way, North Bend, Washington

CALL TO ORDER, ROLL CALL:

Mayor Pro Tem Koellen called the regular meeting to order at 7:00 p.m.

Councilmembers Present: Gothelf, Joselyn, Koellen, Miller, Rosen & Tremolada. Councilmember Elwood was excused.

Snoqualmie/North Bend Police Chief Brian Lynch introduced new Police Officer Michael Peter.

CONSENT AGENDA:

Minutes – Council Workstudy of October 24, 2023 & City Council Meeting of November 14, 2023

Payroll – November 20, 2023 – 28734 through 28740, in the amount of **\$280,500.77**

Checks – December 5, 2023 – 74857 through 74902, in the amount of **\$865,563.10**

AB23-141 – Resolution 2090 Accepting Alm Way Bridge Removal Project

AB23-142 – Resolution 2091 Accepting North Bend Bridge #1135-3 Scour Project

AB23-143 – Motion Authorizing Contract with KPFF for NB Way/Mt Si Road Roundabout Project

AB23-144 – Resolution 2092 Accepting Old Si View/New Si View Connection Project

AB23-145 – Motion Authorizing 2nd Amendment to RH2 Contract

AB23-146 – Resolution 2093 Authorizing Aquatic Lands Outfall Easement with WA State

AB23-147 – Motion Ratifying Opt Out Re PFAS Contamination Lawsuit

AB23-148 – Motion Authorizing Contract with G&O for SF Snoqualmie Shared Use Path

Councilmember Gothelf **MOVED**, seconded by Councilmember Miller to approve the consent agenda as presented. The motion **PASSED** 6-0.

CITIZEN'S COMMENTS:

Chris Garcia, 770 SE 10th Street, requested lights be added to ballfields at City parks to extend practice time during the fall and winter and that lighting be extended further in the Downtown core of the City. Additionally, he thanked Councilmember Rosen for his eighteen years of service to the community.

ANNOUNCEMENTS, PRESENTATIONS, APPOINTMENTS:

AB23-149 – Appointments to Economic Development Commission

Audio: 8:25

DRAFT

Mayor Pro Tem Koellen recommended the reappointments of Nick Jensen to Position No. 1 and Martin Maisonpierre to Position No. 2 on the Business & Economic Development Commission.

Councilmember Joselyn **MOVED**, seconded by Councilmember Gothelf to approve AB23-149, confirming the reappointments of Nick Jensen to Position No. 1 and Martin Maisonpierre to Position No. 2 on the Business & Economic Development Commission, terms expiring December 31, 2027. The motion **PASSED** 6-0.

AB23-150 – Appointments to Parks Commission**Audio: 11:42**

Mayor Pro Tem Koellen recommended the appointment of Matt Miller to Position No. 1 and the reappointments of Brian Duncan to Position No. 6 and Minna Rudd to Position No. 7 on the Parks, Recreation and Beautification Commission.

Councilmember Joselyn **MOVED**, seconded by Councilmember Rosen to approve AB23-150, confirming the reappointments of Brian Duncan to Position No. 6 and Minna Rudd to Position No. 7 terms expiring December 31, 2027 and the appointment of Matt Miller to Position No. 1 for the remainder of Position No. 1's current term, set to expire on December 31, 2025 on the Parks, Recreation & Beautification Commission. The motion **PASSED** 6-0.

AB23-151 – Selection of 2024 Mayor Pro Tem**Audio: 18:24**

Mayor Pro Tem Koellen called for nominations for 2024 Mayor Pro Tem.

Councilmember Koellen **MOVED** to nominate Councilmember Alan Gothelf to serve as the 2024 Mayor Pro-Tem, seconded by Councilmember Rosen.

The following individual commented on the agenda item:

Chris Garcia, 770 SE 10th Street

There were no further nominations. The motion **PASSED** 6-0, and Councilmember Alan Gothelf was selected as the 2024 Mayor Pro-Tem.

INTRODUCTIONS:**AB23-152 – Ordinance 1801 Amending NBMC 17.08.150 RE Application Requirements for Preliminary Plats & Binding Site Plans****Audio: 24:05**

Deputy City Administrator/Public Works Director Rigos provided the staff report.

Councilmember Miller **MOVED**, seconded by Councilmember Rosen to approve AB23-152, an ordinance amending NBMC 17.08.150, relating to application requirements for

DRAFT

Preliminary Plats, Preliminary Short Plats and Preliminary Binding Site Plans, as a first and final reading. The motion **PASSED** 6-0.

AB23-153 – Ordinance 1802 Repealing NBMC 20.12.050(G) RE WWTP/ **Audio: 27:24**
Sewer Capacity

Deputy City Administrator/Public Works Director Rigos provided the staff report.

Councilmember Miller **MOVED**, seconded by Councilmember Rosen to approve AB23-153, an ordinance repealing NBMC Subsection 20.12.050(G) relating to WWTP / Sewer Capacity, as a first and final reading. The motion **PASSED** 5-1 (Rosen).

AB23-154 – Resolution 2094 Authorizing REET 2 Funds for Real Property **Audio: 32:27**
Purchase

City Administrator Miller provided the staff report.

Councilmember Gothelf **MOVED**, seconded by Councilmember Rosen to approve AB23-154, a resolution authorizing the City to use REET 2 funds to purchase real property. The motion **PASSED** 6-0.

MAYOR, COUNCIL, AND ADMINISTRATOR CONCERNS AND INITIATIVES:

Councilmember Gothelf thanked Councilmember Koellen for serving as Mayor Pro Tem this year and thanked outgoing Councilmember Rosen for his service to the community. Additionally, he reminded those driving at night to watch out for pedestrians.

Councilmember Miller noted it was a pleasure to work with Councilmember Rosen and wished him the best in his future endeavors. Additionally, she commented on last weekend's Holly Days event and thanked the North Bend Downtown Foundation, City of North Bend and others for ensuring the success of the event.

Councilmember Joselyn thanked Deputy City Administrator/Public Works Director Rigos and Public Works staff for their efforts with the Holly Days event. He thanked Mayor McFarland for his four years of service to the City and for his many efforts including finalizing the Water Supply Agreement with Sallal Water Association. Additionally, he thanked outgoing Councilmember Rosen for his commitment to the City and community, Councilmember Koellen for her service as Mayor Pro Tem, City staff for all of their efforts and wished everyone a Happy Holidays.

Councilmember Tremolada commented on Holly Days and congratulated the Ignite Dance Team on their performance. Additionally, he thanked Councilmember Rosen for his many years of service to the community and thanked staff for their onboarding process after his recent appointment.

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Councilmember Rosen acknowledged Councilmembers that he has worked with for the past eighteen years and noted what a pleasure it was to work with City staff and thanked them for their efforts. He concluded by thanking the citizens of North Bend for their trust for the past eighteen years and noted what a pleasure it has been to serve them.

Mayor Pro Tem Koellen spoke regarding the following items:

- Councilmember Rosen's 18 Years of Service to the Community
- Cancellation of December 19, 2023 City Council Meeting & December 26, 2023 Council Workstudy
- Sandbag Availability at Public Works During Office Hours
- January 3, 2024 Planning Commission Public Workshop on Land Use Element of Comprehensive Plan

EXECUTIVE SESSION:

Mayor Pro Tem Koellen recessed the regular meeting for an Executive Session at 7:53 p.m. to discuss potential litigation, pursuant to RCW 42.30.110(1)(i). No action was anticipated as a result of the Executive Session, which was expected to last twenty minutes and videotaping of the meeting ceased.

At 8:13 p.m. it was announced to audience members outside the adjournment room that the Executive Session was expected to last an additional seven minutes.

At 8:20 p.m. it was announced to audience members outside the adjournment room that the Executive Session was expected to last an additional five minutes.

At 8:25 p.m. it was announced to audience members outside the adjournment room that the Executive Session was expected to last an additional ten minutes.

The regular meeting reconvened at 8:35 p.m.

ADJOURNMENT:

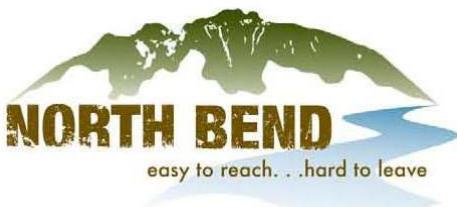
Councilmember Gothelf **MOVED** to adjourn, seconded by Councilmember Miller. The motion **PASSED** 6-0.

The meeting adjourned at 8:35 p.m.

ATTEST:

Heather Koellen, Mayor Pro Tem

Susie Oppedal, City Clerk



City Council Agenda Bill

SUBJECT:	Agenda Date: January 2, 2024	AB24-001
Motion Authorizing Contract with Gray and Osborne for the NW 8th Street Watermain Capital Project	Department/Committee/Individual	
	Mayor Mary Miller	
	City Administrator – David Miller	
	City Attorney – Kendra Rosenberg	
	City Clerk – Susie Oppedal	
	Administrative Services – Lisa Escobar	
	Comm. & Economic Development – Rebecca Deming	
	Finance –	
Cost Impact: \$97,800	Public Works – Mark Rigos	X
Fund Source: Water Fund		
Timeline: Immediate		

Attachments: Exhibit A – G&O Scope of Work, Exhibit B – G&O Fee

SUMMARY STATEMENT:

In some right-of-way corridors within the City of North Bend, there is aging and/or substandard infrastructure. NW 8th Street is one of those corridors with respect to utilities. One of the tenants from the City of North Bend's Mission Statement is to *“build and maintain healthy infrastructure.”* This proposed project does exactly that. This project's purpose is to build a 12-inch diameter, 2,800-foot long watermain from State Route 202 through the West North Bend Way / NW 8th Street intersection and west down 8th Street to connect to the existing large watermain near Nintendo's property and near one of the City's water reservoirs. The proposed engineering contract with Gray & Osborne (G&O), which is in front of City Council for approval, allows G&O to prepare PS&Es (plans, specifications and estimates) for the new watermain. Once the PS&Es are prepared, then the project can be advertised for construction whereby contractors will be able to submit sealed bids to build the project. The City is typically obligated to select the contractor who submits the lowest bid. The hopeful schedule of the watermain construction is sometime between Q3 2024 – Q2 2025. This is so that the construction can be completed before the Meadowbrook Sewer ULID project construction commences in Q2 2025.

Below NW 8th Street, there is an existing water pipe that provides water service to several residences between SR-202 and West North Bend Way, however the water pipe has a diameter too small to provide fire suppression. The existing water pipe is only 2 inches in diameter. Additionally, 8th Street lacks fire hydrants. This project includes the installation of fire hydrants. The City desires to increase the water diameter size in order to provide fire suppression. That is the primary reason for this project.

The second reason for the project is to remove the likelihood of water stagnation. The existing water pipe under NW 8th Street is on a dead-end pipe run. It's not ideal to have a dead-end water pipe, as water stagnation can result. The project will remove the water pipe dead-end and will make the connection to the existing watermain near Nintendo.

The third reason for the project is to install the watermain before several substantial surface (road) projects will be built. Some of the road projects include the construction of sidewalks on NW 8th Street west of North Bend Way and a 5-leg roundabout at the intersection of NBW / 8th Street / new South Fork Avenue (extension). It's undesirable to sawcut newly constructed roads and a roundabout several years later with utility improvements, so the underground utility construction should be installed before the road surface features are constructed.

A fourth reason for this project is that it is included in the City's approved 2021 Water System Plan.

G&O has designed many infrastructure projects for the City, and City staff think highly of G&O's experience and skills to complete the PS&Es for this project.

City Council Agenda Bill

The City has available budget in its water enterprise fund to afford the design and construction of this project. The cost of this contract with G&O is \$97,800. Attached Exhibit A provides a project work scope. Exhibit B provides a fee schedule. The total estimated cost of design and construction is approximately \$1.35 million, although that estimate is very preliminary, because the project has not been designed yet.

City staff recommends moving forward with G&O for this project.

APPLICABLE BRAND GUIDELINES: Consistent delivery of quality basic services including transportation and traffic management.

COMMITTEE REVIEW AND RECOMMENDATION: This item was brought forward to the Transportation and Public Works Committee via email on December 18, 2023 and it was recommended for approval and placement on the Consent Agenda.

RECOMMENDED ACTION: **MOTION to approve AB24-001, authorizing a contract with G&O for the NW 8th Street Watermain Capital Project, in a form and content acceptable to the City Attorney, in an amount not to exceed \$97,800.**

RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
January 2, 2024		

EXHIBIT A

SCOPE OF WORK

NORTH BEND NW 8TH STREET WATER MAIN

PROJECT UNDERSTANDING

The City of North Bend wishes to contract with Gray & Osborne to provide design service to support the installation of approximately 2,800 LF of 12-inch DI Water Main on NW 8th Street from the entrance of Nintendo east to Bendigo Boulevard North. The project will also include boring under the Northwest Railroad with 24-inch steel casing and installing 24-inch steel casing through the West North Bend Way intersection by open cutting. In addition, the project will require installing pipe on the Ribary Creek bridge.

More specifically, the work will include the following.

DESIGN

Task 1 – Project Management and Oversight

Provide overall project management and oversight of the project work by the Principal-in-Charge and senior staff members. Services, to include:

- A. Procure sufficient staff resources to dedicate to the project.
- B. Manage and control project budget and schedule.
- C. Manage and provide monthly progress reports and invoices.

Task 2 – 30 Percent Design

Prepare 30 percent design effort drawings, of the proposed water improvements for City's review. Services, to include:

- A. Base Map

Incorporate all utility as-built information, plat map (property line) information, survey data, and other available and relevant information into the development of a base map.

B. Water Main Alignment

Prepare layouts and full-size drawings of water main design representing a 30 percent design effort to include alignment of the proposed improvements and typical details. These proposed improvements will be designed on the base map developed from the project survey.

C. Quantities and Cost Estimates

Calculate bid quantities and prepare preliminary-level construction cost estimates.

D. Review Meeting

Meet with City staff as may be required to review project status and solicit concerns/comments.

Task 3 – 60 Percent Design

Prepare project drawings, specifications, and cost estimates of the water main improvements representing a 60 percent design effort for City review and comment. Specifications will be prepared in WSDOT format. Design will be limited to the preferred alignments/alternatives developed through the 30 percent design effort. Services, to include:

A. Plans

Prepare preliminary construction plans in City-approved format to include title sheet, legend, location and vicinity maps, plan and profile sheets, special notes, special details, etc.

B. Specifications (Draft)

Prepare draft project specifications in WSDOT format referencing the *2022 Standard Specifications for Road, Bridges and Municipal Construction*. Specifications to include City-approved proposal, contract, and bonding documents.

C. Quantities and Cost Estimates

Calculate bid quantities and prepare construction cost estimates.

D. Review Meeting

Meet City staff as may be required to review project status and solicit concerns/comments.

Task 4 – 90 Percent Design

Prepare project drawings, specifications, and cost estimates of the water main and road improvements representing a 90 percent design effort for City review and comment. Services, to include:

A. Plans

Prepare construction plans in City-approved format to include title sheet, legend, location and vicinity maps, plan and profile sheets, special notes, special details, etc.

B. Specifications

Prepare project specifications in WSDOT format referencing the *2022 Standard Specifications for Road, Bridges and Municipal Construction*. Specifications to include City-approved proposal, contract, and bonding documents.

C. Quantities and Cost Estimates

Calculate bid quantities and prepare construction cost estimates.

D. Review Meeting

Meet with City staff as may be required to review project status and solicit concerns/comments.

Task 5 – Final Design

Prepare final design drawings and specifications for use as bid documents suitable for bidding, award, and construction of the project. Services, to include:

A. Final Plans

Prepare final bid/construction plans in City-approved format to include title sheet, legend, vicinity and location map, plan and profile sheets, special notes, special details, etc.

B. Specifications (Final)

Prepare final specifications in WSDOT format to include proposal, contract, bonding documents, and technical specifications.

C. Quantities and Cost Estimates

Prepare final quantity takeoff and construction-level construction cost estimate.

Task 6 – Quality Assurance/Quality Control

Oversee three, in-house, quality assurance/quality control (QA/QC) meetings at G&O's office during the course of the design project. The meetings will include the design team members, and selected senior project staff. Meetings are to take place at the following levels:

- A. 30 Percent Design (defined more fully in Task 2).
- B. 60 Percent Design (defined more fully in Task 3).
- C. 90 Percent Design (defined more fully in Task 4).

Ensure incorporation of relevant recommendations and suggestions into bid/construction documents resulting from QA/QC reviews.

BUDGET

The maximum amount payable to the Engineer for completion of work associated with this scope of work, including contingencies, salaries, overhead, direct non-salary costs, and net fee, is set forth in the attached Exhibit B. This amount will not be exceeded without prior written authorization of the City.

DELIVERABLES

At the conclusion of the design effort and during the course of the project, as applicable, the Engineer will deliver to the City the following documents:

- 1. An electronic copy of the plan sets at 30, 60, and 90 percent design effort levels.
- 2. An electronic copy of the project specifications and cost estimate at 60 and 90 percent design effort levels.
- 3. One electronic set of final construction drawings (PDF).

4. One electronic set of final project specifications (PDF).
5. One half-scale and three full-scale paper copy sets of final construction drawings.

PROJECT ASSUMPTIONS REGARDING CITY RESPONSIBILITIES

This scope of work and the resulting maximum amount payable is based on the following assumptions as required for the development of the project. See also item assumptions noted in the aforementioned tasks. Changes in these assumptions and responsibilities may cause a change in scope of the services being offered and result in a corresponding adjustment of the contract price.

1. This scope of work assumes that the City will provide overall coordination and approval of the project, including timely (1 week) review of all submittals.
2. This scope of work assumes that the City will provide G&O with record drawings of existing infrastructure along the project alignment, as may be available and/or pertinent to the project.
3. This scope of work assumes that the plans can be developed from the survey for the Meadowbrook Sanitary Sewer ULID project.
4. This scope of work assumes that no easements are required for the constructions of these improvements.

EXHIBIT B**ENGINEERING SERVICES
SCOPE AND ESTIMATED COST****CITY OF NORTH BEND - NW 8TH STREET WATER MAIN**

Tasks	Principal Hours	Project Manager Hours	Project Engineer Hours	AutoCAD/ GIS Tech./ Eng. Intern Hours
1 Project Management and Oversight	8	24		
2 30 Percent Design	8	32	40	40
3 60 Percent Design	8	32	40	40
4 90 Percent Design	8	32	40	40
5 Final Design	4	24	32	32
6 Quality Assurance/Quality Control	24	8	8	
7 Bid Support		4	8	
Hour Estimate:	60	156	168	152
Fully Burdened Billing Rate Range:*	\$150 to \$245	\$140 to \$245	\$125 to \$185	\$65 to \$175
Estimated Fully Burdened Billing Rate:*	\$220	\$215	\$165	\$150
Fully Burdened Labor Cost:	\$13,200	\$33,540	\$27,720	\$22,800

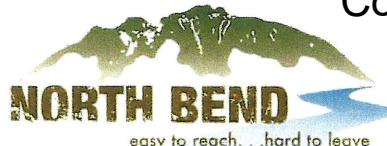
Total Fully Burdened Labor Cost: \$ 97,260

Direct Non-Salary Cost:

Mileage & Expenses (Mileage @ current IRS rate)	\$ 340
Printing	\$ 200

TOTAL ESTIMATED COST: \$ 97,800

* Actual labor cost will be based on each employee's actual rate. Estimated rates are for determining total estimated cost only. Fully burdened billing rates include direct salary cost, overhead, and profit.



Office of Mayor

PROCLAMATION

WHEREAS, January 2024 will mark the 22nd anniversary of National Mentoring Month, an annual campaign to focus attention on the need for mentors, as well as how each of us can work together to increase the number of mentors to help ensure positive outcomes for our young people; and

WHEREAS, the City of North Bend honors volunteer mentors who support young people by showing up for them every day and demonstrating their commitment to helping them thrive; and

WHEREAS, mentoring programs like Youth Success Mentoring - a program of Empower Youth Network, makes our communities and our state stronger by driving impactful relationships that increase social capital for young people and provide invaluable support networks; and

WHEREAS, post the COVID-19 pandemic, mentoring programs have stepped up to fill gaps for young people and families, connecting them with resources and ensuring that mentoring relationships continue; and

WHEREAS, mentoring plays a pivotal role in career exploration and supports workplace skills by helping young people set career goals, equipping mentors with the skills needed to support the professional growth of young people, and drives positive outcomes for young people and businesses; and

WHEREAS, quality mentoring promotes healthy relationships and communication, positive self-esteem, emotional well-being, and growth of a young person and their relationships with other adults; and

WHEREAS, students who meet regularly with their mentors are more than 52 percent less likely than their peers to skip a day of school and youth who face an opportunity gap but have a mentor are 55 percent more likely to be enrolled in college than those who did not have a mentor; and

WHEREAS, youth who meet regularly with their mentors are 46 percent less likely than their peers to start using drugs and 27 percent less likely to start drinking; and

WHEREAS, National Mentoring Month is the time of year to celebrate, elevate, and encourage mentoring across our state and recruit caring adult mentors in the City of North Bend;

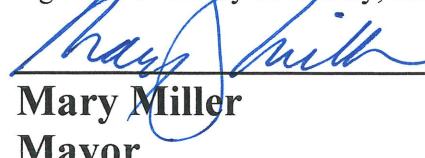
NOW, THEREFORE, I, Mary Miller, Mayor, do hereby proclaim the month of January 2024, as

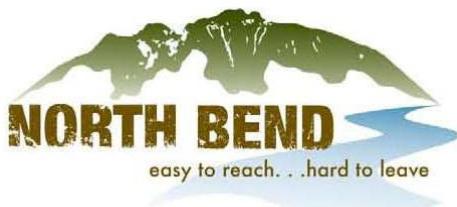
NATIONAL MENTORING MONTH

in the City of North Bend and encourage those interested in becoming a youth mentor to contact Empower Youth Network and thank current youth mentors for devoting their time and effort to ensure the success of our youth.



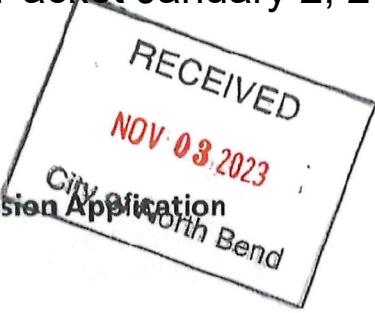
Signed this 2nd day of January, 2024


Mary Miller
Mayor



City Council Agenda Bill

SUBJECT:	Agenda Date: January 2, 2024	AB24-002
Appointments to the Planning Commission	Department/Committee/Individual	
	Mayor Mary Miller	X
	City Administrator – David Miller	
	City Attorney – Kendra Rosenberg	
	City Clerk – Susie Oppedal	
	Comm. & Economic Development – Rebecca Deming	
	Administrative Services – Lisa Escobar	
Cost Impact: N/A	Finance –	
Fund Source: N/A	Public Works – Mark Rigos	
Timeline: Immediate		
Attachments: Applications		
SUMMARY STATEMENT:		
The Planning Commission prepares and recommends coordinated plans, regulations and restrictions for the physical development of the City. The Planning Commission consists of seven members. A minimum of four of the Commissioners are required to reside inside the City limits and three may reside within the 98045 zip code area (NBMC 2.28.010). Planning Commission terms are for a period of four years.		
Planning Commission Position Nos. 3 and 6 became vacant with the election of Suzan Torguson and the appointment of Errol Tremolada to the City Council. During recent interviews for vacancies on the Economic Development Commission and the Parks Commission, the City received many applications and interviewed numerous applicants, two of whom expressed interest in serving on the Planning Commission.		
Mayor Miller is recommending the appointments of Mr. White to Planning Commission Position No. 3, with a term expiring May 11, 2024, and Mr. Matlock to Planning Commission Position No. 6, with a term expiring May 18, 2026.		
APPLICABLE BRAND GUIDELINES: Commitment to invest in the City and foster community engagement and pride.		
COMMITTEE REVIEW AND RECOMMENDATION: N/A		
RECOMMENDED ACTION: MOTION to approve AB24-002, confirming the Planning Commission appointments of Sam White to Position No. 3, term expiring May 11, 2024, and Stephen Matlock to Position No. 6, term expiring May 18, 2026.		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
January 2, 2024		



Name: Sam White

Address: 1299 SE 18th St., North Bend, WA 98045

Phone: _____ Email: _____

Length of residence in North Bend or 98045: 2.5 yrs

Explain why you are interested in serving:

Access to the outdoors was one of the primary drivers behind our family moving out to North Bend and I'd like to be able to contribute to the continued evolution and improvement of the open spaces and appearance of the town.

What community activities or other experiences do you bring to this position?

As a parent of a 7rd old (attending Opstad Elementary), I've gotten exposure, and perspective, on how spaces are used/perceived by children.

I've coached her soccer team, so have had firsthand experience on how some park spaces are used and how challenging scheduling can be.

Since my daughter started kindergarten, she and I will perform the simple task of using a grabber and a bucket on our walks to/from Opsald and pick up trash. Not only has it imparted upon her the impact and importance of keeping the neighborhood neat, it's a highly visible activity that continues to garner appreciation and inspiration from and for other families at Opstad.

Do you have any special skills or expertise applicable to the position?

My full time job is a research scientist at the Univ. of Washington. I'm a molecular biologist who studies how changes to the environment impact changes in mollusc DNA/RNA/proteins. As such, I believe in the importance of collecting and analyzing data to drive decision making. I believe the Parks Commission can implement more data collection tools to help support and guide choices. As someone who spends most of their days performing various parts of experimental design and data analysis, I feel like I could be an asset to the Parks Commission in this regard.

Additionally, as a relatively new resident of North Bend, I would bring "fresh eyes" to the Park Commission. In my line of work, we spend a fair amount of time writing scientific manuscripts and it is very common to start to overlook issues in the manuscript the more time you've spent with it. Getting a "fresh pair of eyes" to read through the manuscript often reveals simple mistakes that have always been present, but were difficult to see by someone who's worked on it for so long. I believe the same goes for the Parks Commission.

For example, here are two simple things I've noticed since living here, in regards to city parks:

1. Lack of signage. The city has virtually no signs on streets around town directing people to different parks. On a road trip a number of years ago, my family stopped at many small towns off of highway to look for a park to eat/play. A simple blue sign with a picnic table and an arrow directed us to quaint "hidden" parks in many towns along the way. I think adding signs of similar nature would help increase park usage.

2. Poorly visibility of park signs. Many of the park signs at the entrance to parks are parallel to the road and/or set back. This makes it difficult to see where the entrance is when driving. In fact, I didn't even realize there was a sign for Gardiner Weeks Memorial Park until somewhat recently because it's set so far back from the road.

These are just two examples of small things that people have overlooked because they've been here for a longer time than we have.

What is your Educational/Occupational Background?

B.S. Plant Biology (Univ. of Illinois @ Urbana-Champaign)
M.S. Molecular Plant Biology (Arizona State University)

Research Scientist (Univ. of Washington)

- molecular biology of molluscs
- bioinformatics

What do you see the role of the commission playing in the City?

I believe the role of the Parks Commission is to be a creative group which can monitor the "pulse" of our community on how the community currently use open spaces throughout town, as well keeping an eye towards the future and discover/implement changes the community doesn't even realize they want.

What do you consider to be a "successful" North Bend?

A successful North Bend is a community which harbors creativity and inspires people to enjoy their families, the outdoors, and their neighbors. It's also a town appreciates and promotes its history, both before settlers and since. A town where people are encouraged to help each other, whether it be through small acts like picking up a single candy wrapper on the sidewalk, to shoveling neighbor's sidewalks.

Commissions make recommendations regarding monetary expenditures and/or benefits to certain areas of the Community and make decisions that shall be impartial to meet the needs and benefit the whole community.

1) Can you foresee possible conflicts of interest with any of your current employment or civic positions?
If yes please explain.

No. _____

Are there days or evenings you would be unavailable to meet?

Most Wednesdays June - July.

Please see the attached descriptions of Commissions for general information and meeting times.

Please return completed form and resume to:

City of North Bend, Attn: City Clerk, 920 SE Cedar Falls Way, North Bend, WA 98045

For more information call 425-888-7627 or email: soppedal@northbendwa.gov



City of North Bend Commission Application

RECEIVED
AUG 22 2023

Name: stephen matlock

Address: 804 ne 9th street / NB / 98045

Phone: **Email:**

Length of residence in North Bend or 98045: 26 years

Commission desired: 1st Choice planning 2nd Choice economic development

Explain why you are interested in serving:

I've lived in NB for more years than any other place I've lived, and it's both home and community to me. I've enjoyed the experiences the city offers through its amenities and businesses, and I'd like to give back some of that value in the insights I've gained over the years. I'm a believer in laying out well-considered ideas for growth, safety, movement, and public spaces, and so I think I bring a vision of what the city can look like with professional management as directed by city officials and volunteers.

What community activities or other experiences do you bring to this position?

I served on the task force to develop a vision for distributing grant money to non-profits who can provide services that align with the city's core vision.

In the past I was a precinct committee officer in Snoqualmie.

I do not have any business interests in the town as my employer is located in Seattle, but we shop, dine, and find entertainment options in North Bend every week, sometimes nearly every day.

Do you have any special skills or expertise applicable to the position?

I've been a program manager for both Microsoft and Amazon (I am still employed at Amazon). I have come into situations where people have great ideas but don't know how to organize themselves to get anything done, and straightened out their efforts so that they do what their vision says they should focus on. I've worked on more than a few product and software releases which required assembling requirements, resources, deliverables, and quality metrics and have executed on them successfully over the years.

What is your Educational/Occupational Background?

I have worked towards a degree in History with a minor in English, but I have no advanced degree - my education has been spread across several disciplines in classes I took while working full time. Currently I'm a senior technical editor with Amazon Web Services which provides cloud services for many businesses and government, from small operations to states, countries, and even regional associations.

What do you see the role of the commission playing in the City?

The city resides in a valley with physical limits to growth as well with public sentiment that can sometimes argue both for growth and against growth. I see growth as a neutral tool to be used to accomplish the vision for the city as a safe and healthy place to live, work, shop, and play. Planning is a large part of that because unplanned sprawl makes for a miserable experience for everyone, but planned growth that meets the needs of today and also anticipates the expanding needs of tomorrow will help keep the city liveable, walkable, and desirable.

What do you consider to be a "successful" North Bend?

I see a successful North Bend as a city that values its unique location among a major interstate with easy access to local businesses to travelers who look for quick stops for meals and supplies as well as a solid core of businesses that provide services, goods, and amenities to residents such as doctors' & dentists' offices, groceries, pharmacies, clothing repair and cleaning, fuel and repair shops, restaurants, bistros, street vendors, and even local employment in manufacturing and delivery services. A small town can have big plans and big dreams but keep them to scale so that city residents feel at home in neighborhoods with access to local needs scattered in a few core areas that are easy to access, easy to use, and that provide a safe and welcoming environment. Planning helps to make sure that we are balanced with what we'd like to do to be economically sound but also manage the expressed desires of residents and businesses to accommodate their sometimes

Commissions make recommendations regarding monetary expenditures and/or benefits to certain areas of the Community and make decisions that shall be impartial to meet the needs and benefit the whole community.

1) Can you foresee possible conflicts of interest with any of your current employment or civic positions?
If yes please explain.

I don't think so - I work for Amazon in Seattle. There is little likelihood of Amazon expanding to North Bend.

Are there days or evenings you would be unavailable to meet?

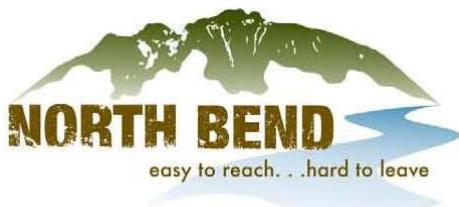
In general my work schedule is flexible. I have some scheduled activities that I can move around if I need to.

Please see the attached descriptions of Commissions for general information and meeting times.

Please return completed form and resume to:

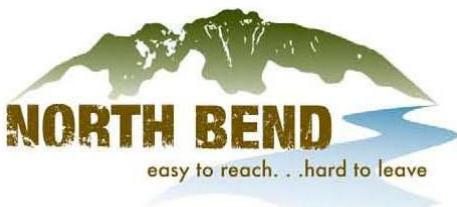
City of North Bend, Attn: City Clerk, 920 SE Cedar Falls Way, North Bend, WA 98045

For more information call 425-888-7627 or email: soppedal@northbendwa.gov



City Council Agenda Bill

SUBJECT:	Agenda Date: January 2, 2024	AB24-003
Motion Confirming 2024 Council Standing Committee Appointments	Department/Committee/Individual	
	Mayor Mary Miller	
	City Administrator – David Miller	
	City Attorney – Kendra Rosenberg	
	City Clerk – Susie Oppedal	
	Administrative Services – Lisa Escobar	
	Comm. & Economic Development – Rebecca Deming	
Cost Impact: N/A	Finance –	
Fund Source: N/A	Public Works – Mark Rigos	
Timeline: Immediate	Mayor Pro Tem Gothelf	X
Attachments:		
SUMMARY STATEMENT:		
<p>In 2004, Council passed Resolution 1033 re-establishing Council Standing Committees and in 2010 passed Resolution 1437 further defining the appointment process and duties.</p> <p>As part of the process, the Mayor Pro Tem shall recommend, and the Council shall confirm by motion, the membership of each committee and the committee chair by the City Council's first regular meeting in January of each year. The Mayor Pro Tem shall assign three Councilmembers to each committee, naming one as committee chair. The Committee appointments are for one-year terms, and any change of assignments as described must be approved by majority vote of the full Council.</p> <p>Mayor Pro Tem Gothelf is proposing the following 2024 Council Committee appointments for Council's consideration:</p>		
Community & Economic Development Committee:	Finance & Administration Committee:	
Chair – Councilmember Joselyn	Chair – Councilmember Elwood	
Co-Chair – Councilmember Rustik	Co-Chair – Councilmember Koellen	
Co-Chair – Councilmember Tremolada	Co-Chair – Councilmember Tremolada	
Public Health & Safety Committee:	Transportation & Public Works Committee:	
Chair – Councilmember Rustik	Chair – Councilmember Koellen	
Co-Chair – Councilmember Elwood	Co-Chair – Councilmember Joselyn	
Co-Chair – Councilmember Torguson	Co-Chair – Councilmember Torguson	
COMMITTEE REVIEW AND RECOMMENDATION:		
RECOMMENDED ACTION: MOTION to approve AB24-003, confirming the 2024 appointments to the Council's Standing Committees.		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
January 2, 2024		



City Council Agenda Bill

SUBJECT:	Agenda Date: January 2, 2024	AB24-004
Motion Authorizing Memorandum of Agreement with ARCH for MFTE Services	Department/Committee/Individual	
	Mayor Mary Miller	
	City Administrator – David Miller	
	City Attorney – Kendra Rosenberg	
	City Clerk – Susie Oppedal	
	Administrative Services – Lisa Escobar	
	Comm. & Economic Development – Rebecca Deming	X
Cost Impact: N/A	Finance –	
Fund Source: N/A	Public Works – Mark Rigos	
Timeline: Immediate		
Attachments: Memorandum of Agreement		

SUMMARY STATEMENT:

The City of North Bend (“City”) has a need to monitor approximately 28 affordable rental units (“Units”) located at the Traverse Apartments (formerly known as “River Run”), benefiting from the City’s Multi Family Tax Exemption (“MFTE”) program. The Units became available for rent in September 2023. Staff requested the assistance of A Regional Coalition for Housing (“ARCH”) to provide monitoring services for the Units, because ARCH has both the experience and expertise on staff to provide such services.

At the ARCH Executive Board meeting on September 14, 2023, ARCH approved entry into a Memorandum of Agreement (“MOA”) with the City for the monitoring of the Units. Monitoring services include providing income verification, annual reporting, and audit assistance consistent with the City’s MFTE program on a fee for services basis.

The cost for these monitoring services will be paid for by Traverse Apartments as a reimbursement to the City and as authorized by North Bend Municipal Code Chapter 3.78, Multifamily Property Tax Exemption.

Partnership between the City and ARCH is intended to promote long-term affordable housing opportunities for residents with low and moderate incomes; provide technical assistance to the City on a reimbursable basis; and increase the supply of housing for low and moderate income households in East King County.

APPLICABLE BRAND GUIDELINES: Economic Viability/Balanced Budget

COMMITTEE REVIEW AND RECOMMENDATION: The Community and Economic Development Committee reviewed this agenda item at their December 19, 2023 meeting and recommended approval and placement on the Main Agenda for discussion.

RECOMMENDED ACTION: **MOTION to approve AB24-004, authorizing the Mayor to sign a Memorandum of Agreement with A Regional Coalition for Housing, through its Administering Agency, the City of Bellevue, for monitoring affordable MFTE rental units, in a form and content approved by the City Attorney.**

RECORD OF COUNCIL ACTION

Meeting Date	Action	Vote
January 2, 2024		

MEMORANDUM OF AGREEMENT

Between

A Regional Coalition for Housing, by City of Bellevue, its Administering Agency

And

City of North Bend, Washington

For the Purposes of

Monitoring Affordable MFTE Rental Units at the Traverse North Bend Apartments

Entered into _____, 2023

Whereas, the City of North Bend (“City”) has need for monitoring of approximately 28 Affordable Rental Units, at the Traverse North Bend Apartments, benefiting from its Multi Family Tax Exemption (MFTE) program, beginning to come available for rent in September of 2023; and

Whereas, the City has requested the assistance of A Regional Coalition for Housing (“ARCH”) in providing monitoring of these units, following ARCH standard operating procedures and per the scope of which is defined in the attached exhibit; and

Whereas, ARCH has the available staffing, systems, and technical procedures for performing the administrative function requested by the City; and

Whereas, the ARCH Executive Board, at its September 14, 2023, meeting, voted to approve entering into a Memorandum of Agreement (“MOA”) with the City for the monitoring of rental units to include income verification, annual reporting, and audit assistance consistent with the City’s MFTE program on a fee for services basis, subject to their review of that MOA; and

Whereas, the North Bend City Council at its _____, 2023, meeting also approved entering into this MOA; and

NOW, THEREFORE, in consideration of the promises, provisions, payments, and mutual agreements set forth in this MOA, the Parties hereby agree as follows:

Section 1. Purpose. This MOA provides for a partnership between ARCH and the City of North Bend with respect to the monitoring of approximately 28 affordable rental units at the Traverse North Bend Apartments that benefit from the City’s MFTE program, as detailed in Exhibit A (Scope of Services) and Exhibit B (Fee Schedule).

The partnership is intended to advance the following stated goals and policies: (1) ARCH and the City’s shared goal of promoting long-term affordable housing opportunities for residents with low and moderate incomes; (2) ARCH’s Interlocal Agreement, which provides for ARCH “to enter into agreements to provide technical assistance to other public entities on a reimbursable basis”; and (3) the mission of ARCH to preserve and increase the supply of housing for low and moderate income households in East King County.

Section 2. Duration of Agreement/Termination. This MOA shall remain in effect for five (5) years and will automatically renew for an additional five (5) year term unless either party provides written notice before the expiration of the original term of their intent to not renew the MOA. This MOA may be terminated for the convenience of either party by giving a minimum of sixty (60) days' written notice. Additionally, this MOA shall terminate if the tax exemption provided to the units should expire or be cancelled for any reason. In the event of any cancellation of a tax exemption, the City shall provide written notice of the same to ARCH.

Section 3. Indemnity. Each Party shall, indemnify and hold the other party, their officers, officials, agents and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of that Party's wrongful acts or omissions in connection with the performance of its obligation under this MOA, except to the extent the injuries or damages are caused by another third-party. In the event of any recovery due to the aforementioned circumstances, the Party responsible for any such wrongful acts or omissions shall pay any judgment or lien arising therefrom, including any and all costs and reasonable attorneys' fees as part thereof. In the event more than one Party is held to be at fault, the obligation to indemnify and to pay costs and attorney fees, shall be only to the extent of the percentage of fault allocated to each respective party by a final judgment of the court.

Should a court determine that this MOA is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of a party hereto (including without limitation the party serving as, and act in its capacity as, ARCH's Administering Agency), its officers, officials, employees, and volunteers, the party's liability hereunder shall be only to the extent of the party's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the party's waiver of immunity under Industrial Insurance Title 51 RCW, solely for the purpose of this indemnification. This waiver has been mutually negotiated by the parties.

Section 4. Severability. The invalidity of any clause, sentence, paragraph, section, or portion thereof, shall not affect the validity of the remaining provisions of the MOA.

Section 5. Survivability. Notwithstanding any termination of this MOA the indemnity, severability, and venue provisions shall remain operative and in full force and effect.

Section 6. Venue. Venue for any action related to this MOA shall be in the Superior Court in and for King County, Washington at Seattle.

Section 7. Notices. Any notices or communication required for the successful administration of this MOA shall be given to the parties respective designees at the following addresses:

<u>City of North Bend</u>	<u>ARCH</u>
Rebecca Deming, Community and Economic Development Director rdeming@northbendwa.gov	Lindsay Masters, Executive Director lmasters@bellevwewa.gov

IN WITNESS WHEREOF, ARCH and the City of North Bend hereby enter into this Memorandum of Agreement as detailed above and outlined in the Scope of Service (Exhibit A) and Fee Schedule (Exhibit B), attached hereto:

CITY OF NORTH BEND

By: _____
Mary Miller, Mayor

Date: _____

ARCH

by the City of Bellevue, the Administrative Agency pursuant to that certain Amended and Restated Interlocal Agreement for ARCH dated July 1, 2010 and chapter 39.34 RCW.

By: _____
Its: _____
Date: _____

Approved as to Form:

City of North Bend Attorney:

Kendra S. Rosenberg

Approved as to Form
Kathryn L. Gerla, Bellevue City Attorney:

By: _____
Soojin Kim, Assistant City Attorney

EXHIBIT A
SCOPE OF SERVICES

All services are to be performed in accordance with ARCH's standard policies and procedures, unless otherwise agreed to in advance, in writing, by the City and ARCH.

ARCH agrees to:

Training. Make initial and ongoing compliance training available to management staff working on behalf of the Project Owner, River Run Ventures, LLC ("Owner"), to ensure they are informed of ARCH policies and procedures, including how to certify household eligibility.

Final Certificate. Review the Owner's request for a Final Certificate and evaluate any information necessary to determine the Project's eligibility for its Final Certificate, and provide such information to the City along with a recommendation to the City as to whether the Final Certificate complies with RCW 84.14.100 and NBMC 3.78.110. The City shall remain responsible for issuance of any final certificate.

Compliance Monitoring.

- A. Collect and Review Annual Project Certifications from the Owner, including certifications due every 90 days until 90% of the rental units in the Project are occupied, and ongoing annual compliance certifications due on or around March 31st, to confirm the Project is in compliance with its MFTE contract and covenant.
- B. If any instances of compliance violations are discovered, then ARCH will identify the error to Project staff to correct the violations, and also report any failure to correct the violations to the City. The City shall be responsible for any enforcement of its applicable codes or the contract and covenant with the Owner.

State Reporting and Auditing. Complete all City monitoring and reporting requirements consistent with Chapter 84.14 RCW and all applicable law for the term of the Multi-Family Tax Exemption. The yearly reporting requirements will comply with and include all necessary information under RCW 84.14.100 and NBMC 3.78.110. Assist the City with any audit related to the Multi-Family Tax Exemption for this Project.

CITY agrees to:

Administration: The City shall be responsible for the administration of its MFTE program, including review and approval of applications; issuance of Final Certificates, including extensions; drafting, executing, and enforcing the provisions of any MFTE contract or covenant; and providing timely direction to ARCH in the event there are questions related to the interpretation/application of the City's MFTE code, contract, and/or covenants.

EXHIBIT B

FEE SCHEDULE

ARCH shall be reimbursed by the City on an hourly basis for actual work performed under the approved scope of services outlined in Exhibit A. The applicable hourly rate shall be \$92/hour for all work performed consistent with Exhibit A, adjusted annually on July 1st to account for inflation, based on the Seattle-Tacoma-Bellevue Washington Consumer Price Index published by the U.S. Bureau of Labor Statistics for the preceding year.

ARCH shall maintain time and expense records and submit invoices to the City for payment of work performed. Invoices shall be in a format acceptable to the City. The City shall pay all invoices from ARCH within 30 days of receipt of a properly completed invoice.