

**CITY OF CLARKSTON
CITY COUNCIL AGENDA
829 5th Street
TUESDAY, NOVEMBER 13, 2012**

- 1. CALL TO ORDER: 7:00 P.M.**
- 2. PLEDGE OF ALLEGIANCE:**
- 3. AGENDA CHANGES:**
- 4. APPROVAL OF MINUTES:
October 22, 2012 Regular Meeting**

- 5. COMMUNICATIONS:**
 - A. From the Public** (Please limit comments to 3 minutes)
 - B. From the Mayor**
 - C. From Staff or Employees**

- 6. COMMITTEE REPORTS:**
 - A. Finance – Audit Report on Current Bills**
 - B. Public Safety – 11/6**
 - C. Public Works – 11/7**
 - D. Administrative/Intergovernmental –**
 - E. Community Development – 11/6**

- 7. PUBLIC HEARING:
Public Hearing on Revenue Sources for 2013 Budget and Consideration of Property Tax Increase**

- 8. UNFINISHED BUSINESS:**

- 9. NEW BUSINESS:**
 - A. Budget Request – Hells Canyon Visitor bureau, Michelle Peters (CD)**
 - B. Budget Request – Chamber of Commerce, Kristen Kemak (CD)**
 - C. Recommendation on Property Tax Levy for 2013**
 - D. Contract for Punch List Items on Public Safety Building, S & S Contractors (PW)**
 - E. Discussion of Stormwater Program (PW)**

- 10. COUNCIL COMMENTS**
- 11. MEDIA QUESTIONS**
- 12. EXECUTIVE SESSION**

- 13. ADJOURN:**

Time limits for addressing the council have been established by council direction. Presentations are limited to 15 minutes and public comments are limited to 3 minutes per person, per topic.

Individuals with disabilities may request reasonable accommodations by calling (509) 769-0131 at least three days prior to meeting.

CLARKSTON CITY COUNCIL MINUTES
October 22, 2012

CALL TO ORDER: Mayor Warren, 7:00 P.M.

COUNCIL:

<input checked="" type="checkbox"/> Beadles	<input checked="" type="checkbox"/> Nash
<input checked="" type="checkbox"/> Provost	<input checked="" type="checkbox"/> Baumberger
<input checked="" type="checkbox"/> Smith	<input checked="" type="checkbox"/> Blackmon
<input checked="" type="checkbox"/> Manchester	

STAFF:

<input checked="" type="checkbox"/> Chief Hastings	<input checked="" type="checkbox"/> Chief Cooper	<input checked="" type="checkbox"/> PWD Martin
<input checked="" type="checkbox"/> Clerk Storey	<input checked="" type="checkbox"/> City Attorney Grow	

AGENDA CHANGES:

APPROVAL OF MINUTES: MOTION BY BEADLES/NASH to approve the minutes of the October 8, 2012, Regular Meeting. Motion carried.

COMMUNICATIONS:

A. From the Public

Kristen Kemak, Chamber of Commerce, announced that the City has an ex-officio position on the Chamber Board. Kemak feels that Chief Cooper would be a good fit and has worked on many Chamber projects. She said there is one meeting per month of about 1- 1 ½ hours per meeting. Chief Cooper is willing to serve. Mayor Warren will send a letter of appointment.

B. From the Mayor

Drew Dickinson, Asotin County, referred to the town hall meeting that was held last week by the county commissioners. He said as a citizen of Asotin County, he finds it appalling that the mayor of Clarkston would stand up in a public meeting and bold-faced lie to the citizens of Asotin County. He said she stated the only reason the council opted in for the .3% sales tax was to ensure that it was used for its intended purpose, the Aquatic Center. In 2010 the funding took a huge hit and at the same time, the city started an ambulance service that, in his opinion, is under staffed and underfunded and under managed. He said the City was told that the ambulance would not support itself. Now the City contributes nothing to the Aquatic Center. The City got a new city hall and updated the public safety building. Mayor Warren responded that what she said was the reason she voted in favor of opting in to the sales tax was because the City intended to give a large portion to the Aquatic Center.

C. From Staff

COMMITTEE REPORTS:

Finance Committee:

Councilmember Provost reported all bills have been audited and approved. MOTION BY PROVOST/BEADLES to authorize payment of the bills, total expenditures for October 22, 2012 of \$175,577.39. Motion carried.

Provost said committee met with Kerry Cox to discuss a change in phone service. The proposal would change the city's main phone service from XO Communications to Clearly Communications. Cox explained that the phone service is voice over internet, but Clearly provides a dedicated T-1 line. MOTION BY PROVOST/NASH to change the service. Beadles expressed concerns with internet reliability. Councilmember Blackmon said that this service uses a dedicated land circuit and the only traffic on that line would be the city's service. Provost added that there is the capability to reroute calls if the lines were down so that service would not be interrupted. Motion carried.

Provost said committee discussed with the city attorney a proposal to change his status from a contract position to a part time employee status. Provost said that there are some questions that

committee would like to have staff address. Discussion will continue during the budget process.

Public Safety: Councilmember Beadles reported that Chief Cooper presented a recap of mutual aid in the valley. Lewiston is planning to make a proposal for ambulance services.

Chief Hastings presented the application for the annual STOP grant for victim services. Committee recommendation is to authorize the application. Chief Hastings will be budgeting for video equipment for two patrol cars from the Drug Enforcement account. Chief Hastings presented a grant application for equipment through the Washington Traffic Safety Commission. Committee recommendation is to authorize the application.

Public Works Committee: Councilmember Nash reported that committee recommends surplusing two tar pots from the street department that are no longer of use to the city. Arrow Equipment has offered \$400 for each in cash or trade for merchandise. There is no market for this equipment, so this seems to be a good option.

The WWTP upgrade project is underway.

The Storm water budget will be presented under new business.

Admin Committee: Councilmember Manchester said committee discussed an EMS Field Internship Agreement where EMS students from LCSC would work with our department for training purposes. Committee recommendation is to authorize the agreement.

Community Development: No meeting.

UNFINISHED BUSINESS:

NEW BUSINESS

A. Stormwater Budget Discussion, Cheryl Sonnen

PWD Martin explained that the Stormwater Management Team has been meeting to prepare a budget for 2013. Adjustment of the ERU rate has been discussed. The management team has proposed that two maintenance positions be created and filled and the ERU rate be reduced to \$4.00. Cheryl presented the proposed Stormwater budget for 2013. Cheryl explained that the management team has representation from all three entities. Cheryl said the team compared the 2012 budget and the proposed 2013 budget. They also reviewed several "what if" scenarios to see what effect a rate change would have on the fund. Reducing the ERU rate to \$4.00 reduces revenue by \$158,000, but the budget was also reduced by \$100,000. Anticipated carryover is about \$595,000, made possible partially by grants that covered a lot of the operating expense. The current grant will be expended by the end of the year. There has been no information on whether future grants will be available. Grant revenues were not considered when the original \$5.00 ERU was determined, so that helped build the reserves. Cheryl explained that there has always been one position in the budget for operations, but it has not been filled. So the team is only looking to add one position in reality. Cheryl explained that if there are revenue shortages, the capital reserve contribution would be reduced.

Councilmember Provost commented that this budget covers all three participating entities.

The proposal would fund the capital reserve at the current rate until \$1 million has been accumulated and then the capital reserve contribution will be reviewed. That should happen by 2015. Using these projections, a rate adjustment would probably be needed by 2018. But the projections will be reviewed annually and recommendations made as necessary. The capital reserves would be used for projects or as matching funds for projects.

PWD Martin said that with the addition of O & M staff, the majority of the maintenance work would be shifted from the entities to the program. This would allow the work to be scheduled on a regular basis instead of when time is available. Having a schedule will make it possible for residents to know when to move their cars so sweeping is more effective. Councilmember Beadles commented that street sweepers are expensive. Martin commented that he had planned to request a new sweeper in the

2013 budget, but this will allow the City to extend the life of our sweeper since it will be used only for extra sweeping and emergency situations. The cost of the O & M would be covered by the \$4 ERU. The City would still be reimbursed for billing expense and management expenses.

Cheryl explained that changes would need to be made to the Interlocal Agreement. It would cover the change in the ERU rate and requires a six-year capital plan from each entity.

Martin said he feels the City should increase the ERU rate that we bill to \$4.00 so that the Current Expense fund would not have to subsidize the service.

B. Resolution No. 2012-10, Surplus Tarpots

PWD Martin said that since the city purchased new equipment for crack sealing, the tarpots are no longer needed. Resolution No. 2012-10 was read by title. MOTION BY NASH/BEADLES to approve Resolution No. 2012-10. Motion carried.

C. Authorize STOP Grant Application

Chief Hastings explained that this grant provides for an advocate to work with domestic violence victims. The grant covers about 200 hours of work. MOTION BY BEADLES/BLACKMON to authorize application of the STOP grant. Motion carried.

D. Authorize Police Equipment Grant Application

Chief Hastings said this grant has been received for several years. This year he would use the grant for two in-vehicle cameras. Total cost of the units and software is about \$14,000. Hastings proposed using funding from the Drug Fund to cover the difference in the equipment cost between grant funding and the total cost.

Councilmember Provost asked Hasting to explain the advantage of having arrests on camera. Hastings said that with the video recording, cases seldom end up going to trial, and also offer better accountability. MOTION BY BEADLES/PROVOST to approve the grant application. Motion carried.

E. EMS Field Internship Agreement with LCSC

Chief Cooper explained that this agreement is with LCSC and would provide training for EMS students, who would ride with Clarkston's ambulance crew. The agreement has been reviewed by counsel and by WCIA. MOTION BY PROVOST/NASH to authorize the mayor to sign the agreement once the indemnification language recommended by WCIA has been added. Motion carried.

COUNCIL COMMENTS:

Councilmember Nash said he will no longer be able to participate on the Admin Committee due to his work schedule. Councilmember Provost said either another council member could serve or the committee could change the meeting time. Committee will change the meeting to a time that works with Nash's schedule.

Councilmember Beadles said he had a conversation with Mayor Poole of Lewiston regarding some comments he made earlier and feels better about the situation.

Beadles said this comment expresses his personal feelings. It is in regard to a letter the City sent to the Asotin County Fire District asking to meet with them to discuss mutual aid. Beadles said it is the City's intent to be a good neighbor and cooperate in times of emergency. Beadles said that the letter the City received in response was an insult. He said it felt to him like a slap in the face to the city and the fire department. He said the City has no ax to grind. He said the city and the fire district both have a responsibility to the citizens regardless of where they reside.

Councilmember Provost commented on the AWC regional meeting held in Pullman last week that several attended. He said that AWC discussed their goals in the next legislative session. One goal is to attempt to recover liquor tax revenue that the state took this year. Provost said that the state is also facing continuing budget problems, so the chances of success may be slim.

MEDIA QUESTIONS:

Kerri Sandaine of the Tribune asked when the next Public Safety meeting would be held. It will be on November 6 at 4:00.

Veronica Miracle from KLEW asked when the city will reply to the City of Lewiston's letter regarding ambulance service. Beadles said they have asked for a response by November 15.

ADJOURNMENT:

Meeting adjourned at 7:57 p.m.

Vickie Storey, City Clerk

Kathleen A. Warren, Mayor

Total Fund Expenditures 10/22/12	CK# 52121-22, 52148-223	\$53,276.90
Total Payroll, 10/15/12	CK # 52123-52146	\$122,300.49

Public Safety Committee

November 6, 2012

Present: Chief Hastings, Chief Cooper, Larry Baumberger, Dick Jones, Butch Aiken, Drew Dickinson, Terry Beadles

Chief Cooper reported that Lewiston Fire, Asotin County Fire, and Clarkston Fire had a meeting about radio channel assignments.

Two EMS employees attended training on Pre Hospital Trauma Life Support. The two Clarkston Fire Department employees will train other members in our department for a refresher course in transport.

CFD just completed their Fire Prevention safety program. Station tours, fire safety instruction, puppet presentations are a few of the activities for elementary school students.

We discussed the letter received from Mayor Poole about Lewiston providing EMS transport for the City of Clarkston. Dick Jones asked, "Why does Lewiston want to provide EMS transport for the City of Clarkston?" Larry Baumberger said that he will need to review our 2013 budget before he would comment about a reply to Lewiston's letter. The committee would like council discussion about the reply to the EMS question as presented in the letter from Lewiston. We are requesting executive session for discussion. A reply letter should be received by Mayor Poole before being made public to assure proper protocol.

Chief Hastings reported that the 6th Street Trick or Treat program by the Clarkston Down Town business was very successful. The program makes Halloween safer for our youth.

The Christmas Parade on December 1st is scheduled with our police department.

The Case Management software through the Spillman system was explained by the Chief. This will enhance the record keeping for individual cases.

There will be a radio repeater installed at the Wal-Mart location to assure officer radio communication within the building.

Community Development Committee

November 6, 2012

Present: John Smith, George Nash, Tina Davidson, Terry Beadles

Three letters have been received; presenting ideas for projects in our community. We discussed the merits of each request.

Mr. Kyle Grinolds states that there is a need for additional handicapped fishing access to our rivers. Since the rivers are Corps of Engineers responsibility, the city would not be able to help with this idea. However, the Port has installed a new boat dock near the Rooster's restaurant which is handicapped accessible.

Ms. Jordan Sorrell asks that we consider a facility for young single mothers. There are many agencies (both government and non-profit) exist to address needs of young single mothers. A facility of this nature might be considered by a non-profit organization. However, the city cannot be an avenue for a facility.

Ms. Cassie Cloke requests that we consider a dog park or a fenced area within a city park for a dog area. At present time, there is no funding available to finance a request of this nature. The question arises; who would be responsible to assure the park or area is clean and ready for the next guest? It appears that an area of this nature would need to be large enough to accommodate both small and large dogs; thus most Clarkston parks simply are inadequate. There is a dog area South of Clarkston near the Forest Service Office just off the river trail for unleashed activity.

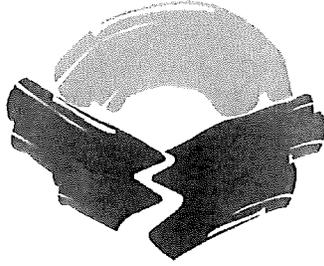
With council approval, a copy of committee minutes will be forwarded to each of the above writers.

**PUBLIC HEARING
2013 BUDGET – REVENUE SOURCES
CURRENT EXPENSE FUND**

REVENUE SOURCE	2011 ESTIMATED REVENUE	2012 ESTIMATED REVENUE
Property Taxes	514,000	526,000
Sales Tax	1,455,000	1,470,000
Business Taxes	798,500	789,000
Excise, Gambling Taxes	87,000	86,000
Licenses & Permits	127,600	131,600
Grants	186,240	304,700
State Entitlements	169,800	144,100
Intergovernmental	70,200	67,500
Charges for Goods & Services	16,030	10,500
Fines	117,500	117,000
Miscellaneous	26,350	18,500
Total Actual Revenues	3,568,220	3,664,900

Revenue projections for the General Fund include:

- An increase to Property Taxes resulting from new construction. A 1% property tax increase is included. Property taxes have been split 60/40 with the Street Fund.
- Sales Tax is running a 4% decrease over 2011. I have projected a very small increase for 2013.
- Business taxes include utility or B & O taxes on gas, electricity and phones. Avista revenue is running a little ahead of 2011.
- Gambling Taxes are planned about the same as this year. There is no indication that revenue will increase from that source.
- Licenses & Permits, which includes business licenses and building permits are planned up just a bit. Building permits for 2012 have been lower than normal, but there are plans to adjust building valuations and permit fees.
- Grant revenue is planned for the Narcotics Assistance program and the Domestic Violence program, as in 2012. It also includes the new SAFER grant for the fire department. The prior SAFER grant is nearing completion.
- State Entitlements are planned down. Criminal justice funds depend on the city's crime rate and are determined on the state's fiscal year. So we don't know until July if we will qualify for continued funding. We will see the decrease in liquor revenues resulting from the state's decision to take a portion of the revenue. The result is a loss of about \$15,000 compared to 2011.
- Intergovernmental revenue is not anticipated to change significantly.
- Court revenues stay about the same from year to year.
- Interest earnings are insignificant. A half percent is a good rate of return these days. The State Investment Pool has been at around .16% for over a year.



hells canyon visitor bureau
lewis clark valley

November 7, 2012

Clarkston City Council:

The Hells Canyon Visitor Bureau would like to respectfully submit our request for annual funding from the City of Clarkston's lodging tax revenue. We would like to request the same amount as last year, \$75,000. I want to note our current staff still consists of one full-time director and a part-time Visitor Information Specialist. We recently relocated our office to 847 Port Way after the Clarkston Chamber merged with Lewiston Chamber to allow much needed space for all of their new employees. We have updated all websites with our new address and new Visitor Information Center location at the Port. The Lewis Clark Valley Chamber still has brochure racks and Visitor Information at their office as well. We are working on signage at 13th & Bridge and 13th & Port Way for easier access for motorhomes and other Visitors to find our new location. We have placed new signage in the Port District so we are easy to find and have ample parking for large vehicles.

I have enclosed reports of the economic impact of travel and tourism in the City of Clarkston/Asotin County. It's definitely a driving factor in the economic wellbeing in the City of Clarkston. I've also enclosed our website report which indicates we have increased website visits over 40% for the same time frame as last year. It proves that our advertising and marketing efforts are truly working! We are seeing increased visitation to our area by promoting a wide variety of activities to do and see here in the Lewis Clark Valley. We are very active in Social Media platforms and promote local community events to residents outside of the area. All of our marketing efforts are directed towards increasing overnight stays, from which the lodging tax revenue is generated, and in turn it replenishes the funds.

Leisure & Hospitality Report for Asotin County: The Leisure and Hospitality sector in Asotin County had 716 jobs in 2011, making up 12.8% of the jobs here. It had a payroll of nearly \$10.6 million, making up 6.4% of the total payroll in Asotin County. Altogether, there are 49 leisure and hospitality establishments in Asotin County.

Please call or email if you have any additional questions regarding our funding request. We would like to invite you to stop by our office so you can see our new Visitor Information Center.

Sincerely,

Michelle D. Peters

Michelle D. Peters
Hells Canyon Visitor Bureau, President/CEO



October 1, 2012

Vickie Storey, City Clerk
City of Clarkston
830 Fifth Street
Clarkston, WA 99403

Re: 2013 Contract for Tourism Dollars

Vickie:

Thank you for considering the Lewis Clark Valley Chamber of Commerce funding request for a small portion of the hotel-motel tax revenue. We are looking forward to a great upcoming year in the efforts of promoting Clarkston as a vibrant community to explore and enjoy.

Over the last few years the Chamber's role in tourism has shifted into a supporting role and remains committed to serving as the first-stop for many visitors and potential visitors who are looking for more information on Clarkston. The Chamber and the Visitor Bureau have worked well in the past years to promote tourism in the Valley and it is with great enthusiasm we are continuing that successful partnership.

We would like request funding for the Visitor Information Center as well as promotional opportunities with the Hells Canyon Visitor Bureau.

The Chamber continues to receives a great number of calls and email requests for visitor information as well as a walk-in traffic looking for information on shopping, restaurant, hotels, tours and wineries, therefore, we feel it is important to maintain the presence as a valued source of quality information to our community's guests.

The Chamber has been asked to participate in a variety of community promotional opportunities that we know are vital to the economic growth and success of our community. A partnership with the HCVB in the Washington State Travel Guide, A Winery and Brewery Tour video that will feature Clarkton's very own Basalt Cellars and Riverport Brewery and a testimonial video that will help keep the NAIA World Series in the Valley which we all know has a tremendous impact on the shops, hotels, tour guides and restaurants in Clarkston.

With your help, the Lewis Clark Valley Chamber can continue to serve our community's guests.

• Visitor Information Center Staffing:	\$10,805.00
• Washington State Travel Guide:	\$ 2,195.00
• Promotional Videos:	\$ 2,500.00
Total request:	\$15,500.00

Thank you in advance for your consideration. We look forward to a great upcoming year!

Sincerely,


Kristin Kemak
President/CEO

(509) 758-7712 · fax (509) 751-8767
502 Bridge Street · Clarkston, WA 99403 · lcvalleychamber.org

Memo

To: Mayor & Council

From: Vickie Storey

Date: 11/8/2012

Re: Property Tax Levy

Message

Council has the option each year to increase the property tax levy by not more than 1%.

The proposed 2013 budget has a 1% increase calculated in. That is an increase of \$8,681. If property values increase by 2%, as they did in 2012, the levy rate per thousand would actually decrease a bit, from \$2.189 to \$2.167. Taxes on a home valued at \$150,000 would actually decrease by \$3.30 for the year.

If property values stayed the same as 2012, the rate would go to \$2.2109. The taxes on a home valued at \$150,000 would increase \$3.28 for the year.

I do not have assessed valuation information from the assessor at this time nor do I have the value of new construction. New construction tax revenue is in addition to the statutory 1% increase that cities can impose.

The council will need to adopt a resolution by the end of November setting the tax levy for 2013.

City of Clarkston
Public Works Director
829 5th St.
(509) 758-1662
(509) 769-6019fax

Memo

To: Council

From: James E. Martin, PWD

CC: Mayor Warren

Date: Nov. 8, 2012

Re: Public Safety Building Punch List Work

The City has taken over the ending work for the project in order to complete the project in a timely manner. We have two punch list items that need to be accomplished to help final out the project. I've gone through the proper procedure and requested quotes for the work. Attached is a contract for S&S Concrete Pumping LLC to complete two minor pieces of the project at a cost of \$2,257.50.

We are getting closer to closure on the project and this work will allow us to move forward upon receipt of our warranty for the roof that was installed on the building

Thank you for your consideration.





City of Clarkston

City Hall: (509) 758-5541 • Police: (509) 758-1684 • Fire: (509) 758-8681 • Fax: (509) 758-1670

829 5th Street • Clarkston, WA 99403

“Public Safety Building Punch List Completion”

This agreement is made and entered into this _____ day of _____ 2012, between the City of Clarkston and S&S Concrete Pumping LLC, hereinafter call “Contractor”.

Contract Title: Public Safety Building Punch List Completion
Contractor Name: Don Stewart
Business Name: S&S Concrete Pumping LLC
Business Address: 4940 Hatwai Rd. Lewiston, ID 83501
Business Phone: 208-746-1577
Contractor’s Reg: SSCONCP978KO

WITNESSETH: That in consideration of the terms and conditions contained herein and attached and made a part of this agreement, the parties hereto covenant and agree as follows:

1. The Contractor shall perform all work and furnish all tools, materials and equipment for the following named project – Public Safety Building Punch List Completion for the bid price of \$2,100.00 plus sales tax of \$157.50 for a total of \$2,257.50.

The Contractor shall provide and bear the expense of all equipment, work and labor, of any sort whatsoever that may be required for the transfer of materials and for constructing and completing the work provided for in these Contract Documents except those items mentioned therein to be furnished by the City of Clarkston.

2. The Contractor for himself and for his heirs, executors, administrators, successors, and assigns, does hereby agree to full performance of all covenants required for the Contractor in the contract.

3. It is further provided that no liability shall attach to the City by reason of entering into this contract, except as provided herein.

4. Description of Work to be performed:

- 1) Provide and install approximately 914 s.f. of R-38 batt insulation in the attic area of the Police Evidence Department.

- 2) Seal / grout around three (3) electrical conduits entering the north exterior wall in the generator court. Install backstop material and concrete grout. Provide sealant around exterior of conduits. Pain to match adjacent wall. Coordinate access to the generator court with the Asotin County Jail Officer.

Permits will be obtained by Contractor

5. Requirements to be met by Contactor:

- Affidavit showing intent to pay prevailing wage
- Valid City of Clarkston business license
- Valid Washington State contractor's license
- In lieu of performance bond, 50% of the contract will be retained for thirty days after the date of final acceptance or until receipt of all necessary releases from Dept. of Revenue and L & I and settlement of any liens.
- All sales tax will be paid by Contractor and the amount shown separately on all invoices

6. Indemnification/Hold Harmless: The Contractor shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or in connection with the performance of this agreement, except for injuries and damages caused by the sole negligence of the City.

Should a court of competent jurisdiction determine that this agreement 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 the Contractor and the City, its officers, officials, employees and volunteers, the Contractor's liability hereunder shall be only to the extent of the Contractor's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Contractor'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. The provisions of this section shall survive the expiration or termination of this agreement.

7. MINIMUM SCOPE OF INSURANCE

A. Contractor shall obtain insurance of the types described below:

a. Automobile Liability Insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

b. Commercial General Liability Insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, stop gap liability, independent contractors, products-completed operations, personal injury and advertising injury and liability assumed under an insured contract. The Commercial General Liability insurance shall be endorsed to provide the Aggregate Per Project Endorsement ISO form CG 25 03 11 85. There shall be no endorsement or modification of the Commercial General Liability insurance for liability arising from explosion, collapse or underground property damage. The City shall be named as an insured under the Contractor's Commercial General Liability insurance policy with respect to the work performed for the City using ISO Additional Insured endorsement CG 20 10 10 01 and Additional Insured-Completed

Operations endorsement CG 20 37 10 01 or substitute endorsements providing equivalent coverage.

c. Workers' Compensation Coverage as required by the Industrial Insurance laws of the State of Washington.

d. Builders Risk insurance covering interests of the City, the Contractor, Subcontractors, and Sub-subcontractors in the work. Builders Risk insurance shall be on a all-risk policy form and shall insure against the perils of the fire and extended coverage and physical loss or damage including flood and earthquake, theft, vandalism, malicious mischief, collapse, temporary building and debris removal. This Builders Risk insurance covering the work will have a deductible of \$5,000 for each occurrence, which will be the responsibility of the Contractor. Higher deductibles for flood and earthquake perils may be accepted by the City upon written request by the Contractor and written acceptance by the City. Any increased deductibles accepted by the City will remain the responsibility of the Contractor. The Builders Risk insurance shall be maintained until final acceptance of the work by the City.

e. Professional Liability insurance appropriate to the Consultant's profession.

B. Contractor shall maintain the following minimum amounts of insurance:

a. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$500,000 per accident;

b. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate and a \$2,000,000 products- completed operations aggregate

limit.

c. Builders Risk insurance shall be written in the amount of the completed value of the project with no coinsurance provisions.

d. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

C. Other Insurance Provisions:

The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Commercial General Liability and Builders Risk insurance:

a. The Contractor's insurance coverage shall be primary insurance as respect the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Contractor's insurance and shall not contribute with it.

b. The Contractor's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

c. Contractor's Insurance For Other Losses. The Contractor shall assume full responsibility for all loss or damage from any cause whatsoever to any tools, Contractor's employee owned tools, machinery, equipment, or motor vehicles owned or rented by the Contractor, or the Contractor's agents, suppliers or contractors as well as to any temporary structures, scaffolding and protective fences.

8. WAIVER OF SUBROGATION

The Contractor and the City waive all rights against each other any of their Subcontractors, Sub-subcontractors, agents and employees, each of the other, for damages caused by fire or other perils to the extend covered by Builders Risk Insurance or other property insurance obtained pursuant to the Insurance Requirements Section of this Contract or other property insurance applicable to the work. The policies shall provide such waivers by endorsement or otherwise.

9. ACCEPTABILITY OF INSURERS

Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

10. VERIFICATION OF COVERAGE

Contractor shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the Automobile Liability and Commercial General Liability insurance of the Contractor

before commencement of the work. Before any exposure to loss may occur, the Contractor shall file with the City a copy of the Builders Risk insurance policy that includes all applicable conditions, exclusions, definitions, terms and endorsements related to this project.

11. TERMINATION OF THE CONTRACT.

a. If the Contractor persistently or repeatedly fails or neglects to carry out the Work in accordance with the Contract or Design Documents or otherwise materially breaches the Contract, Owner shall provide Contractor with seven calendar days' written notice of the breach and provide the Contractor with an opportunity to cure the Contract. Should Contractor fail to take steps to cure the Contract, Owner shall have the right to terminate the Contract. Contractor shall be compensated for the Work performed by Contractor up to the date of termination plus incurred overhead and earned profit. Owner shall also be entitled to recover the cost of expenses consequentially related to the termination.

b. Contractor may terminate this Contract if Owner fails or neglects to carry out its obligations in accordance with the Contract or Design Documents or otherwise materially breaches the Contract, Contractor shall provide Owner with seven calendar days' notice of the breach and provide Owner with an opportunity to cure the Contract. Should Owner fail to cure the Contract, Contractor shall have the right to terminate the Contract. Contractor shall be entitled to payment for work completed plus spent overhead and earned profit. Contractor shall also be entitled to recover the cost of expenses consequentially related to the termination.

In Witness hereof Owner and Contractor have caused this Agreement to be executed and accepted by their duly authorized officials:

CONTRACTOR

CITY OF CLARKSTON

Don Stewart, Owner

Kathleen A. Warren, Mayor

Date

Date

City of Clarkston
Public Works Director
829 5th St.
(509) 758-1662
(509) 769-6019fax

Memo

To: Council

From: James E. Martín, PWD

CC: Mayor Warren

Date: Nov. 8, 2012

Re: Stormwater Program Discussion (Budget)

As a member of the Stormwater Management Team it is necessary to bring up and discuss the proposal to change our ILA to reduce the Stormwater ERU fees for the program. As mentioned previously, the team is proposing a drop in the fee from \$5.00 to \$4.00 per ERU as a means to reduce the impact on citizens and our finances. We are also proposing the hiring of one more staff to change over all the O&M duties to the program. This should not only help with the funding but also help insure our compliance with the permit and free up our crews to work on other issues throughout the City. I would encourage Council to also consider an increase in our ERU fees from \$3.50 to \$4.00 to stop the funding support from current expense. We need to get these items addressed to complete our budget.

Thank you for your consideration. Attached is the example of the ILA change that Asotin County is dealing with to meet our needs.



EXAMPLE

A RESOLUTION AMENDING THE INTERLOCAL COOPERATION AGREEMENT BETWEEN ASOTIN COUNTY, CITY OF ASOTIN AND CITY OF CLARKSTON FOR STORM SEWER AND SURFACE WATER MANAGEMENT PUBLIC UTILITY

WHEREAS: An interlocal agreement was entered into in September, 2010 between the cities of Clarkston and Asotin and the County of Asotin to provide for cooperative actions to comply with the National Pollutant Discharge Elimination System; and

WHEREAS: The agreement provided for a \$5.00 per equivalent residential unit (ERU) charge to fund the utility, provided that the cities could bill one third of their billing costs to the stormwater utility, and provided for a single six year capital plan; and

WHEREAS: Since implementing the program, review has shown that reduction of the cost to \$4.00 per ERU per month will provide adequate funding, that charging one-third of the billing costs of both cities to the stormwater fund was higher than necessary to perform the tasks, and that each entity should prepare a six year capital plan for it's elected officials to review and adopt; and

WHEREAS: The Board of County Commissioners desires to amend the Interlocal Agreement to lower the stormwater ERU, lower the costs of billing, and consider a 6 year capital plan for the County's stormwater program, and

WHEREAS: A public hearing was held on November 19, 2012, which was recessed until November 26, 2012, to obtain public comment prior to adoption on the date set forth below.

THEREFORE be it RESOLVED: the interlocal agreement will be revised to lower the per month ERU cost from \$5.00 to \$4.00, the billing charged to the storm water fund will be calculated as an incremental cost, and that each entity will create it's own six year capital plan;

This resolution will take effect upon signature.

The provisions of this Resolution are severable, and if any portion is found to be unenforceable, the remainder of the Resolution shall not be affected.

Adopted by Board of Commissioners, Asotin County on _____, 2012

Attest:

James Jeffords, Chairman

Vivian Bly, Clerk

Date:
Approved as to Form:

Brian Shinn, Vice Chair

Benjamin C. Nichols,
Prosecuting Attorney