



CITY COUNCIL MEETING*

May 7, 2024 – Agenda

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

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

CONSENT AGENDA:

		Pg.#
1) Minutes	City Council Meeting of April 16, 2024	1
2) Payroll	April 19, 2024 – 28799 through 28807, in the amount of \$314,543.99	
3) Checks	May 7, 2024 – 75491 through 75587, in the amount of \$1,579,952.98	
4) AB24-041	Ordinance – Amending NBMC Section 18.30.040 Nonconforming Use	Ms. Deming
5) AB24-042	Ordinance – Amending NBMC Chapter 15.18 RE International Fire Code	Ms. Deming
6) AB24-043	Motion – Authorizing 4 th Amendment to Perteet Contract for Floodplain Support	Mr. Mohr
7) AB24-044	Motion – Authorizing Contract with PH Consulting for SR202 Sidewalk Gap Project	Mr. Mohr
8) AB24-045	Motion – Authorizing Contract with West Coast Signal Inc.	Mr. Mohr

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

ANNOUNCEMENTS, PRESENTATIONS, APPOINTMENTS:

9) AB24-046	Appointments to Planning Commission	Mayor Miller	41
10) Proclamation	Building Safety Month	Mayor Miller	47

INTRODUCTIONS:

11) AB24-047	Motion – Authorizing Payment to SPU RE Saving Water Partnership	Mr. DeBerg	49
12) AB24-048	Resolution – Authorizing TIB Grant for 2024 Sidewalk Gaps Project	Mr. Mohr	53

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 Potential Litigation, pursuant to RCW 42.30.110(1)(i)

ADJOURNMENT:



***PLEASE NOTE:** Members of the public may choose to attend the meeting in person or by teleconference. Members of the public attending the meeting in-person will have an opportunity to provide public comment and if attending the meeting by teleconference may submit written comments via in-person drop off, mail, fax, or e-mail to soppedal@northbendwa.gov. All written comments must be received by 5 p.m. on the day of the scheduled meeting. If an individual requires an accommodation because of a difficulty attending the public meeting, the City requests notice of the need for accommodation by 5 p.m. on the day of the scheduled meeting. Participants can request an accommodation to be able to provide remote public comments by contacting the City Clerk by phone (425) 888-7627 or by e-mail to soppedal@northbendwa.gov. No other remote public comment will be permitted.

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

April 16, 2024

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

CALL TO ORDER, ROLL CALL:

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

Councilmembers Present: Elwood, Joselyn, Koellen, Torguson and Tremolada. Councilmembers Gothelf and Rustik were excused.

Mayor Miller announced the Executive Session scheduled as the last item on tonight's agenda was cancelled.

CONSENT AGENDA:

Minutes – Council Workstudy of March 26, 2024 & City Council Meeting of April 2, 2024

Payroll – April 5, 2024 – 28793 through 28798, in the amount of \$483,510.34

Checks – April 16, 2024 – 75443 through 75490, in the amount of \$765,469.16

AB24-039 – Motion Approving 2025-2026 Budget Calendar

Councilmember Elwood **MOVED**, seconded by Councilmember Koellen to approve the consent agenda as presented. The motion **PASSED** 5-0.

CITIZEN'S COMMENTS:

Sarah Pirotis, 326 E Park Street, expressed concern about off leash dogs at area parks and requested the City uphold its existing ordinances related to animal control.

ANNOUNCEMENTS, PRESENTATIONS, APPOINTMENTS:

Proclamation – Small Business Week

Audio: 6:00

Mayor Miller read a proclamation declaring April 28 through May 4, 2024 as Small Business Week in the City of North Bend. Executive Director Kelly Coughlin of SnoValley Chamber of Commerce was present to accept the proclamation.

Presentation – Shop Local

Audio: 9:02

SnoValley Chamber of Commerce Executive Director Coughlin provided an update on local businesses which included a reduction in retail sales, business closures and relocations, impact of Highway 18 project on valley businesses, purpose and mission of SnoValley Chamber of Commerce, Seattle 2026 FIFA World Cup, Port of Seattle and Washington State

grant opportunities, possible accreditation from Global Sustainability Tourism Council and upcoming events.

Presentation – 2023 Financial Report**Audio: 34:08**

Finance Director Chaw provided a presentation on the 2023 Finance Report for the City which included the status of the General Fund, local economic conditions, Special Revenue Funds, Capital Funds, Enterprise Funds, Internal Service Funds and select US economic indices for March of 2024. Mr. Chaw noted all funds ended 2023 within budget expectations and with fund balances in a positive financial condition.

COMMISSION AND COMMITTEE REPORTS:

Community & Economic Development Committee – Councilmember Joselyn, Chair
A report of the April 16th meeting was provided.

Finance & Administration Committee – Councilmember Elwood, Chair
A report of the April 9th meeting was provided.

Public Health & Safety Committee – Councilmember Rustik, Chair
A report of the April 2nd meeting was provided.

Transportation & Public Works Committee – Councilmember Koellen, Chair
A report of the March 26th meeting was provided.

Planning Commission
A report of the April 3rd meeting was provided.

Parks Commission
No report.

Economic Development Commission
A report of the March 26th meeting was provided.

Sound Cities Association Public Issues Committee – Councilmember Tremolada
A report of the April 10th meeting was provided.

INTRODUCTIONS:

AB24-040 – Motion Authorizing Contract with Republic for Sludge
Hauling

Audio: 1:06:36

City Engineer DeBerg provided the staff report.

Councilmember Koellen **MOVED**, seconded by Councilmember Joselyn to approve AB24-

040, authorizing the Mayor to execute a contract with Republic Services for hauling and disposing of WWTP sewage sludge, in a form approved by the City Attorney. The motion **PASSED 5-0.**

MAYOR, COUNCIL, AND ADMINISTRATOR CONCERNS AND INITIATIVES:

Councilmember Joselyn thanked Snoqualmie/North Bend Police Officer Cory Hendricks and other first responders for their efforts combating the fire in Snoqualmie last Sunday. Additionally, he mentioned the April 19th ribbon-cutting event for Tennant Trailhead Park and thanked all the agencies that helped in the effort to create the new park.

Councilmember Tremolada encouraged all to support local businesses in Downtown and mentioned the upcoming April 26th Valley Innovation Project at Remlinger Farms.

Councilmember Koellen echoed Councilmember Joselyn's comments regarding the fire in Snoqualmie and expressed her sadness for the four businesses affected by the incident.

Councilmember Torguson thanked SnoValley Chamber of Commerce Executive Director Coughlin for her presentation and echoed fellow Councilmember's comments regarding the fire in Snoqualmie. Additionally, she noted she would be attending the State of the Cities presentation at the April 24th Chamber Luncheon.

Councilmember Elwood echoed fellow Councilmember's comments regarding the fire in Snoqualmie and Ms. Coughlin's presentation. He noted that he has been a City Councilmember since the inception of Tennant Trailhead Park and wished to acknowledge past Councilmembers, including Councilmember Martin Volken, for their efforts in seeing this project to fruition.

City Administrator Miller mentioned the various activities in the upcoming weeks and encouraged Councilmembers to attend the State of the Cities presentation at the April 24th Chamber Luncheon.

Mayor Miller spoke regarding the following items:

- Tennant Trailhead Park Ribbon Cutting – April 19th 12 p.m.
- Yard Waste Recycling Program – April 20th 8 a.m. to Noon @ Public Works
- North Bend Beautification Days – April 21st & 22nd @ Downtown North Bend
- Special Recycling Event – April 27th 9 a.m. – 3 p.m. @ Snoqualmie Middle School
- Jazz Walk – April 27th 6 p.m. – Midnight @ Downtown North Bend
- April 14th Fire in Downtown Snoqualmie Historic District

ADJOURNMENT:

Councilmember Elwood **MOVED** to adjourn, seconded by Councilmember Tremolada. The

motion **PASSED** 5-0.

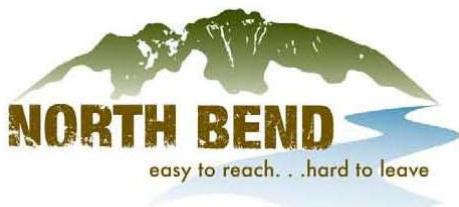
The meeting adjourned at 8:24 p.m.

ATTEST:

Mary Miller, Mayor

Susie Oppedal, City Clerk

DRAFT



City Council Agenda Bill

SUBJECT:	Agenda Date: May 7, 2024	AB24-041
Ordinance Amending North Bend Municipal Code Section 18.30.040 Relating to Repair/Restoration of Nonconforming Uses in the Event of Damage	Department/Committee/Individual	
Cost Impact: N/A	Mayor Mary Miller	
Fund Source: N/A	City Administrator – David Miller	
Timeline: Immediate	City Attorney – Kendra Rosenberg	
	City Clerk – Susie Oppedal	
	Administrative Services – Lisa Escobar	
	Comm. & Economic Development – Rebecca Deming	X
	Finance – Martin Chaw	
	Public Works – Mark Rigos	
Attachments: Ordinance, Planning Commission Staff Report		
SUMMARY STATEMENT:		
<p>The attached ordinance will amend North Bend Municipal Code Section 18.30.040 to allow for 24 months, instead of 12 months, from the date of destruction to receive permits and commence work to repair or restore a nonconforming building, structure or land use damaged by fire or other calamity.</p>		
<p>The Planning Commission held a Public Hearing on April 3, 2024, and recommends approval of the proposed amendments to the City Council.</p>		
APPLICABLE BRAND GUIDELINES: This amendment supports the City's brand statement by providing consistent delivery of quality basic services.		
COMMITTEE REVIEW AND RECOMMENDATION: The Community and Economic Development Committee reviewed this item at their April 16, 2024 meeting and recommended approval and placement on the Consent Agenda.		
RECOMMENDED ACTION: MOTION to approve AB24-041, an ordinance amending North Bend Municipal Code Section 18.30.040 relating to Repair/Restoration of Nonconforming Uses, as a first and final reading.		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
May 7, 2024		

ORDINANCE

**AN ORDINANCE OF THE CITY OF NORTH BEND,
WASHINGTON, AMENDING NORTH BEND
MUNICIPAL CODE SECTION 18.30.040 RELATING
TO NONCONFORMING USES AND
REPAIR/RESTORATION IN THE EVENT OF
DAMAGE; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of North Bend regulates non-conforming uses in Chapter 18.30 of the North Bend Municipal Code (“NBMC”); and

WHEREAS, NBMC 18.30.040 requires that a property owner of a nonconforming use receive permits and commence work within one year from the date of any destruction thereto if the property owner seeks to restore such nonconforming use; and

WHEREAS, the City has determined it is in the public interest to increase the amount of time for property owners to restore nonconforming uses to two years, knowing that these events causing destruction, such as fires, cannot be predicted and the process to achieve permits and begin construction can be lengthy; and

WHEREAS, City staff submitted proposed draft amendments NBMC Section 18.30.040 to the Washington Department of Commerce for review on March 6, 2024; and

WHEREAS, the Planning Commission reviewed these amendments and held a Public Hearing at their April 3, 2024 meeting and recommended approval;

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

Section 1. NBMC Section 18.30.040, Amended: Section 18.30.040 of the North Bend Municipal Code (Nonconforming use – Repair/restoration if damaged) is hereby amended to read as follows:

18.30.040 Nonconforming use – Repair/restoration if damaged.

A nonconforming building, structure, or land use (as applicable) having been damaged or destroyed by fire or other calamity to any extent may be restored, and its immediate previous occupancy or use existing at the time of such destruction may be continued or be resumed; provided, that the necessary permits are issued and reconstruction

work is commenced within ~~one year~~ *twenty-four (24) months* of the date of such destruction; provided, that:

- A. Such building, structure, or land use (as applicable) must either be located exactly in its previous footprint and envelope, or made to conform to the bulk, dimensional, and performance standards of the zoning district in which it lies;
- B. Nonconforming signs (nonconforming as to use or bulk regulations) must meet existing zoning district regulations if damaged beyond 50 percent of replacement valuation of the sign, excluding the sign support structure;
- C. In no case shall any prohibited uses as designated under NBMC 18.10.030 be permitted to be repaired or restored if damaged beyond 25 percent of assessed valuation.

Section 2. 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 3. 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 7TH DAY OF
MAY, 2024.**

CITY OF NORTH BEND:

Mary Miller, Mayor

APPROVED AS TO FORM:

Kendra Rosenberg, City Attorney

ATTEST/AUTHENTICATED:

Published:
Effective:

Susie Oppedal, City Clerk



**Staff Report and Planning Commission Recommendation
To Amend Municipal Code Chapter 18.30 Nonconforming Use**

Meeting Date: April 3, 2024

Proponent: City of North Bend

Staff Recommendation: A Motion to recommend City Council approval of the proposed Ordinance amending NBMC Chapter 18.30 Nonconforming Use, Repair/restoration if damaged.

I. Purpose of Proposed Municipal Code Amendments:

The City of North Bend is proposing amendments to North Bend Municipal Code Title 18, Chapter 18.30 Nonconforming Uses, 18.30.040 Repair/restoration if damaged. The City of North Bend wishes to allow Twenty-four (24) months instead of Twelve (12) months for work to commence for a nonconforming building, structure or land use damaged by fire or other calamity to be restored.

II. Proposed Amendments

1. 18.30.040 Nonconforming use – Repair/restoration if damaged.

A nonconforming building, structure, or land use (as applicable) having been damaged or destroyed by fire or other calamity to any extent may be restored, and its immediate previous occupancy or use existing at the time of such destruction may be continued or be resumed; provided, that the necessary permits are issued and reconstruction work is commenced within ~~one year~~ Twenty-four (24) months of the date of such destruction; provided, that:

- A. Such building, structure, or land use (as applicable) must either be located exactly in its previous footprint and envelope, or made to conform to the bulk, dimensional, and performance standards of the zoning district in which it lies;
- B. Nonconforming signs (nonconforming as to use or bulk regulations) must meet existing zoning district regulations if damaged beyond 50 percent of replacement valuation of the sign, excluding the sign support structure;
- C. In no case shall any prohibited uses as designated under NBMC 18.10.030 be permitted to be repaired or restored if damaged beyond 25 percent of assessed valuation. (Ord. 1256 § 1 (part), 2006: Ord. 1020 (part), 1997).

This amendment is to allow additional time for work to commence on non-conforming buildings, structures, or land uses when unexpected damage occurs.

See attached Exhibit A for the proposed Ordinance.

IV. 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.** No environmental impacts are anticipated from amending NBMC Chapter 18 cited above. Regulations protecting critical areas, managing stormwater runoff, and controlling floodplain impacts are governed by the Critical Area Regulations in NBMC Title 14, and apply regardless of what type of development occurs on a site.
- 2) **Economic Impacts.** A benefit is expected to property owners who need more time to obtain contractors and/or work through insurance claims to begin work.
- 3) **Cultural Impacts.** No significant cultural impacts are anticipated from the amendments. All proposed projects must plan for protecting cultural resources.
- 4) **Impacts to Surrounding Properties.** The proposed changes protect the integrity of surrounding uses by incorporating requirements equally.

V. 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 proposed amendments are in compliance with the Comprehensive Plan.

VI. 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 proposed amendment is compatible with the North Bend Municipal Code.

VII. Planning Commission Findings and Analysis

Pursuant to NBMC 20.08.100, the Planning Commission shall consider the proposed amendment against the criteria in NBMC 20.08.100 (B). A staff analysis is provided in italics under each criterion below.

1. Is the issue already adequately addressed in the Comprehensive Plan?
The Comprehensive Plan does not address the proposed amendment.
2. If the issue is not addressed in the Comprehensive Plan, is there a need for the proposed change?
Yes. The proposed change allows property owners additional time to begin repair or restoration work for nonconforming uses.
3. Is the proposed change the best means for meeting the identified public need?
Yes. The proposed amendment provides flexibility for time that work needs to commence.
4. Will the proposed change result in a net benefit to the community?
Yes. The City recognizes the importance that nonconforming uses be allowed to repair and restore if damaged or destroyed by fire or other calamity. These instances cannot be predicted and the current timeframe of 12 months is difficult to meet.

VIII. Summary Findings:

1. The Planning Commission will consider the proposed amendments and held a public hearing on the draft regulations at their April 3, 2024 meeting. No comments were received.
2. The Planning Commission voted unanimously to approve the amendments at their April 3, 2024 meeting.
3. Pursuant to RCW 36.70A.106, the draft regulations were forwarded to Commerce - Growth Management Services on March 6, 2024.
4. 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 and pending consideration of public input to be provided for and at the Public Hearing, staff recommends approval of the draft regulations as provided herein, attached Exhibit A.

Planning Commission Recommendation:

Following consideration of the Comprehensive Plan and Development Regulation Amendment process in NBMC 20.08.070 through 20.08.110 and public comment received at the public hearing, the Planning Commission recommends approved the draft regulations as provided herein, attached Exhibit A.

Exhibit A – Ordinance



City Council Agenda Bill

SUBJECT:	Agenda Date: May 7, 2024	AB24-042
Ordinance Amending Certain Sections of North Bend Municipal Code Chapter 15.18 Relating to the International Fire Code	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 – Martin Chaw	
Fund Source: N/A	Public Works – Mark Rigos	
Timeline: Immediate		
Attachments: Ordinance, Exhibit A		
SUMMARY STATEMENT:		
<p>The State Legislature established the State Building Code Council (RCW 19.27.031) to require the application of uniform construction codes for the State. The Legislature adopted the 2021 International Codes as the new “minimum” construction codes for the State of Washington. The 2021 International Codes were initially expected to become effective July 1, 2023, however, the State delayed the effective date until March 15, 2024, including the International Fire Code. On February 6, 2024, in anticipation of the March effective date, the City Council adopted the updated Fire regulations as provided by Eastside Fire and Rescue and as published by the State Building Code Council (SBCC).</p>		
<p>On April 9, 2024, Eastside Fire and Rescue notified the City that due to the an emergency ruling enacted on March 15, 2024 Section 308.1.4 was not adopted. The proposed ordinance removes the associated sections and reverts to the original model language.</p>		
APPLICABLE BRAND GUIDELINES: Sustainably Managed Growth		
COMMITTEE REVIEW AND RECOMMENDATION: The Community and Economic Development Committee reviewed this item at their April 16, 2024 meeting and recommended approval and placement on the Consent Agenda.		
RECOMMENDED ACTION: MOTION to approve AB24-042, an ordinance amending NBMC Section 15.18.120 and repealing NBMC Section 15.18.125, as a first and final reading.		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
May 7, 2024		

ORDINANCE

**AN ORDINANCE OF THE CITY OF NORTH BEND,
WASHINGTON, AMENDING SECTION 15.18.120 OF
THE NORTH BEND MUNICIPAL CODE RELATED TO
THE INTERNATIONAL FIRE CODE AND OPEN
BURNING, RECREATIONAL FIRES AND PORTABLE
OUTDOOR FIREPLACES; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE
DATE**

WHEREAS, the 2021 International Fire Code (“IFC”) is a nationally published model code that is amended by Washington State Building Code Council (“SBCC”) and adopted as amended by WAC- 51-54A; and

WHEREAS, the City of North Bend adopted the current edition of the IFC through Chapter 15.18 of the North Bend Municipal Code (“NBMC”); and

WHEREAS, recently the SBCC discovered that Section 308.1.4 had been inadvertently removed from the SBCC amendments to the IFC, which in turn effected the amendments adopted by local jurisdictions such as North Bend; and

WHEREAS, this ordinance corrects this and allows BBQ’s to be operated on multifamily complex balconies as previous code cycles since 2006; and

WHEREAS, the City desires to amend Section 15.18.120 of the North Bend Municipal Code (“NBMC”) relating to open burning, recreational fires and portable outdoor fireplaces;

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

**Section 1. NBMC Section 15.18.120 (Open Burning, Recreational Fires and Portable
Outdoor Fireplaces), Amended:** North Bend Municipal Code Section 15.18.120 (Open burning, recreational fires and portable outdoor fireplaces) is amended as set forth in Exhibit A attached hereto. All other sections of NBMC Chapter 15.18 not set forth in Exhibit A attached hereto shall remain in full force and effect as currently adopted.

**Section 2. NBMC Section 15.18.125, Amendments to International Fire Code Section
308, Open-Flame Cooking Devices, Repealed:** North Bend Municipal Code Section 15.18.125, Amendments to International Fire Code Section 308, Open-Flame Cooking Devices, is hereby repealed in its entirety.

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 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 7TH DAY OF
MAY, 2024.**

CITY OF NORTH BEND:

Mary Miller, Mayor

APPROVED AS TO FORM:

Kendra Rosenberg, City Attorney

ATTEST/AUTHENTICATED:

Published:

Effective:

Susie Oppedal, City Clerk

EXHIBIT A

**NBMC CHAPTER 15.18
INTERNATIONAL FIRE CODE**

15.18.120 Open burning, recreational fires and portable outdoor fireplaces.

IFC Section 307 amended – Open Burning, Recreational Fires and Portable Outdoor Fireplaces. Section 307 of the International Fire Code is hereby amended to read as follows:

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any fire unless conducted in accordance with Sections 307.1.1. through 307.8.

307.1.1 Prohibited open burning. Open burning shall be prohibited at all times in compliance with a permanent ban on open burning established by the Puget Sound Clean Air Agency in September of 1992.

Exceptions:

1. Bonfires
2. Recreational Fires
3. Portable outdoor fireplaces

307.2 Permit required. A permit shall be obtained from the fire code official in accordance with Section 105.6 prior to conducting opening burning. Application for such approval shall only be presented by and permit issued to the owner of the land upon which the bonfire is to be conducted.

A permit is not required for a BBQ.

307.3. Bans on fires due to air quality or fire danger. If the Puget Sound Clean Air Agency issues a burn ban due to air quality, or if a fire safety burn ban is issued by the Eastside Fire Marshal or King County Fire Marshal, all fires are prohibited. It is the responsibility of the property owner where the fire is to be conducted to ensure no such ban exists prior to starting any fire.

307.4 Extinguishment authority. When any fire creates or adds to a hazardous situation, or a required permit has not been obtained, the fire code official is authorized to order the extinguishment of the fire. Where fire suppression is required by fire department personnel the following cost recovery shall apply, where required by the fire code official.

307.4.1 Personnel and/or Equipment Cost Recovery. Invoiced through Eastside Fire and Rescue.

307.4.2 Personnel will be invoiced at the actual rate of total compensation plus administrative fee.

307.4.3 Emergency vehicles (fire engine, aid car, etc.) will be invoiced per the fee schedule as adopted by the Washington State Fire Chiefs Association, plus administrative fee. The administrative fee is 15 percent of the amount invoiced.

307.5 Location. The location for fires shall be as follows:

307.5.1 Bonfires. A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.

307.5.2 Recreational fires. Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition. [WS] See also Chapter 173-425 WAC.

307.5.3 Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

307.6 Attendance. Bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

307.7 LPG containers. Portable outdoor barbecues used on occupied roofs of Group R-2 occupancies shall be limited to portable outdoor barbecues designed for use with LPG containers with a capacity of 16.4 ounces (0.465 kg).

307.7.1 Cleaning. Portable outdoor barbecues shall be periodically cleaned by removing grease or fat accumulations from grills and in trays below the grill.

15.18.125 Amendments to International Fire Code Section 308, Open Flame Cooking Devices.

~~IFC Section 308.1.4 amended Open Flame Cooking Devices. Section 308.1.4 of the International Fire Code is hereby amended to read as follows:~~

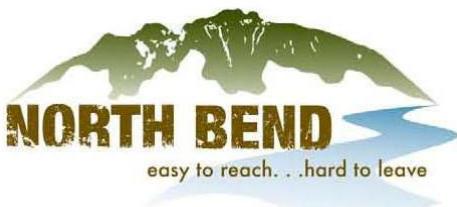
~~Open flame cooking devices. Charcoal burners and other open flame cooking devices shall not be operated on combustible balconies, decks or within 10 feet (3048 mm) of combustible construction.~~

Exceptions:

1. One and two family dwellings.
2. Where buildings, balconies and decks are protected by an automatic sprinkler system.
3. LP gas cooking devices having LP gas containers with a water capacity not greater than $2\frac{1}{2}$ pounds [nominal 1 pound (0.454 kg) LP gas capacity].

~~308.1.4.1 LPG containers. Portable outdoor barbecues used on occupied roofs of Group R 1 and R 2 occupancies shall be limited to portable outdoor barbecues designed for use with LPG containers with a maximum capacity of 16.4 ounces (0.465 kg).~~

~~308.1.4.2 Cleaning. Portable outdoor barbecues shall be periodically cleaned by removing grease or fat accumulations from grills and in trays below the grill.~~



City Council Agenda Bill

SUBJECT:	Agenda Date: May 7, 2024	AB24-043
Motion Authorizing Amendment No. 4 to the Contract with Perteet for Flood Management Support	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 – Martin Chaw	
Cost Impact: \$50,000 NTE	Public Works – Mark Rigos, P.E.	X
Fund Source: Partly Pass Through / SD and Flood Professional Services		
Timeline: Immediate		

Attachments: Perteet 2024 Fee Rate

SUMMARY STATEMENT:

The City of North Bend has been contracting with engineering firm Perteet for the past eight years on flood related technical and permitting support. Perteet supports the City's Storm Drainage / Flood Utility in addition to the National Flood Insurance Program (NFIP) Community Rating System (CRS) program, a part of FEMA. Currently, the City has only one Certified Floodplain Manager (CFM), but lacks the expertise that has been provided by Perteet to keep the City in compliance. Perteet has provided the City with a CFM that has the skills, education, knowledge and experience of regulations surrounding floodplain management that has proven to be effective and cost efficient and also an invaluable mentor to staff.

Specifically, Perteet's support includes the following:

- Review submitted Floodplain Development Permit applications;
- Prepare documents associated with the Community Rating System (CRS) that result in a flood insurance score;
- Evaluate submitted LOMA (Letter of Map Amendment) and LOMR (Letter of Map Revision) applications;
- Provide expert support to DOE staff during DOE's Communication Activity Visits (CAV);
- Review Floodplain Elevation Certificates;
- Provide City staff with regulatory floodplain guidance and technical support;
- Periodically make recommendations to amend North Bend Municipal Code with respect to floodplain changes happening at the State and National levels.

The contract history is as follows:

Original Contract - \$20,000 (started in 2016)

Amendment #1 - \$49,811

Amendment #2 - \$0.00 (time extension only)

Amendment #3 - \$50,000

Amendment #4 - \$50,000 and extended to 12/31/2027

Total New Contract Value: \$169,811

City Council Agenda Bill

Proposed Contract Amendment No. 4 has two purposes:

1. It extends the expiration date of the current contract from 12/31/2024 to 12/31/2027.
2. It adds \$50,000 to the base contract.

2024 Perteet rates are attached. Perteet is headquartered in Everett and has a satellite office in Snoqualmie. City staff recommend approval of Amendment No. 4 to the contract between Perteet and the City for Floodplain Management Support.

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

COMMITTEE REVIEW AND RECOMMENDATION: The Transportation and Public Works Committee reviewed this item on April 30, 2024 and recommended approval and placement on the Consent Agenda.

RECOMMENDED ACTION: **MOTION to approve AB24-043, authorizing Amendment No. 4 to the contract with Perteet for Floodplain Management Support, in a form and content acceptable to the City Attorney, in an amount not to exceed \$50,000.**

RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
May 7, 2024		



PERTEET
Schedule of 2024 Billing Rates

<u>Engineering, Planning and Environmental Classifications</u>	<u>2024 Hourly Rate</u>
Principal	375.00
Director	325.00
Senior Associate	275.00
Senior Engineer/Manager	240.00
Lead Engineer/Manager	200.00
Engineer III	175.00
Civil Designer II	155.00
Civil Designer I	135.00
Senior Planner/Cultural Resources Manager	190.00
Lead Planner/Manager	175.00
Cultural Resources Specialist III	155.00
Cultural Resources Specialist II	140.00
Cultural Resources Specialist I	115.00
Planner III	165.00
Planner II	155.00
Planner I	110.00
Sr. Environmental Scientist/Manager	195.00
Lead Environmental Scientist/Manager	180.00
Environmental Scientist III	150.00
Environmental Scientist II	130.00
Environmental Scientist I	110.00
Lead Technician/Designer	155.00
Technician III	140.00
Technician II	110.00
Technician I	90.00
Contract Administrator	150.00
Accountant	150.00
Graphics Specialist	150.00
Clerical	125.00
Emergency Response Rate (immediate response following event)	@ 1.5 times hourly rates
Expert Witness Rates:	
Consulting & Preparation Time	@ standard hourly rates
Court Proceedings & Depositions (4 hour minimum)	@ 1.5 times hourly rates

Pereteet's Hourly Rates are subject to change each year on January 1st.



PERTEET

Schedule of 2024 Billing Rates

Page 2

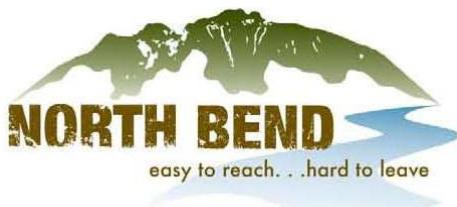
Direct Expenses

	<u>Rate</u>
Living & travel expenses outside of service area	Cost plus 10%
Authorized Subconsultants	Cost plus 10%
Outside Services (printing, traffic counts, etc.)	Cost plus 10%
Mileage	@ current federal rate

Construction Classifications

2024 Hourly Rate

Construction Director	350.00
Construction Supervisor	300.00
Construction Engineering Manager	245.00
Senior Construction Manager	250.00
Construction Manager	235.00
Assistant Construction Manager	200.00
Construction Engineer III	180.00
Construction Specialist II	160.00
Construction Specialist I	135.00
Senior Construction Observer	225.00
Construction Observer III	165.00
Construction Observer II	115.00
Construction Observer I	105.00
Senior Office Engineer	190.00
Senior Construction Technician	180.00
Construction Technician III	165.00
Construction Technician II	150.00
Construction Technician I	115.00



City Council Agenda Bill

SUBJECT:	Agenda Date: May 7, 2024	AB24-044
Motion Authorizing a Contract with PH Consulting for the SR202 Sidewalk Gap Project	Department/Committee/Individual	
	Mayor Mary Miller	
	City Administrator – David Miller	
	City Attorney – Kendra Rosenberg	
	City Clerk – Susie Oppedal	
	Administrative Services – Lisa Escobar	
	Comm & Econ Development – Rebecca Deming	
	Finance – Martin Chaw	
Cost Impact: \$61,500.00 NTE	Public Works – Mark Rigos, P.E.	X
Fund Source: TIB Grant and Streets Professional Services		
Timeline: Immediate		

Attachments: PH Consulting Scope of Work and Fee

SUMMARY STATEMENT:

In August 2023, the City of North Bend (“City”) applied for the 2023 Active Transportation Program Grant (“Grant”) from the Washington State Transportation Improvement Board (“TIB”) in the amount of \$133,820 to fill in a sidewalk gap along the west side of SR202 between North Bend Way and the railroad tracks to the south. This grant was awarded by the TIB in December 2023 to the City in the amount of \$133,820 with a required local match from the City in the amount of \$23,615.

PH Consulting has been chosen to provide professional engineering design services for the SR202 Sidewalk Gap Project. The design will include topographic survey and base mapping, coordination with the City and WSDOT, and preparation of plans, specs, and estimate at 30%, 90% and bid ready levels.

Both design and construction are anticipated to be completed in 2024. Total design cost is \$61,500 with the TIB grant covering 85% of the cost or \$52,275 and City local funds making up the remaining 15% or \$9,225.

City staff recommends proceeding with PH Consulting for the attached work scope and fee.

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

COMMITTEE REVIEW AND RECOMMENDATION: The Transportation and Public Works Committee reviewed this item on April 30, 2024 and recommended approval and placement on the Consent Agenda.

RECOMMENDED ACTION: **MOTION to approve AB24-044, authorizing a contract with PH Consulting for the SR202 Sidewalk Gap Project, in a form and content acceptable to the City Attorney, in an amount not to exceed \$61,500.**

RECORD OF COUNCIL ACTION

Meeting Date	Action	Vote
May 7, 2024		

SCOPE OF WORK

Project Name: SR202 Sidewalk Gap Project
Client: City of North Bend
Date: March 25, 2024

Introduction

PH Consulting ("PH") will provide professional engineering services for improvements to close a sidewalk gap along SR 202 from North Bend Way south the RR tracks (~200 feet; see City-prepared exhibit and typical section on the next page). The design of these improvements will include topographic survey and base mapping, coordination with the City and WSDOT, and preparation of plans, specifications, and estimates ("PS&E"). Supplemental services, including bidding and construction support may be added after the design phase is complete.

Task Summary

Task 001	Project Management
Task 002	Survey & Base Mapping
Task 003	30% Preliminary Design
Task 004	90% Design
Task 005	Final Design
Task 006	Management Reserve
Expenses	

Preliminary Project Schedule

Our Team shall begin work immediately upon receipt of Notice to Proceed and progress according to the attached Project Schedule. Key dates include:

Notice to Proceed ("NTP")	April 2024
Survey	May 2024
30% Preliminary Design Submittal	June 2024
Project Walk-Through	July 2024
90% Design Submittal	Aug 2024
Final Design Submittal	Sept 2024
Bidding & Award	Oct 2024

A detailed project schedule will be provided after Notice-to-Proceed.



Scope of Work

PH's scope of work for the project is outlined as follows.

Task 001 Project Management

This task is for general project coordination, project monitoring, reporting, monthly invoicing, and meetings, including plan review meetings, a Project Walk-Through after the 30% Design Submittal, WSDOT Coordination, coordination with railroad track realignment project, and in-house quality assurance. This task also includes coordination with and management of subconsultants.

ASSUMPTIONS & EXCLUSIONS

- Community Outreach/Engagement is not anticipated for this project and is excluded from the scope.
- WSDOT Construction Permit will be required but Plan For Approval (PFA) will not be required.
- City will coordinate with Property Owners to obtain rights of entry and temporary construction permits as needed.

Task 002 Survey & Base Mapping

This task will be exclusively for SAM (formerly Axis Survey and Mapping) and any PH coordination time is included in Task 001 above. SAM's scope is included as Exhibit C attached to this proposal.

Task 003 30% Preliminary Design

Following the Kick-off meeting, the Consultant shall provide a 30% Preliminary Design to include the project elements included in the plan set. The 30% design will include:

- 30% Design Plan sheets for the proposed improvements, including:
 - Cover sheet and General Notes/Legend sheets.
 - An Existing Conditions & Alignment sheet.
 - A Temporary Erosion & Sediment Control (TESC) and Demo plan sheet with City standard notes and details.
 - A Roadway plan sheet for the proposed improvements.
 - A Traffic Signal & Street Light Improvements Sheet.
 - A Signing, & Channelization sheet with corresponding improvements.
 - Additional project details noted but not developed at this stage.
- 30% Engineer's Estimates, including quantities and a contingency.

ASSUMPTIONS & EXCLUSIONS

- Civil Improvements are limited to sidewalk on west side of SR 202 between North Bend Way and Railroad crossing. Including curb ramp for east/west crossing of SR-202, driveway adjacent to railroad, and related restoration of roadway and driveway approached.
- Traffic Signal Improvements will consist ONLY of pedestrian signal/push button modifications on the SW corner to meet ADA requirements. Plans will be prepared using City of North Bend AutoCAD Civil 3D standards. WSDOT or others will improve other corners of intersection.
- St. lighting improvements will be laying out City Standard decorative lights and coordinating installation with PSE. No photometric analysis will be provided.
- The City will compile all city comments into one redline plan set and/or one comprehensive comment excel spreadsheet list and provide to PH for review at each design stage.

DELIVERABLES

- A 30% Design Preliminary memo will be included with questions and a list of assumptions made.
- The 30% Design Preliminary plans will be provided electronically as PDFs.
- The 30% Design Preliminary estimate will be provided electronically as PDF and in MS Excel.

Task 004 90% Design

After the Project Walk-Through and City review of the 30% Preliminary Design, PH will proceed with 90% Design. The 90% design will include complete design, contract bid documents, specifications, and estimates, with relevant design details incorporated into the plans and specifications. Additionally, project specific traffic control plans will be provided with 90% submittal.

ASSUMPTIONS & EXCLUSIONS

- Up to three site specific traffic control plans will be provided to include a pedestrian accommodation plan and two phases of signalized intersection plans.
- Prior to the 90% Design stage, the City will provide the most current version of the front-end contract documents in Word format to PH.
- Specifications will be prepared per current WSDOT Specifications Manual with relevant WSDOT, APWA, Local, and project specific GSP's incorporated as needed.
- The City will compile all city comments into one redline plan set and/or one comprehensive comment excel spreadsheet list and provide to PH for review at each design stage.

DELIVERABLES

- A 90% Design memo will be included with questions and a list of assumptions made.
- 90% Design plans will be provided electronically as PDFs.
- 90% Design specifications will be provided electronically as PDF and in MS Word.
- 90% Design estimates will be provided electronically as PDF and in MS Excel.

Task 005 Final Design

After City review of the 90% Design, the City and the PH team will meet to discuss the City's review comments, and PH will then proceed with Final Design. The Final Design package submittal will include complete, bid-ready contract documents, and it is anticipated that the City will not provide review comments at this stage.

DELIVERABLES

- Final Design plans will be provided electronically as PDFs.
- Final Design specifications will be provided electronically as PDF and in MS Word.
- Final Design estimates will be provided electronically as PDF and in MS Excel.

Task 006 Management Reserve

This task provides for unanticipated services deemed to be necessary during the Project that are not specifically identified in the scope of work tasks defined above. Funds in this task are not to be used unless explicitly authorized by the City. Fee estimate is based on ±5% of authorized Tasks.

Expenses

This task provides for reimbursement associated with mileage, meetings, plots, and site visits throughout the course of the project. PH will not pay any agency or easement fees on behalf of the City.

General Assumptions and Notes

- Geotechnical investigations, structural engineering, environmental assessment, ROW and Easement services, and Water, Sewer, Gas, or Dry Utility design or coordination are not included.
- The City will provide available information, including City utility as-builts and GIS information, capital project design plans, and adjacent development project as-builts.
- PH reserves the right to move funds between approved Tasks as necessary based on approved scope of work provided the overall budget of Tasks is not exceeded. The City's Project Manager will be notified if funds are shifted.
- If Client requests Team's assistance in complying with any public records request, including without limitation providing copies of documents and communications, Client will pay Team's hourly fees and costs incurred in providing such assistance at then-current rates. Such fees and costs will be billed as a separate task.

City of North Bend's SR202 Sidewalk Gap Project

PH Consulting Staff Category	Hours	Rate	Cost
Principal & Senior Project Manager	44	\$ 215.00	\$ 9,460.00
Project Engineer	94	\$ 185.00	\$ 17,390.00
Associate Engineer	36	\$ 145.00	\$ 5,220.00
CAD Designer II	78	\$ 155.00	\$ 12,090.00
Office Administrator	4	\$ 120.00	\$ 480.00
Total Hours	292		\$ 52,020.00
Direct Fees			\$ 52,020.00
Subconsultants			
SAM (Survey & Base Mapping)		\$ 6,380.00	
Sub-Total Subconsultants (Including 10% Mark-up)			\$ 6,380.00
Management Reserve (~5% of Direct Fees & Subconsultants)			\$ 3,000.00
		Subtotal	\$ 61,400.00
Direct Expenses	Unit	Cost	Total
2024 Mileage Rates	1	\$ 0.67	\$ 100.00
Sub-Total Direct Expenses			\$ 100.00
Total Fee			\$ 61,500.00

City of North Bend's SR202 Sidewalk Gap Project

Task No.	Task Description	Principal & Senior Project Manager	Senior Traffic Engineer	Project Engineer	Associate Engineer	CAD Designer II	Office Administrator	Total Hours	Totals
	Hourly Rate	\$ 215.00	\$ 205.00	\$ 185.00	\$ 145.00	\$ 155.00	\$ 120.00		
001 PROJECT MANAGEMENT									
	Project Coordination	4						4	\$ 860.00
	Project Monitoring & Invoicing	2						6	\$ 910.00
	Project Walk-Through after 30% Design	4	4	4				12	\$ 2,420.00
	WSDOT Coordination	4	4	12				20	\$ 3,900.00
	Subconsultant Management	2						2	\$ 430.00
	Task 001 Total Hours	16	8	16	0	0	4	44	
	Subtotal Task 001	\$ 3,440.00	\$ 1,640.00	\$ 2,960.00	\$ -	\$ 480.00			\$ 8,520.00
002 SURVEY & BASE MAPPING (SAM)									
	Field Survey & Base Map								\$ 5,800.00
	10% Markup								\$ 580.00
	Task 002 Total Hours								
	Subtotal Task 002	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,380.00
003 30% PRELIMINARY DESIGN									
	Plans	8	8	24		32		72	\$ 12,760.00
	Estimate	2	2	6		4		14	\$ 2,570.00
	Task 003 Total Hours	10	10	30	0	36	0	86	
	Subtotal Task 003	\$ 2,150.00	\$ 2,050.00	\$ 5,550.00	\$ -	\$ 5,580.00	\$ -		\$ 15,330.00
004 90% DESIGN									
	Plans	8	6	16	16	24		70	\$ 11,950.00
	Specifications	2	4	12	8			26	\$ 4,630.00
	Estimate	1		2		2		5	\$ 895.00
	Task 004 Total Hours	11	10	30	24	26	0	101	
	Subtotal Task 004	\$ 2,365.00	\$ 2,050.00	\$ 5,550.00	\$ 3,480.00	\$ 4,030.00	\$ -		\$ 17,475.00
005 FINAL DESIGN									
	Plans	2	4	8	8	12		34	\$ 5,750.00
	Specifications	2	1	4	4			11	\$ 1,955.00
	Estimate	1	1	2				4	\$ 790.00
	Task 005 Total Hours	5	6	14	12	12	0	49	
	Subtotal Task 005	\$ 1,075.00	\$ 1,230.00	\$ 2,590.00	\$ 1,740.00	\$ 1,860.00	\$ -		\$ 8,495.00
006 BIDDING & AWARD SUPPORT									
	Addendum	1	1	2		2		6	\$ 1,100.00
	Bidders Questions	1	1	2		2		6	\$ 1,100.00
	Task 006 Total Hours	2	2	4	0	4	0	12	
	Subtotal Task 006	\$ 430.00	\$ 410.00	\$ 740.00	\$ -	\$ 620.00	\$ -		\$ 2,200.00
007 MANAGEMENT RESERVE									
	5% of Tasks 1-6								\$ 3,000.00
	Task 006 Total Hours								
	Subtotal Task 006								\$ 3,000.00
	PH TOTAL HOURS	44	36	94	36	78	4	292	
	TOTAL ALL TASKS	\$ 9,460.00	\$ 7,380.00	\$ 17,390.00	\$ 5,220.00	\$ 12,090.00	\$ 480.00		\$ 61,400.00

PH Consulting LLC Summary of Direct Labor Costs Effective January 1, 2024-December 31, 2024		
Job Classifications	Maximum Billing Rate	
Principal	\$	285.00
Sr Project Manager	\$	270.00
Project Manager	\$	245.00
Senior Traffic Engineer	\$	220.00
Project Engineer	\$	195.00
Associate Engineer	\$	170.00
Engineering Design Technician	\$	145.00
Engineering Intern	\$	105.00
CAD Manager	\$	180.00
CAD Designer III	\$	155.00
CAD Designer II	\$	135.00
CAD Designer I	\$	125.00
Office Administrator	\$	130.00
Office Assistant	\$	105.00

Direct non-salary costs will be billed at actual costs.
 Subconsultants will be marked up at 10%
 Direct Mileage will be billed at current approved IRS mileage rate.

SAM – North Bend SR 202 Sidewalk Gap Project

PROJECT DESCRIPTION

The Project area generally includes Water System improvements at the following sites:

- **Task 001** – Sidewalk along the SW Quadrant and ADA ramps at all 4 quadrants of North Bend Way and Bendigo Blvd.

****Mapping Limits Shown Below****

Task 001 – SURVEY & BASE MAPPING.....Fixed Fee: \$5,800

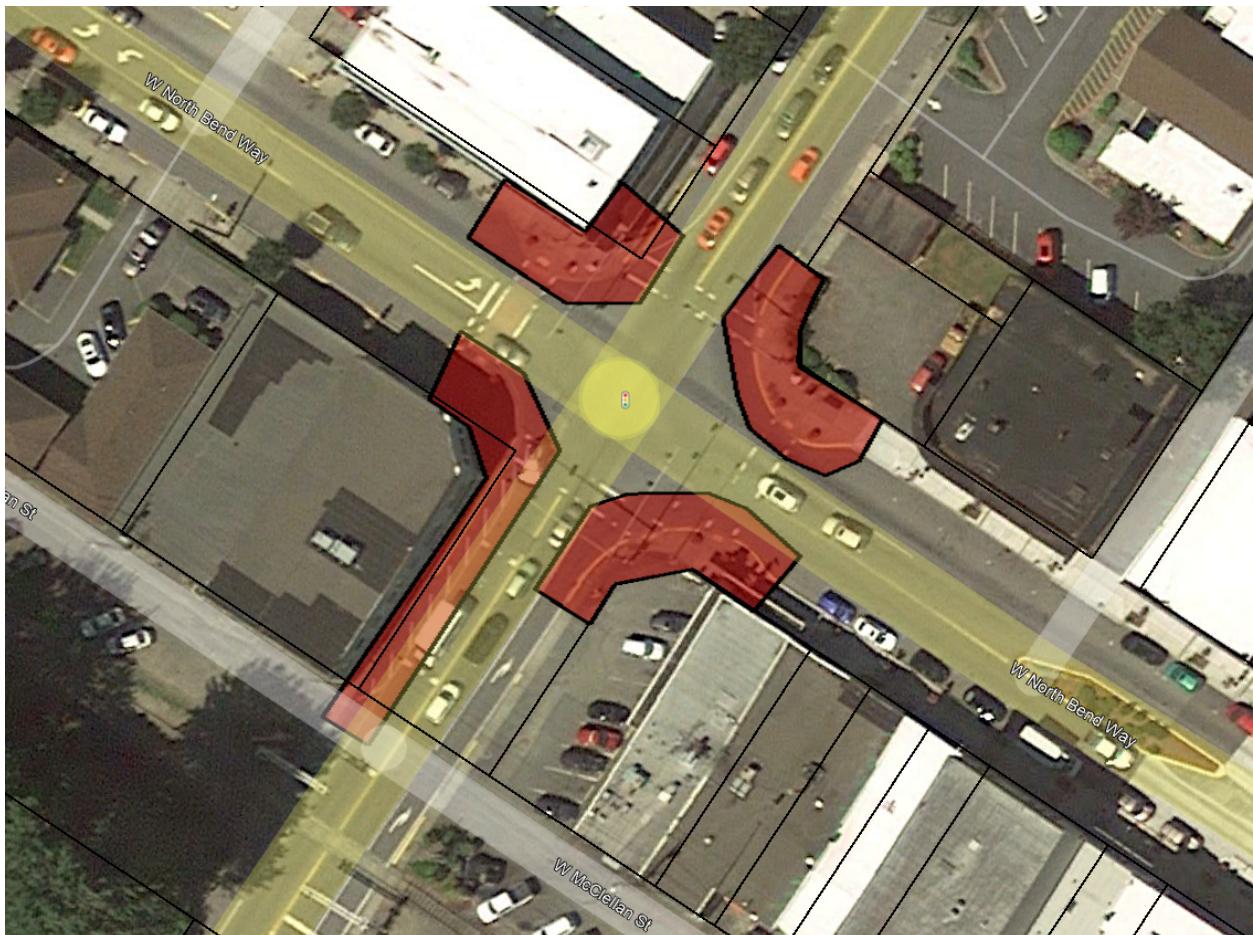
Under this task, Surveying and Mapping (SAM) prepare base mapping for the area specified in the Project Description above. An AutoCAD drawing will be prepared at a scale of 1" = 20', or as required by the design engineer or the City before drafting commences. Existing Aerial and/or LIDAR mapping sources may be utilized either directly or as a basis for verification. This task includes:

- Control survey in NAD 83/11 Horizontal Datum, with all elevations derived from and checked to NAVD '88 Vertical Datum.
- Retrieve, interpret, and include existing as-builts as available from local agencies and purveyors.
- Establish right-of-ways and roadway centerlines within above-described area as available from recorded plats and public records further compared to the King County Parcel GIS lines.
- Establish right-of-way and property lines for King County Parcel No. 8571900135 from legal description and title report to be obtained by SAM, the cost of which (\$500) is included herein.
- Set 2 benchmarks within the route mapping.
- Coordinate and hire as a subcontractor Applied Professional Services (APS) to provide utility locate services for underground utilities including: power, gas, cable, fiber optics and telecommunications. The cost of which (\$1,000) is included herein.
- Depict hard and soft surfaces on individual layers per accepted APWA standards.
- Show and dimension located topographic features and contours at 2' intervals along subject area.
- Show known utilities by surface evidence, utility pre-painting, or as-built location.

Deliverables: AutoCAD 2022 drawing file with point database and dtm files

Underlying Assumptions: The City will provide all necessary right of entry into private property and notice to landowners along the route of mapping activity.

EXHIBIT B
SAM – SR202 Sidewalk Gap – Mapping Limits





City Council Agenda Bill

SUBJECT:	Agenda Date: May 7, 2024	AB24-045
Motion Authorizing a Contract with West Coast Signal, Inc. for Replacement of a Street Light Pole	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 – Martin Chaw Public Works – Mark Rigos, P.E.	
Cost Impact: \$31,717 plus sales tax		
Fund Source: City Insurance will cover cost		X
Timeline: Immediate		
Attachments: West Coast Signal, Inc Bid		
SUMMARY STATEMENT:		
In the Winter of 2023, a vehicle struck one of the street light poles on the north side of the new roundabout at the intersection of North Bend Way and 436 th Ave. SE adjacent to the Dahlgren property. There was some minor structural damage to the pole and the pole is now leaning slightly. Staff evaluated the pole with a few contractors and determined there was no immediate threat of the pole falling and have been keeping an eye on it ever since.		
Staff reached out to several contractors to get a price to replace the pole and the response was very slow. The lowest bid we have received was from West Coast Signal, Inc. for \$31,717 plus sales tax. This cost will be covered by City insurance.		
City staff recommend proceeding with West Coast Signals, Inc. for replacement of this street light pole.		
APPLICABLE BRAND GUIDELINES: Consistent delivery of quality basic services including transportation and traffic management.		
COMMITTEE REVIEW AND RECOMMENDATION: The Transportation and Public Works Committee reviewed this item on April 30, 2024 and recommended approval and placement on the Consent Agenda.		
RECOMMENDED ACTION: MOTION to approve AB24-045, authorizing a contract with West Coast Signals, Inc. for replacement of a street light pole, in a form and content acceptable to the City Attorney, in an amount not to exceed \$31,717 plus sales tax.		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
May 7, 2024		



20111 208th AVE SE
RENTON, WA 98058
LIC. EC WESTCCS8928G
Quote prepared by,
Matt Lorenz (206) 718-1303

436th and SE North Bend Way Roundabout Pole Knock Down
City of North Bend, WA

Proposal Based Off Onsite Meeting

Bid Item	Item Description Remove Existing Pole, Temp System, and Install New Pole	QTY	UNIT	UNIT PRICE	AMOUNT
1	Mobilization	1	LS	\$ 2,090.00	\$ 2,090.00
2	Replace Existing 40' Concrete Luminaire Pole	1	LS	\$ 23,067.00	\$ 23,067.00
3	Traffic Control	1	LS	\$ 6,560.00	\$ 6,560.00
	Total				\$ 31,717.00

Inclusions:

Light Pole Knock Down: Vacuum Foundation, Remove and Salvage existing Pole to City, Replace Conduit, Temp System, ASAP. Once Procured Provide and Install New 40' Pole with Arm, Plum with 5/8 crushed, Level Existing Fixture, Wire and Splicing for a complete system.

Traffic Control: Devices and Signs for a Pre-Approved Closure, 3 Flaggers to One Lane Roundabout.

Electrical Permit and WA Tax Rule 171

Exclusions:

Survey, Hard Surface Removal and Replacement, Curb or Sidewalk Replacement, Traffic Control Plans, UPO's, J-Boxes, Premium Time, Utility Coordination / Connection Fees, Dewatering, Potholing, Work Associated with Contaminated Soil / Biohazards, WCS, Inc. To Exclude All Additional Cost That Are Associated With Potential Overhead or Underground Utility Conflicts. Street Use Permits, Traffic Control Plans, and Bond.

Conditions:

ASSUME ALL EXISTING CONDUITS IN WORKING ORDER WITH NO OBSTRUCTIONS

Notes:

New Pole Quoted with a 34 week Lead Time

**WE ARE A LICENSED AND BONDED ELECTRICAL CONTRACTOR.
ALL QUOTATIONS ARE SUBJECT TO CHANGE 30 DAYS FROM
QUOTE, IF NOT ACCEPTED.**



City Council Agenda Bill

SUBJECT:	Agenda Date: May 7, 2024	AB24-046
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 – Martin Chaw	
Fund Source: N/A	Public Works – Mark Rigos	
Timeline:		
Attachments: Ordinance 1769		
SUMMARY STATEMENT:		
<p>The Planning Commission prepares and recommends coordinated plans, regulations and restrictions for the physical development of the City. The Commission consists of seven members with a minimum of four of the commissioners required to reside inside the City limits and three that may reside in the 98045 zip code area (NBMC 2.28.010). Planning Commission terms are for a period of four years, unless otherwise indicated in accordance with Ordinance 1769, adopted by the City Council on February 1, 2022.</p>		
<p>Planning Commissioners Juliano Pereira and Sam White, whose terms expire on May 11, 2024, and Brian Fitzgibbon whose term expires May 18, 2024 have generously agreed to serve for another term.</p>		
<p>Mayor Miller is recommending the reappointment of Juliano Pereira to Position No. 2 and Sam White to Position No. 3 (both terms expiring May 11, 2028). Mayor Miller is recommending the appointment of Brian Fitzgibbon to Position No. 1 (term expiring May 18, 2028).</p>		
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 AB24-046, confirming the Planning Commission appointments for Juliano Pereira to Position No. 2, Sam White to Position No. 3, both terms expiring May 11, 2028 & Brian Fitzgibbon to Position No. 1, term expiring May 18, 2028.		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
May 7, 2024		

ORDINANCE 1769

**AN ORDINANCE OF THE CITY OF NORTH BEND,
WASHINGTON, RELATING TO PLANNING
COMMISSION APPOINTMENTS; AMENDING NORTH
BEND MUNICIPAL CODE SECTION 2.28.010;
PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City has a seven-member Planning Commission with each Commissioner appointed to a four-year term; and

WHEREAS, currently the appointments for Planning Commissioner Position Nos. 1, 4, 5, 6, and 7 expire in 2022 and Planning Commission Position Nos. 2 and 3 expire in 2023; and

WHEREAS, the City Council desires to have a more balanced rotation of Planning Commissioner appointments with four Commissioners being appointed one year and three Commissioners being appointed two years later; and

WHEREAS, to accomplish this objective there will need to be an appointment in 2022 for a term of two years expiring in 2024; and

WHEREAS, in 2024 that appointment would then resume the regular four-year term rotation; and

WHEREAS, for appointments made in the year 2023 only, two positions will be for a term of one year, and in 2024, these two positions will resume for four-year terms; and

WHEREAS, to achieve this objective a minor amendment to North Bend Municipal Code Section 2.28.010 is required as set forth below;

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

Section 1. NBMC Section 2.28.010 (Membership – Term of Office), Amended: North Bend Municipal Code Section 2.28.010 (Membership – Term of Office) is hereby amended to read as follows:

A. Pursuant to RCW 35A.63.020, there is created an advisory planning agency to be known as “the city of North Bend planning commission,” which will consist of seven members appointed by the mayor and confirmed by the city council. Four of the commissioners shall reside inside the

city limits while three may reside inside the 98045 zip code area. The positions of the members shall be assigned position numbers. Members will be appointed to serve for a period of four years from the time of their appointment. ~~Existing members of the planning commission will serve until either their resignation, or the expiration of their existing term of office, whichever shall occur first.~~ The city clerk shall maintain a record of expiration dates by position.

For appointments made in the year 2022 only, Planning Commissioner Position No. 1 will be for a term of two year. In the year 2024, Planning Commissioner Position No. 1 will resume a four-year term.

For appointments made in the Year 2023 only, Planning Commission Positions No. 2 and No. 3 will be for a term of one year. In the year 2024, Planning Commissioner Positions No. 2 and No. 3 will resume a four-year term.

B. If any person on the planning commission concludes that he or she has a conflict of interest or an appearance of fairness problem with respect to a matter pending before the agency so that he or she cannot discharge his or her planning commission duties, he or she shall disqualify himself or herself from participating in the deliberations and decision-making process with respect to that matter. If this occurs, the mayor may appoint, without confirmation, a person to serve as an alternate on the agency to serve in his or her stead in regard to such a matter.

C. Members may be removed by the mayor, with council approval. Members shall be selected without respect to political affiliation and shall serve without compensation.

Section 2. 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 3. 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 1ST DAY OF
FEBRUARY, 2022.

CITY OF NORTH BEND:



Rob McFarland, Mayor

APPROVED AS TO FORM:



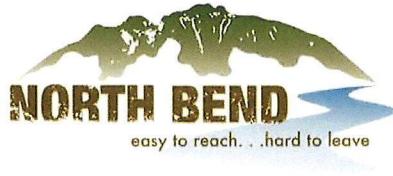
Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:



Susie Oppedal, City Clerk

Published: February 11, 2022
Effective: February 16, 2022



Office of Mayor PROCLAMATION

WHEREAS, North Bend is committed to recognizing that our growth and strength depends on the safety and essential role our homes, buildings and infrastructure play, both in everyday life and when disasters strike; and

WHEREAS, our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry—who work year-round to ensure the safe construction of buildings; and

WHEREAS, these guardians are dedicated members of the International Code Council, a nonprofit that brings together local, state, territorial, tribal and federal officials who are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work and play; and

WHEREAS, these modern building codes include safeguards to protect the public from hazards such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes; and

WHEREAS, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown protectors of public safety—our local code officials—who assure us of safe, sustainable and affordable buildings that are essential to our prosperity; and

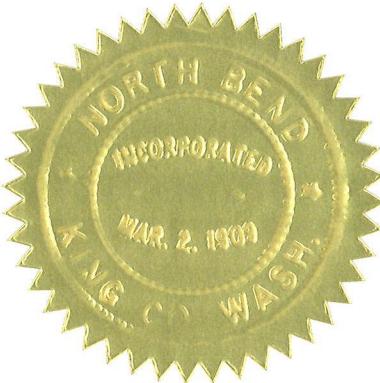
WHEREAS, “Mission Possible,” the theme for Building Safety Month 2024, encourages us all to raise awareness about building safety on a personal, local and global scale; and

WHEREAS, each year, in observance of Building Safety Month, people all over the world are asked to consider the commitment to improve building safety, resilience and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

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

BUILDING SAFETY MONTH

in the City of North Bend and encourage our citizens to join us as we participate in Building Safety Month activities.



Signed this 7th day of May, 2024

Mary Miller
Mayor



City Council Agenda Bill

SUBJECT:	Agenda Date: May 7, 2024	AB24-047
Motion Authorizing Payment to Seattle Public Utilities for the City's Membership in the Saving Water Partnership	Department/Committee/Individual	
Cost Impact: \$30,750	Mayor Mary Miller	
Fund Source: Water Operating (401)	City Administrator – David Miller	
Timeline: Immediate	City Attorney – Kendra Rosenberg	
	City Clerk – Susie Oppedal	
	Administrative Services – Lisa Escobar	
	Comm. & Economic Development – Rebecca Deming	
	Finance – Martin Chaw	
	Public Works – Mark Rigos, P.E.	X
Attachments: Invoice		

SUMMARY STATEMENT:

In July of 2021 the City Council voted in favor of joining the Saving Water Partnership (SWP). The SWP is a collaboration between Seattle Public Utilities (SPU) and 18 other utility partners that purchase water from SPU, including the City of North Bend. The SWP water conservation program offers a mix of education, technical assistance, and rebates to encourage residents and businesses to take actions that save water. SWP emphasizes youth education and community outreach because of the conservation ethic.

Since joining the SWP, our customers have benefitted from several education and outreach programs, additional water use efficiency goals, and rebates for water conserving projects. Membership also offers our customers free technical support for items such as on-site evaluations of residential and commercial properties to help property owners find ways of reducing water usage, landscape programs that include training and/or on-site assessments to help property owners maintain their landscaping in a more water efficient manner, and rebate programs to buy down the cost of implementing water-saving projects. These programs are available to all City of North Bend water customers.

Billing for membership in the program occurs annually, however, SPU forgot to bill the City in 2023. As such, they have invoiced us for 2023 and 2024 at a total cost of \$30,750 (\$15,375 per year). The reason this item needs City Council approval is because the amount exceeds the Mayor's purchasing authority of \$25,000. City staff recommend approval of this item, continuing this valuable program.

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

COMMITTEE REVIEW AND RECOMMENDATION: The Transportation and Public Works Committee reviewed this item on April 30, 2024 and recommended approval and placement on Main Agenda for discussion.

RECOMMENDED ACTION: **MOTION to approve AB24-047, authorizing payment to Seattle Public Utilities for the City's membership in the Saving Water Partnership, in an amount not to exceed \$30,750.**

RECORD OF COUNCIL ACTION

Meeting Date	Action	Vote
May 7, 2024		

INVOICE



City of Seattle

Treasury Dept Accts Receivable, PO Box 94626, Seattle WA 98124-6926

Invoice #: SU1010296
Invoice Date: 4/15/24
Page: 1 of 1

SEATTLE PUBLIC UTILITIES

MARK RIGOS
CITY OF NORTH BEND
PO BOX 896
NORTH BEND WA 98045-0896

Customer #: C10006477 - 1
Reference #: 21-226-A
Payment Terms: Net 30
Due Date: 5/15/24

AMOUNT DUE: \$30,750.00

Past due balances may be subject to late fee penalties and interest. For billing questions, please call 206-256-5388.

Line	Description	Quantity	UOM	Unit Amt	Net Amount
1	2023 WATER CONSERVATION SVCS	1.00		15,375.00	15,375.00
2	2024 WATER CONSERVATION SVCS	1.00		15,375.00	15,375.00
			Subtotal:		30,750.00
			Total Amount:		\$30,750.00

RETURN THIS PORTION WITH YOUR PAYMENT - Please do not write messages on the bill stub, instead write to us on a separate sheet of paper.
Payments can be made at Seattle Municipal Tower, 4th floor Customer Service Center - 700 5th Ave, Seattle, WA 98124-4214. Hours: M-F 8am to 5pm



City of Seattle

Treasury Dept Accts Receivable
PO Box 94626
Seattle WA 98124-6926

Invoice #: SU1010296
Customer #: C10006477 - 1
Reference #: 21-226-A
Due Date: 5/15/24
Amount Due: \$30,750.00
Enter amount Paid \$
Write invoice number on check. Please do not send cash.

MARK RIGOS
CITY OF NORTH BEND
PO BOX 896
NORTH BEND WA 98045-0896

*Make check
payable and
mail to:*

City of Seattle
Treasury Dept Accts Receivable
PO Box 94626
Seattle WA 98124-6926

30000000000000000000000000000000SU10102960000000003075000



City Council Agenda Bill

SUBJECT:	Agenda Date: May 7, 2024	AB24-048
Resolution Authorizing Transportation Improvement Board (TIB) Grant Agreement for Sidewalk Gaps, Multiple Locations Project	Department/Committee/Individual Mayor Mary Miller City Administrator – David Miller City Attorney – Kendra Rosenberg City Clerk – Susie Oppedal Comm. & Economic Development – Rebecca Deming Administrative Services – Lisa Escobar Finance – Martin Chaw Public Works – Mark Rigos, P.E.	
Cost Impact: \$937,500		
Fund Source: TIF and 200k budget allocation to sidewalk repairs/gaps for 2024		X
Timeline: Immediate		

Attachments: Resolution, TIB Grant Agreement, TIB Project Funding Status Form and Selection Letter

SUMMARY STATEMENT:

In February 2024, the City of North Bend (“City”) applied for an early opportunity Complete Streets Grant (“Grant”) from the Washington State Transportation Improvement Board (“TIB”) in the amount of \$500,000 for the 4 sidewalk projects listed below:

- North Bend Way Sidewalk from Snoqualmie Valley Trail and Tanner Road
- Cedar Falls Way Sidewalk from Mt. Teneriffe Dr. to Mt. View Blvd.
- Orchard Dr. Sidewalk across from Si View Park
- SE 140th St. Sidewalk from North Bend Way to Tanner Falls Frontage

This grant was awarded to the City by the TIB in March 2024 in the amount of \$500,000 (maximum) with a required match from the City in the amount of \$937,500. TIB will pay 34.78% of all eligible project costs to a maximum of \$500,000 and the City will pay the remaining projects costs.

Design for the 4 projects noted above is already complete and the projects are currently out to bid. Construction of these projects will take place this summer and fall. The TIB grant agreement requires construction completion by December 31, 2024.

Before the TIB funds can be used, several administrative items need to be completed, which includes acceptance of the Grant by City Council, execution of the Grant Agreement, and execution of the Project Funding Status Form.

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

COMMITTEE REVIEW AND RECOMMENDATION: The Transportation and Public Works Committee reviewed this item on April 30, 2024 and recommended approval and placement on the Main Agenda for discussion.

RECOMMENDED ACTION: **MOTION to approve AB24-048, a resolution authorizing a Transportation Improvement Board Grant Agreement for Sidewalk Gaps, Multiple Locations Project**

RECORD OF COUNCIL ACTION

Meeting Date	Action	Vote
May 7, 2024		

RESOLUTION

**A RESOLUTION OF THE CITY OF NORTH BEND,
WASHINGTON, ACCEPTING A WASHINGTON STATE
TRANSPORTATION IMPROVEMENT BOARD GRANT IN
THE AMOUNT OF \$500,000 FROM THE EARLY
OPPORTUNITY COMPLETE STREETS PROGRAM, AND
AUTHORIZING A MATCH OF \$937,500 IN LOCAL FUNDS
FOR THE 2024 SIDEWALK GAPS PROJECT**

WHEREAS, the City of North Bend (“City”) annually designs and constructs transportation capital projects on City streets; and

WHEREAS, the City applied to the Washington State Transportation Improvement Board (“TIB”) for grant funding through the early opportunity Complete Streets Program in the amount of \$500,000 for the 2024 Sidewalk Gaps Project; and

WHEREAS, the 2024 Sidewalk Gaps Projects are included in the City’s 2024-2029 Transportation Improvement Plan (“TIP”); and

WHEREAS, the TIB awarded the City a grant in the amount of \$500,000; and

WHEREAS, the TIB grant awarded requires the City to contribute a local match of \$937,500;

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

Section 1. The City Council accepts the TIB grant of \$500,000 for the Sidewalk Gaps, Multiple Locations Project, and authorizes a local match of \$937,500.

Section 2. The Mayor is authorized to enter into any agreements with the TIB necessary to complete acceptance of the grant funds set forth in Section 1 of this Resolution.

**PASSED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON,
AT A REGULAR MEETING THEREOF, THIS 7TH DAY OF MAY, 2024.**

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Mary Miller, Mayor

Kendra Rosenberg, City Attorney

ATTEST/AUTHENTICATED:

Effective:
Posted:

Susie Oppedal, City Clerk

City of North Bend
C-P-804(002)-1
Sidewalk gaps
Multiple Locations

STATE OF WASHINGTON
TRANSPORTATION IMPROVEMENT BOARD
AND
City of North Bend
AGREEMENT

THIS GRANT AGREEMENT (hereinafter "Agreement") for the Sidewalk gaps, Multiple Locations (hereinafter "Project") is entered into by the WASHINGTON STATE TRANSPORTATION IMPROVEMENT BOARD (hereinafter "TIB") and City of NORTH BEND, a political subdivision of the State of Washington (hereinafter "RECIPIENT").

1.0 PURPOSE

For the project specified above, TIB shall pay 34.7826% percent of approved eligible project costs up to the amount of \$500,000, pursuant to terms contained in the RECIPIENT'S Grant Application, supporting documentation, chapter 47.26 RCW and/or chapter 47.04 RCW, title 479 WAC, and the terms and conditions listed below.

2.0 SCOPE AND BUDGET

The Project Scope and Budget are initially described in RECIPIENT's Grant Application and incorporated by reference into this Agreement. Scope and Budget will be further developed and refined, but not substantially altered during the Design, Bid Authorization and Construction Phases. Any material alterations to the original Project Scope or Budget as initially described in the Grant Application must be authorized by TIB in advance by written amendment.

3.0 PROJECT DOCUMENTATION

TIB requires RECIPIENT to make reasonable progress and submit timely Project documentation as applicable throughout the Project. Upon RECIPIENT's submission of each Project document to TIB, the terms contained in the document will be incorporated by reference into the Agreement. Required documents include, but are not limited to the following:

- a) Project Funding Status Form
- b) Bid Authorization Form with plans and engineers estimate
- c) Award Updated Cost Estimate
- d) Bid Tabulations
- e) Contract Completion Updated Cost Estimate with final summary of quantities
- f) Project Accounting History

4.0 BILLING AND PAYMENT

The local agency shall submit progress billings as project costs are incurred to enable TIB to maintain accurate budgeting and fund management. Payment requests may be submitted as often as the RECIPIENT deems necessary, but shall be submitted at least quarterly if billable

amounts are greater than \$50,000. If progress billings are not submitted, large payments may be delayed or scheduled in a payment plan.

5.0 TERM OF AGREEMENT

This Agreement shall be effective upon execution by TIB and shall continue through closeout of the grant or until terminated as provided herein, but shall not exceed April 1, 2025 unless amended by the Parties.

6.0 AMENDMENTS

This Agreement may be amended by mutual agreement of the Parties. Such amendments shall not be binding unless they are in writing and signed by persons authorized to bind each of the Parties.

7.0 ASSIGNMENT

The RECIPIENT shall not assign or transfer its rights, benefits, or obligations under this Agreement without the prior written consent of TIB. The RECIPIENT is deemed to consent to assignment of this Agreement by TIB to a successor entity. Such consent shall not constitute a waiver of the RECIPIENT's other rights under this Agreement.

8.0 GOVERNANCE & VENUE

This Agreement shall be construed and interpreted in accordance with the laws of the state of Washington and venue of any action brought hereunder shall be in the Superior Court for Thurston County.

9.0 DEFAULT AND TERMINATION

9.1 NON-COMPLIANCE

- a) In the event TIB determines, in its sole discretion, the RECIPIENT has failed to comply with the terms and conditions of this Agreement, TIB shall notify the RECIPIENT, in writing, of the non-compliance.
- b) In response to the notice, RECIPIENT shall provide a written response within 10 business days of receipt of TIB's notice of non-compliance, which should include either a detailed plan to correct the non-compliance, a request to amend the Project, or a denial accompanied by supporting details.
- c) TIB will provide 30 days for RECIPIENT to make reasonable progress toward compliance pursuant to its plan to correct or implement its amendment to the Project.
- d) Should RECIPIENT dispute non-compliance, TIB will investigate the dispute and may withhold further payments or prohibit the RECIPIENT from incurring additional reimbursable costs during the investigation.

9.2 DEFAULT

RECIPIENT may be considered in default if TIB determines, in its sole discretion, that:

- a) RECIPIENT is not making reasonable progress toward correction and compliance.
- b) TIB denies the RECIPIENT's request to amend the Project.
- c) After investigation TIB confirms RECIPIENT'S non-compliance.

TIB reserves the right to order RECIPIENT to immediately stop work on the Project and TIB may stop Project payments until the requested corrections have been made or the Agreement has been terminated.

9.3 TERMINATION

- a) In the event of default by the RECIPIENT as determined pursuant to Section 9.2, TIB shall serve RECIPIENT with a written notice of termination of this Agreement, which shall be served in person, by email or by certified letter. Upon service of notice of termination, the RECIPIENT shall immediately stop work and/or take such action as may be directed by TIB.
- b) In the event of default and/or termination by either PARTY, the RECIPIENT may be liable for damages as authorized by law including, but not limited to, repayment of grant funds.
- c) The rights and remedies of TIB provided in the AGREEMENT are not exclusive and are in addition to any other rights and remedies provided by law.

9.4 TERMINATION FOR NECESSITY

TIB may, with ten (10) days written notice, terminate this Agreement, in whole or in part, because funds are no longer available for the purpose of meeting TIB's obligations. If this Agreement is so terminated, TIB shall be liable only for payment required under this Agreement for performance rendered or costs incurred prior to the effective date of termination.

10.0 USE OF TIB GRANT FUNDS

TIB grant funds come from Motor Vehicle Fuel Tax revenue and other revenue sources. Any use of these funds for anything other than highway or roadway system improvements is prohibited and shall subject the RECIPIENT to the terms, conditions and remedies set forth in Section 9. If Right of Way is purchased using TIB funds, and some or all of the Right of Way is subsequently sold, proceeds from the sale must be deposited into the RECIPIENT's motor vehicle fund and used for a motor vehicle purpose. The obligations of this Section shall survive termination of this Agreement.

11.0 INCREASE OR DECREASE IN TIB GRANT FUNDS

At Bid Award and Contract Completion, RECIPIENT may request an increase in the maximum payable TIB funds for the specific project. Requests must be made in writing and will be considered by TIB and awarded at the sole discretion of TIB. All increase requests must be made pursuant to WAC 479-05-202 and/or WAC 479-01-060 and/or WAC 479-10-575. If an increase is denied, the recipient shall be liable for all costs incurred in excess of the maximum amount payable by TIB. In the event that final costs related to the specific project are less than the initial grant award, TIB funds will be decreased and/or refunded to TIB in a manner that

maintains the intended ratio between TIB funds and total project costs, as described in Section 1.0 of this Agreement.

12.0 INDEPENDENT CAPACITY

The RECIPIENT shall be deemed an independent contractor for all purposes and the employees of the RECIPIENT or any of its contractors, subcontractors, and employees thereof shall not in any manner be deemed employees of TIB.

13.0 INDEMNIFICATION AND HOLD HARMLESS

The PARTIES agree to the following:

Each of the PARTIES, shall protect, defend, indemnify, and save harmless the other PARTY, its officers, officials, employees, and agents, while acting within the scope of their employment as such, from any and all costs, claims, judgment, and/or awards of damages, arising out of, or in any way resulting from, that PARTY's own negligent acts or omissions which may arise in connection with its performance under this Agreement. No PARTY will be required to indemnify, defend, or save harmless the other PARTY if the claim, suit, or action for injuries, death, or damages is caused by the sole negligence of the other PARTY. Where such claims, suits, or actions result from the concurrent negligence of the PARTIES, the indemnity provisions provided herein shall be valid and enforceable only to the extent of a PARTY's own negligence. Each of the PARTIES agrees that its obligations under this subparagraph extend to any claim, demand and/or cause of action brought by, or on behalf of, any of its employees or agents. For this purpose, each of the PARTIES, by mutual negotiation, hereby waives, with respect to the other PARTY only, any immunity that would otherwise be available to it against such claims under the Industrial Insurance provision of Title 51 RCW. In any action to enforce the provisions of the Section, the prevailing PARTY shall be entitled to recover its reasonable attorney's fees and costs incurred from the other PARTY. The obligations of this Section shall survive termination of this Agreement.

14.0 DISPUTE RESOLUTION

- a) The PARTIES shall make good faith efforts to quickly and collaboratively resolve any dispute arising under or in connection with this AGREEMENT. The dispute resolution process outlined in this Section applies to disputes arising under or in connection with the terms of this AGREEMENT.
- b) Informal Resolution. The PARTIES shall use their best efforts to resolve disputes promptly and at the lowest organizational level.
- c) In the event that the PARTIES are unable to resolve the dispute, the PARTIES shall submit the matter to non-binding mediation facilitated by a mutually agreed upon mediator. The PARTIES shall share equally in the cost of the mediator.
- d) Each PARTY agrees to compromise to the fullest extent possible in resolving the dispute in order to avoid delays or additional incurred cost to the Project.
- e) The PARTIES agree that they shall have no right to seek relief in a court of law until and unless the Dispute Resolution process has been exhausted.

15.0 ENTIRE AGREEMENT

This Agreement, together with the RECIPIENT'S Grant Application, the provisions of chapter 47.26 Revised Code of Washington and/or 47.04 Revised Code of Washington, the provisions of title 479 Washington Administrative Code, and TIB Policies, constitutes the entire agreement between the PARTIES and supersedes all previous written or oral agreements between the PARTIES.

16.0 RECORDS MAINTENANCE

The RECIPIENT shall maintain books, records, documents, data and other evidence relating to this Agreement and performance of the services described herein, including but not limited to accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Agreement. RECIPIENT shall retain such records for a period of six years following the date of final payment. At no additional cost, these records, including materials generated under the Agreement shall be subject at all reasonable times to inspection, review or audit by TIB personnel duly authorized by TIB, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement. The obligations of this Section shall survive termination of this Agreement.

If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

Approved as to Form
Attorney General

By:

Signature on file

Guy Bowman
Assistant Attorney General

Lead Agency

Transportation Improvement Board

Chief Executive Officer

Date

Executive Director

Date

Print Name

Print Name



Transportation Improvement Board

Project Funding Status Form

Council Packet May 7, 2024

Agency Name: **NORTH BEND**
Project Name: **Sidewalk gaps**
Multiple Locations

TIB Project Number: **C-P-804(002)-1**

Verify the information below and revise if necessary.
Submit by emailing this completed form to your TIB Region Engineer.

PROJECT SCHEDULE

Target Dates		
Construction Approval	Contract Bid Award	Contract Completion

PROJECT FUNDING PARTNERS

List additional funding partners and amount.

Funding Partners	Amount	Revised Funding
NORTH BEND	937,500	
WSDOT	0	
TOTAL LOCAL FUNDS	937,500	

Signatures are required from two different agency officials. Return the originally signed form to the TIB office.

Mayor or Public Works Director

Signature

Date

Printed or Typed Name

Title

Financial Officer

Signature

Date

Printed or Typed Name

Title



Washington State Transportation Improvement Board

TIB Members

Chair
Councilmember Sam Low
Snohomish County

Vice Chair
Mayor Hilda González
City of Granger

Amy Asher
Mason Transit Authority

Aaron Butters
HW Lochner Inc.

Susan Carter
Hopelink

Kent Cash
Port of Vancouver

Barbara Chamberlain
WSDOT

Elizabeth Chamberlain
City of Walla Walla

Dongho Chang
WSDOT

Scott Chesney
Spokane County

Vicky Clarke
Cascade Bicycle Club and Washington Bikes

Andrew Denham
Town of Twisp

Commissioner Al French
Spokane County

Commissioner Scott Hutsell
Lincoln County

Councilmember Jon Pascal
City of Kirkland

Les Reardanz
Whatcom Transportation Authority

Peter Rogalsky
City of Richland

Mayor Kim Roscoe
City of Fife

Maria Thomas
Office of Financial Management

Jennifer Walker
Thurston County

Jane Wall
County Road Administration Board

Ashley Probart
Executive Director

P.O. Box 40901
Olympia, WA 98504-0901
Phone: 360-586-1140
www.tib.wa.gov

March 22, 2024

The Honorable Mary Miller, Mayor
City of North Bend
Post Office Box 896
North Bend, WA 98045

Dear Mayor Mary Miller:

Congratulations! The Transportation Improvement Board (TIB) is pleased to announce the selection of your early opportunity Complete Streets project, Sidewalk gaps, Multiple Locations, TIB project number C-P-804(002)-1.

This project is supported with funding from Washington's Climate Commitment Act (CCA). The CCA supports Washington's climate action efforts by putting cap-and-invest dollars to work reducing climate pollution, creating jobs, and improving public health. Information about the CCA is available at www.climate.wa.gov.

TIB is awarding 34.7826% of approved eligible project costs with a maximum grant of \$500,000.

Before any reimbursable work is permitted on this project, you *must* email a signed copy of the below documents and receive *approval* from TIB:

- Project Funding Status Form (verify the information is correct)
- Grant Agreement

All early opportunity Complete Streets projects must be **constructed by December 31, 2024, and closeout paperwork must be completed by April 1, 2025.**

If you have any questions or concerns about the above requirements, please contact your region engineer, Greg Armstrong, at GregA@tib.wa.gov.

Sincerely,

Ashley Probart
Executive Director