

Councilmembers

Position No.

1. Tod Gunther
2. Barbara Ford, Deputy Mayor
3. Brandon Hoyt
4. Dave Harman
5. Nicola McDonald
6. Josh Penner
7. Scott Drennen



ORTING CITY COUNCIL

Regular Business Meeting Agenda

Orting Public Safety Building
401 Washington Ave. SE, Orting, WA

September 28, 2016
7 p.m.

Audience members are welcome to speak on any topic on the agenda after Councilmembers have finished their discussion.

Mayor Joachim Pestinger

A. CALL MEETING TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL.

REQUEST FOR ADDITIONS OR CORRECTIONS TO THE AGENDA

B. CONSENT AGENDA:

- Minutes of September 14, 2016
- Payroll and Claims Warrants

Motion: *Move to approve Consent Agenda as prepared.*

C. PUBLIC COMMENTS: *Persons wishing to address the City Council regarding items that are not on the agenda are encouraged to do so at this time. When recognized by the Mayor, please come to the podium and clearly state your name and address for the record. Please limit your comments to 3 minutes. Thank you for attending.*

D. COMMITTEE AND COUNCIL STANDING REPORTS

- Community & Government Affairs- **CM Harman/CM Drennen**
- Emergency Preparedness- **CM Drennen/CM Ford**
- Transportation- **CM Penner/CM McDonald**
- Retail Marijuana Business- **DM Ford/CM Harman/CM Hoyt**
- Mayor's Report – **Mayor Pestinger**
- Miscellaneous activity reports, i.e. PSRC, special meetings, etc.

E. OLD BUSINESS

1. AB16-91- Ordinance No. 2016-995- Parking Strips and Nuisance Regulations, Amending Orting Municipal Code Section 8-4-2, Adding OMC 8-4-4, and Amending OMC 5-1-2.

- **CM Penner/CM McDonald**

Motion: *To approve second reading and adoption of Ordinance No. 2016-995, an Ordinance Of The City Of Orting, Washington, Relating To Parking Strips And Nuisance Regulations; Amending Orting Municipal Code Section 8-4-2, Adding OMC 8-4-4, And Amending OMC 5-1-2*

2. AB16-92- Ordinance No. 2016-996- Amending Orting Municipal Code Section 9-2d-5, Regarding Grease, Oil and Sand Interceptors.

- **CM McDonald/CM Penner**

Motion: *To approve second reading and adoption of Ordinance No. 2016-996, Amending Orting Municipal Code Section 9-2d-5, regarding Grease, Oil and Sand Interceptors.*

3. AB16-93- Interlocal Agreement with Pierce County for Animal Control Services.

- **CM Gunther/CM Harman**
Motion: *To approve the Interlocal Agreement with Pierce County for animal control services.*

4. DISCUSSION- Calistoga Park Plan- Scope & Budget

- **Mark Bethune**

F. NEW BUSINESS

1. COUNCIL DISCUSSION- Guidance on Commissions

- **CM Gunther**

2. AB16-94- Deputy Mayor for 2017

- **Deputy Mayor Ford**

The Deputy Mayor will solicit two Councilmembers to recommend a candidate for Deputy Mayor for the year 2017 and bring forward a recommendation and vote to October Council meeting. .

3. AB16-95- Resolution 2016-24- Resolution to memorialize the City's lead agency status for the Emergency Evacuation Bridge System.

- **CM Drennen**

Motion: *to approve Resolution No. 2016-24, a resolution to memorialize the City of Orting's lead agency status for the emergency evacuation bridge system.*

G. EXECUTIVE SESSION

H. ADJOURNMENT

Motion: *Move to Adjourn.*

Upcoming Meetings:

Next Regular Meeting: October 12, 2016 (PSB)

Councilmembers

Position No.

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3. Brandon Hoyt
4. Dave Harman
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6. Josh Penner
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Mayor Joachim Pestinger

ORTING CITY COUNCIL

Regular Business Meeting Minutes

Multi-Purpose Center
202 Washington Ave. S, Orting, WA

September 14, 2016
7 p.m.

A. CALL MEETING TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL.

Mayor Pestinger called the meeting to order at 7:02 p.m. in the in the MPC Building. Deputy Mayor Ford led the Pledge of Allegiance.

Councilmembers Present

Deputy Mayor Barbara Ford, Councilmembers Scott Drennen, Tod Gunther, Dave Harman, Nicola McDonald, Josh Penner, and Brandon Hoyt.

Staff Present

Mark Bethune, City Administrator, Jane Montgomery, City Clerk, Scott Larson, Treasurer, JC Hungerford, Engineer, Charlotte Archer, City Attorney,

REQUEST FOR ADDITIONS OR CORRECTIONS TO THE AGENDA.

Councilmember McDonald asked to remove agenda Item # H.3 and move it to the first meeting in October after it has been back to the Public Works Committee.

City Treasurer Scott Larson handed out information about the purchase of public works trucks and equipment and said if Council wished to address this item he would like it to be added under new business. (Council chose not to discuss this item.)

Councilmember Hoyt asked to add a report on Agriculture under committee reports.

B. PRESENTATION

1. Honor Ceremony

Mayor Pestinger gave honor to Chris Hall a beloved member of the Orting community who had passed away. Councilmember Gunther asked that Mr. Hall's family be presented with a City award titled "Heroes Among Us"- Mayor Pestinger read the award which stated the following:

"This award is presented to Chris Hall in recognition of community care that exceeds normal expectations of goodness, or sacrifice, on behalf of others. It is for citizenship like this that our city awards its highest praise."

Mayor Pestinger presented Mrs. Hall with a framed print and some flowers.

2. AB16-84- Council Confirmation of Mayor's Appointment to the Planning Commission.

Mayor Pestinger introduced Mr. Paschke to the City Council. Mr. Paschke gave an overview of his qualifications and his desire to serve on the Planning Commission.

Deputy Mayor Ford made a motion to confirm the appointment by the Mayor of Dennis Paschke to the Planning Commission. Second by Councilmember Gunther. Motion passed (7-0)

C. CONSENT AGENDA

- Minutes of August 31, 2016
- Payroll and Claims Warrants

Deputy Mayor Ford made a motion to approve Consent Agenda as prepared. Second by Councilmember Hoyt. Motion passed (7-0)

D. PUBLIC COMMENTS

Ray Sneesby

Mr. Sneesby spoke to the City Council about the need for an access or connector bus in Orting. He stated that it would help seniors, non-drivers, connect to Sumner, provide access to the rail system in Sumner, and ease congestion on SR 162. Mr. Sneesby also expressed his approval of the Police V150 vehicle.

E. PUBLIC HEARING

1. Retail Marijuana Business Licensing.

Mayor Pestinger opened the Public Hearing at 7:22pm and read the rules for the public hearing. The Mayor then asked Councilmember Harman to give a briefing on this agenda item. Councilmember Harman stated that he had been approached by citizens who had asked him about the possibility of the City approving the retail sale of marijuana in the City. He noted that 52% of Orting citizens voted to legalize marijuana. Councilmember Harman spoke with the City of Buckley who reported revenues of 100K with no additional police incidents or problems. The hearing is to allow residents the opportunity to share their opinions with the City Council.

Mayor Pestinger read two letters the City had received, one from Patricia and Jack Marsh who are opposed, and one from an anonymous source who was for retail marijuana businesses in the City.

PUBLIC COMMENTS

Ryan Knight-Against
Mary Anna Keiser- Against
Chris Hopfauf- Undecided
David Niswanger- Against
Scott Reiquam- For
Corinne Reiquam- For
Christian Aten- For
Kevin Chase- Against
Roderick Saxey- Against

Adam Ysquierdo- For
Vickie Chase- Against
Ron- Against
Jay Ballard- Against
Unknown- Against
Maria Bentley- Against
Teresa Downs- Against
Anna Hillian- For
Judy Meissler- Against
Phillip Summers- For

Councilmember Gunther relayed a message from a group of seniors who wanted the City Council to know that they are against legalizing retail marijuana sales.

Mayor Pestinger closed the hearing at 8:05pm.

F. COMMITTEE AND COUNCIL STANDING REPORTS

Finance- Deputy Mayor Ford briefed on the finance review sheet which was passed out to the Council. The report covered the period through August 31, 2016. The Finance Committee met on September 12th.

Public Safety- Councilmember Gunther briefed on the following.

- Public Safety Committee meeting;
- Safety along the rivers;
- River safety signage;
- Resolution for Community policing.

Public Works- Councilmember McDonald briefed on the following:

- PW Committee meeting;
- Wastewater utility;
- Finalizing Orville Road water line replacement;
- Solids Lagoons Dredging Project;
- Setback Levee damage.

Emergency Evacuation Bridge System- Councilmember Drennen briefed on the following:

- The meeting on September 9, 2016;
- Right of Way acquisition;
- Solidifying stakeholders for Bridge for Kids.

Agriculture- Councilmember Hoyt briefed on the meeting he attended where they discussed the following:

- Access to clean food;
- Farmland designations-viable, prime soil, parcel size, tonnage;
- Prime districts;
- Gig Harbor;
- Puyallup;

- Orting;
- Graham;
- Pierce County Sustainability Committee;
- Bethel School Districts challenges related to land and building new schools.

Mayor's Report –Mayor Pestinger briefed on the following:

- The Orting Chamber of Commerce;
- The Orting Community Network Meeting;
- Annual Emergency Preparedness Fair on October 1st;
- Pierce County Cities and Towns meeting;
- Pierce County Regional Council meeting.

G. COMMISSION REPORTS

Planning Commission- Commissioner Michelle Gehring briefed the Council on:

- ADR Sign Codes;
- Orting EVAC Presentation.

Parks Commission- Commissioner Michelle Gehring briefed on the following:

- The 2017 budget;
- Final ideas for playground equipment Calistoga Park;
- Approval of Phase I, II and III of the 5 year Park Plan.

H. OLD BUSINESS

1. AB16-85- Calistoga Park Plan

Councilmember Gunther briefed on the agenda item which included a request for approval of Phase I, II, and III of the 5 year Parks Plan, and a proposal to approve the purchase of playground equipment. Discussion followed between the Commissioners and the Council and staff. Discussion developed on the following topics:

- A proposed resolution to Council to memorialize any decision that is made for Phase I, II, and III;
- Incorporation of ADA features;
- Zip line in the City of Sumner;
- Embankment slide;
- The use of large tires;
- Budgetary considerations;
- Engagement with youth and children;
- Professional detailed engineering drawings;
- Dog park;
- Splash pads;
- Approval of Phase I only.

Courtney Brown the representative from Buehl Recreation addressed Council about the proposed playground equipment and ADA compliance.

In order to meet the requests of the Council and the proposals from the Park Commission, City Administrator Bethune suggested that Council might want to consider hiring a professional to assist in the creation of a comprehensive plan.

Councilmember Gunther made a motion to have the Parks Commission work with a designer to bring additional options forward. Second by Councilmember Hoyt.

Discussion followed regarding current budgetary constraints.

*Councilmember Gunther withdrew his motion
Councilmember Hoyt withdrew his motion.*

JC Hungerford stated that he could provide a parks specialist from Parametrix to help outline the costs.

Councilmember Gunther made a motion to request that the City work with Parametrix for a scope and budget for the Park up to \$10,000. Second by Councilmember Penner.

JC Hungerford stated that Parametrix could provide the service for free.

*Councilmember Gunther withdrew his motion.
Councilmember Penner withdrew his motion.*

By consensus, Council agreed to have Parametrix move forward to assist with outlining the costs for the Park.

Citizen Comments

Corinne Reiquam- Ms. Reiquam expressed disapproval for the Council decision not to move forward with the proposals made by the Parks Commission.

Council directed administration to work with Parametrix to analyze costs related to the Park and then bring a report back to Council.

2. AB16-86- Waste Water Treatment Plant Solids Lagoons Dredging Project

Councilmember McDonald briefed on the agenda item. She shared the history of The approval of the low bidder, Fire Mountain. Discussion followed between Council and staff as to the performance and pros and cons associated with approving Fire Mountain for this project.

Councilmember McDonald made a motion to approve Fire Mountain as the low bidder on the Orting Wastewater Treatment Plan Solids Removal Project in the amount of \$619,501 and allowing the Mayor to authorize a public works contract including strict and direct oversight of the chain of custody of all bio solids by Parametrix and staff. No Second. Motion died.

This will now go back to Committee.

3. AB16-87- Amended Wetland Mitigation Project.

(Pulled off the agenda will go back to Public Works Committee and be brought back the first meeting in October.)

NEW BUSINESS

4. AB16-88- Orville Road Water Main Replacement- Phase 1 Final Design.

JC Hungerford briefed on this agenda item advising Council that the easements have been secured and the plan needs to be updated to 2016 WSDOT standards. This will be ready to bid in 2017.

Councilmember McDonald made a motion to approve The Scope and Budget for Orville Road Water Main Replacement Phase 1 Final Design Provided by Parametrix. Second by Councilmember Hoyt. Motion passed (7-0)

5. AB16-89- ORDINANCE NO. 2016-995- Parking Strips and Nuisance Regulations, Amending Orting Municipal Code Section 8-4-2, Adding OMC 8-4-4, and Amending OMC 5-1-2.

City Administrator Bethune gave the history of this agenda item and provided the historical information on how and why this item was before the City Council. This ordinance will help to define who is responsible and allow for a clear process to be followed.

Councilmember Penner made a motion to approve first reading of Ordinance No. 2016-995, an Ordinance Of The City Of Orting, Washington, Relating To Parking Strips And Nuisance Regulations; Amending Orting Municipal Code Section 8-4-2, Adding OMC 8-4-4, And Amending OMC 5-1-2 Second by Councilmember McDonald. Motion passed (7-0)

6. AB16-90- Ordinance No. 2016-996- Amending Orting Municipal Code Section 9-2d-5, Regarding Grease, Oil and Sand Interceptors.

Councilmember McDonald briefed on this agenda item. She informed the Council that this item has been thoroughly discussed in the Public Works Committee and Public Works Director Dean Kaelin has monitored what has been going out in the system. This Ordinance is proposed to enable effective changes which are necessary in commercial locations.

Councilmember McDonald made a motion to approve first reading of Ordinance No. 2016-996, Amending Orting Municipal Code Section 9-2d-5, regarding Grease, Oil and Sand Interceptors. Second by Councilmember Penner. Motion passed (7-0)

Mayor Pestinger recessed the meeting at 10:25pm for a 5 minute recess.

I. EXECUTIVE SESSION

Mayor Pestinger called the meeting back to order at 10:30pm and recessed to Executive Session. The purpose of the Executive session was announced to be about two items: to discuss collective bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the interpretation or application of a labor agreement, as authorized by RCW 42.30.140(4)(a), and to consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price; as authorized by RCW 42.30.110(c). The Mayor announced that the Executive Session would last 15 minutes with no action to follow when Council returns.

Mayor Pestinger called the meeting back to order at 10:45pm.

J. ADJOURNMENT

At 10:45 p.m. Mayor Pestinger asked for a motion to adjourn the meeting.

*Councilmember Drennen made a motion to adjourn. Second by Councilmember Hoyt.
Motion passed (7-0) Meeting Adjourned.*

ATTEST:

Joachim Pestinger, Mayor

Jane Montgomery, City Clerk, CMC

CITY OF ORTING
VOUCHER/WARRANT REGISTER
FOR SEPTEMBER 28, 2016 COUNCIL

CLAIMS/PAYROLL VOUCHER APPROVAL

CITY OF ORTING

WE, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE CLAIM IS A JUST, DUE AND UNPAID OBLIGATION AGAINST THE CITY OF ORTING, AND THAT WE ARE AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIM.

CLAIMS WARRANTS #43955 THRU #43983
IN THE AMOUNT OF \$ 46817.38

PAYROLL WARRANTS # 22617 THRU #22628
IN THE AMOUNT OF \$ 128,102.04

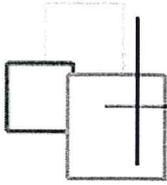
ARE APPROVED FOR PAYMENT ON SEPTEMBER 28, 2016

FINANCE COMMITTEE CHAIR _____

COUNCILPERSON _____

COUNCILPERSON _____

CITY CLERK _____



Fund Transaction Summary

Transaction Type: Invoice
Fiscal: 2016 - September 2016 - 2nd Council
System Types: Financials

Fund Number	Description	Amount
001	Current Expense	\$24,570.08
101	City Streets	\$5,949.00
104	Cemetery	\$163.99
105	Parks Department	\$494.61
320	Transportation Impact	\$106.83
401	Water	\$3,991.23
408	Wastewater	\$11,307.37
410	Stormwater	\$234.27
	Count: 8	\$46,817.38

Register

Fiscal: 2016
 Deposit Period: 2016 - September 2016
 Check Period: 2016 - September 2016 - 2nd Council
 Bank Accounts: Key Bank - 2000073
 Register Types: Warrant
 Show Outstanding: All
 System Types: Financials
 Outstanding Date: 9/23/2016 10:33:13 AM
 Show Details: Hide

Number	Name	Print Date	Clearing Date	Amount
Key Bank	2000073			
Check	City Treasurer	9/19/2016		\$660.00
43955	Wex Bank	9/19/2016		\$2,318.75
43956	Administrative Office of the Courts	9/28/2016		\$140.00
43957	Alpine Products Inc.	9/28/2016		\$81.58
43958	Bhc Consultants	9/28/2016		\$5,032.16
43959	Big J'S Outdoor Store	9/28/2016		\$462.20
43960	Chicago Tittle Company of Washington	9/28/2016		\$79.00
43961	Comcast	9/28/2016		\$20.70
43962	Drain-Pro INC	9/28/2016		\$226.86
43963	Drennen, Scott	9/28/2016		\$47.46
43964	Hach Company	9/28/2016		\$195.40
43965	Hernandez, Johnny	9/28/2016		\$1,437.50
43966	Kenyon Disend PLLC	9/28/2016		\$10,226.18
43967	Mitel Leasing	9/28/2016		\$409.38
43968	North Central Laboratorie	9/28/2016		\$365.32
43969	Pierce County	9/28/2016		\$2,364.61
43970	Pitney Bowes Purchase Power	9/28/2016		\$455.00
43971	Puget Sound Energy	9/28/2016		\$17,738.98
43972	Randels Sand & Gravel	9/28/2016		\$170.64
43973	Sarco Supply	9/28/2016		\$45.70
43974	Scientific Supply & Equip	9/28/2016		\$634.46
43975	Sneesby, Gayle	9/28/2016		\$78.00
43976	Spectral Laboratories	9/28/2016		\$203.00
43977	The Humane Society Tac/p.	9/28/2016		\$210.00
43978	Treatment Equipment Company	9/28/2016		\$1,000.01
43979	United Laboratories	9/28/2016		\$1,139.40
43980	Vision Municipal Solutions LLC	9/28/2016		\$700.00
43981	Way Scarff Ford Auburn	9/28/2016		\$310.54
43982				

Number
43983

Name
Zumar Industries Inc

Print Date
9/28/2016

Clearing Date

Amount

\$64.55

\$46,817.38

\$46,817.38

\$46,817.38

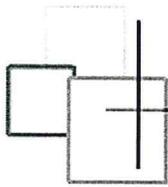
Check

2000073

Total

Total

Grand Total



Custom Council Report

Vendor	Number	Invoice	Account Number	Notes	Amount
Administrative Office of the Courts	43957	Woods-2016 Administrator Program	001-512-50-49-03	2016 Administrator Program-Woods Total	\$140.00 \$140.00
Alpine Products Inc.	43958	TM-161805	101-542-64-48-01	Parts for Sprayer & Stop Bars Total	\$81.58 \$81.58
Bhc Consultants	43959	0008106	001-558-60-41-02	Planning Consultant Total	\$5,032.16 \$5,032.16
Big J'S Outdoor Store	43960	Sept2016-403	001-521-40-49-00 401-534-10-31-04 401-534-10-31-04 401-534-10-31-04 408-535-10-31-05 408-535-10-31-05 408-535-10-31-05	Ammunition for Target Practice Boots-Kurkov Boots-Nale Uniform Items-Harter Boots-Kurkov Boots-Nale Uniform Items-Harter Total	\$131.67 \$50.00 \$50.00 \$65.27 \$50.00 \$50.00 \$65.26 \$462.20
Chicago Tittle Company of Washington	43961	20168000362-W/1	320-595-30-63-04	Recording Fees for SR162 Left Turn Lane-Anderson Total	\$79.00 \$79.00
City Treasurer	43955	90711617	001-521-40-49-00	Rental of Tacoma Police Shooting Range Total	\$660.00 \$660.00
Comcast	43962	5839-Sept2016	001-514-23-42-00 401-534-10-42-01 408-535-10-42-01	Cable Cable Cable Total	\$6.90 \$6.90 \$6.90 \$20.70
Drain-Pro INC	43963	26666 26667 26668	408-535-60-48-04 408-535-60-48-04 408-535-60-48-04	Honey Bucket Service-Rocky Road Honey Bucket Service-Calistoga & River Honey Bucket Service-Skate Park Total	\$75.62 \$75.62 \$75.62 \$226.86

Vendor	Number	Invoice	Account Number	Notes	Amount
Drennen, Scott	43964	Sept2016-404	105-576-80-48-00	Paint for Gazebo Gutters Total	\$47.46 \$47.46
Hach Company	43965	10102870	408-535-10-31-00	Lab Supplies Total	\$195.40 \$195.40
Hernandez, Johnny	43966	Sept2016-401	001-521-23-41-01	Evidence Custodian- 7/15-9/16 2016 Total	\$1,437.50 \$1,437.50
Kenyon Disend PLLC	43967	184501-184502-184503	001-515-30-41-01	Attorney Services	\$3,500.00
			001-515-30-41-02	Attorney Services	\$4,946.83
			001-521-50-41-02	Attorney Services	\$561.00
			401-534-10-41-04	Attorney Services	\$559.78
			408-535-10-41-04	Attorney Services	\$658.57
			Total		\$10,226.18
Mitel Leasing	43968	1392269	001-594-12-41-02	PSB Phone Lease-6	\$23.07
			001-594-21-41-03	PSB Phone Lease- 47	\$103.81
			001-594-22-41-01	PSB Phone Lease- 47	\$103.80
		1392271	001-594-14-41-03	City Hall Phone Lease-25	\$44.68
			001-594-24-41-02	City Hall Phone lease-5	\$8.93
			001-594-76-41-02	City Hall Phone lease-5	\$8.94
			101-594-42-41-02	City Hall Phone lease-5	\$8.93
			401-594-34-42-03	City Hall Phone lease-28	\$50.04
			408-594-35-64-55	City Hall Phone lease-27	\$48.25
			410-594-31-41-42	City Hall Phone lease-5	\$8.93
Total		\$409.38			
North Central Laboratorie	43969	3378601	408-535-10-31-00	Lab Supplies	\$365.32
				Total	\$365.32
Pierce County	43970	CI-221103 C-104188	001-514-30-49-01	VG DIV 7 Phase II- Utility Extension Agreement	\$167.00
		CI-221113 C-104188	001-514-23-41-11	3rd QRT Rainier Cable Commission Dues	\$2,197.61
		Total	\$2,364.61		
Pitney Bowes Purchase Power	43971	8000-9090-0050-3685 Sept2016	001-512-50-31-01	Postage	\$134.13
			001-513-10-31-01	Postage	\$27.21
			001-514-23-31-01	Postage	\$200.05
			001-521-20-31-07	Postage	\$0.93

Vendor	Number	Invoice	Account Number	Notes	Amount
Pitney Bowes Purchase Power	43971	8000-9090-0050-3685 Sept2016	001-521-20-31-07	Postage	\$0.93
			001-524-20-31-02	Postage	\$3.00
			001-524-20-31-02	Postage	\$7.44
			001-558-60-31-02	Postage	\$0.89
			104-536-20-31-01	Postage	\$0.47
			401-534-10-42-00	Postage	\$3.72
			401-534-10-42-00	Postage	\$24.87
			408-535-10-42-00	Postage	\$1.62
			408-535-10-42-00	Postage	\$24.87
			410-531-38-42-00	Postage	\$24.87
				Total	\$455.00
Puget Sound Energy	43972	200001247812-Sept2016	320-595-30-63-01	SR162 Signal	\$27.83
		200001248190-Sept2016	105-576-80-47-01	North Park	\$10.80
		200001248372-Sept2016	401-534-50-47-08	Well 3	\$1,767.55
		200001248539-Sept2016	001-525-50-47-01	Lahar Siren	\$10.89
		200001532189-Sept2016	105-576-80-47-02	Main Park	\$193.63
			105-576-80-47-03	Bell Tower	\$82.98
		200002708986-Sept2016	408-535-50-47-05	VG Lift Station	\$207.27
		200003766280-Sept2016	001-514-21-32-01	City Hall - City Shop @ City Hall	\$13.30
			001-514-21-47-01	City Hall - City Shop @ City Hall	\$117.03
			001-524-20-32-02	City Hall - City Shop @ City Hall	\$13.30
			401-534-50-47-01	City Hall - City Shop @ City Hall	\$117.03
			401-534-50-47-09	City Hall - City Shop @ City Hall	\$13.30
			408-535-50-47-01	City Hall - City Shop @ City Hall	\$117.02
			408-535-50-47-08	City Hall - City Shop @ City Hall	\$13.29
		200009717931-Sept2016	401-534-50-47-04	Well 2	\$27.63
		200010396329-Sept2016	001-521-50-47-00	PSB	\$672.35
			001-522-50-47-00	PSB	\$672.34
		200010396543-Sept2016	105-576-80-47-01	North Park	\$94.56
		200010629349-Sept2016	101-542-63-47-01	City Shop	\$12.46
			104-536-50-47-01	City Shop	\$9.95
			401-534-50-47-01	City Shop	\$14.95
			408-535-50-47-01	City Shop	\$12.46
		200013874264-Sept2016	408-535-50-47-04	WWTP	\$6,722.27
		200014994137-Sept2016	410-531-38-47-00	VG Storm Pond	\$42.13
		200019613294-Sept2016	104-536-50-47-02	Cemetery Shop	\$153.57
		200021141250-Sept2016	408-535-50-47-03	Lift Station HC	\$25.81
		200021421298-Sept2016	408-535-50-47-06	Sewer Pump Station	\$27.83
		200022934653-Sept2016	001-575-50-47-01	MPC-Library	\$619.94
		200024404523-Sept2016	408-535-50-47-02	Lift Station	\$82.32
		300000002406-Sept2016	101-542-63-47-03	Street Lights	\$5,654.18
		408535504707-Sept2016	408-535-50-47-07	VC Lift Station	\$189.01
				Total	\$17,738.98
Randels Sand & Gravel	43973	381159	101-542-30-48-06	Waste Removal	\$34.13
			105-576-80-48-05	Waste Removal	\$34.13
			401-534-50-49-17	Waste Removal	\$34.13
			408-535-50-51-06	Waste Removal	\$34.13

Vendor	Number	Invoice	Account Number	Notes	Amount
Randels Sand & Gravel	43973	381159	410-531-38-48-05	Waste Removal	\$34.12
				Total	\$170.64
Sarco Supply	43974	1096376	001-512-50-31-00	Toilet Tissue Dispenser	\$18.28
			001-513-10-31-00	Toilet Tissue Dispenser	\$9.14
			001-521-20-31-03	Toilet Tissue Dispenser	\$18.28
				Total	\$45.70
Scientific Supply & Equip	43975	31423273	408-535-10-31-00	Lab Supplies	\$634.46
				Total	\$634.46
Sneesby, Gayle	43976	Sept2016-400	001-512-50-41-00	Court Help-Sept 13 2016	\$78.00
				Total	\$78.00
Spectral Laboratories	43977	112483	408-535-10-41-03	Lab Testing	\$203.00
				Total	\$203.00
The Humane Society Tac/p.	43978	IVC0001695	001-554-30-31-00	Animal Control-Drop Off Fees	\$210.00
				Total	\$210.00
Treatment Equipment Company	43979	1489	401-534-50-48-04	Air Release & Vacuum Valve & Seals Service Kit	\$1,000.01
				Total	\$1,000.01
United Laboratories	43980	INV165807	408-535-10-31-00	Supplies	\$1,139.40
				Total	\$1,139.40
Vision Municipal Solutions LLC	43981	09-4735	001-513-10-49-00	2016 Vision Conference-Bethune & Larson	\$175.00
			001-514-40-41-49	2016 Vision Conference-Bethune & Larson	\$175.00
			401-534-90-49-00	2016 Vision Conference-Bethune & Larson	\$175.00
			408-535-90-49-00	2016 Vision Conference-Bethune & Larson	\$175.00
				Total	\$700.00
Way Scarff Ford Auburn	43982	36650	101-542-30-48-04	Service on 06 F650 Dump Truck-FA1030	\$93.17
			105-576-80-48-02	Service on 06 F650 Dump Truck-FA1030	\$31.05

Vendor	Number	Invoice	Account Number	Notes	Amount
Way Scarff Ford Auburn	43982	36650	401-534-50-48-06	Service on 06 F650 Dump Truck- FA1030	\$31.05
			408-535-50-48-02	Service on 06 F650 Dump Truck- FA1030	\$31.05
			410-531-38-48-01	Service on 06 F650 Dump Truck- FA1030	\$124.22
			Total		\$310.54
Wex Bank	43956	46953443	001-521-20-32-00	Fuel	\$2,318.75
				Total	\$2,318.75
Zumar Industries Inc	43983	0184377	101-542-30-48-02	Street Sign Pole	\$64.55
				Total	\$64.55
Grand Total					\$46,817.38



**City Of Orting
Council Agenda Summary Sheet**

AB16-91 SUBJECT: Ordinance No. 2016-995- Parking Strips and Nuisance Regulations, Amending Orting Municipal Code Section 8-4-2, Adding OMC 8-4-4, and Amending OMC 5-1-2.	Agenda Item #:	AB16-91
	For Agenda of:	September 28, 2016
	Department:	Public Works
	Date Submitted:	9/8/2016

Orting Staff & Professional Representatives			
Mayor, Joachim Pestinger	X	Cost of Item:	<u>\$0</u>
City Administrator, Mark Bethune	X	Amount Budgeted:	<u>\$0</u>
City Attorney, Charlotte Archer		Unexpended Balance:	<u>\$0</u>
City Clerk, Jane Montgomery		Timeline: <i>enter a timeline if applicable</i>	
City Treasurer, Scott Larson		BARS:	
Police Chief, Bill Drake		Fiscal Note: <i>enter Finance information here.</i>	
Public Works, Dean Kaelin	X		
Recreation and Parks, Beckie Meek			
Municipal Court, Kaaren Woods			
Parametrix, JC Hungerford			
BHC Consultants, Roger Wagoner			
Agenda Placement: <input type="checkbox"/> Mayor <input type="checkbox"/> Councilmember <input checked="" type="checkbox"/> Committee Chair <input checked="" type="checkbox"/> City Administrator			

Attachments: Ordinance
<p>SUMMARY STATEMENT: The City of Orting wishes to add an additional provision to a section of the Code related to the abatement procedures for vegetation which overhang a street or sidewalk pursuant to state law. The City also wants to clarify the definition of "Premises" under the nuisance regulations. The proposed Ordinance addresses these issues. First reading was approved at the September 14, 2016 Meeting.</p>
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: Transportation Committee
<p>RECOMMENDED ACTION: MOTION: <i>To approve second reading and adoption of Ordinance No. 2016-995, an Ordinance Of The City Of Orting, Washington, Relating To Parking Strips And Nuisance Regulations; Amending Orting Municipal Code Section 8-4-2, Adding OMC 8-4-4, And Amending OMC 5-1-2.</i></p>

CITY OF ORTING WASHINGTON

ORDINANCE NO. 2016-995

**AN ORDINANCE OF THE CITY OF ORTING,
WASHINGTON, RELATING TO PARKING STRIPS
AND NUISANCE REGULATIONS; AMENDING
ORTING MUNICIPAL CODE SECTION 8-4-2,
ADDING OMC 8-4-4, AND AMENDING OMC 5-1-2;
PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, cities are authorized to protect the public health, safety, and welfare of their communities; and

WHEREAS, cities are authorized under state law to make and enforce by appropriate ordinances all such police and human health regulations that are not in conflict with state law; and

WHEREAS, the City of Orting wishes to add an additional provision to a section of the Code related to the abatement procedures for vegetation which overhang a street or sidewalk pursuant to state law; and

WHEREAS, the City desires to clarify the definition of "Premises" under the nuisance regulations.

NOW, THEREFORE, the City Council of the City of Orting, Washington, do ordain as follows:

Section 1. OMC 8-4-2 (Improvements and maintenance by abutting property owners), Amended. Orting Municipal Code 8-4-2 (Improvements and maintenance by abutting property owners) is hereby amended to read as follows:

**8-4-2: IMPROVEMENTS AND MAINTENANCE BY
ABUTTING PROPERTY OWNERS:**

The owners of property abutting upon streets and avenues shall have the right to improve by grading, planting of shrubbery, trees or otherwise and by seeding for lawn purposes, the parking strips immediately abutting their property on the width above provided, subject to the right reserved by the city to use the

parking strips for the purposes of laying water pipes, sewer pipes and other public or street use.

It shall be the responsibility of the abutting property owners to maintain abutting parking strips, and corresponding planting strips, to keep them free from rubbish and debris, and to maintain vegetation thereon in a reasonable manner consistent with the surrounding properties. Improvements and maintenance shall be subject to title 5, chapter 1, "Nuisances", of this code except for conflicting provisions provided under this Chapter shall control.

Section 2. OMC Section 8-4-4 (Abatement action), Established. Orting Municipal Code Section 8-4-4 (Abatement action) is hereby established to read as follows:

8-4-4: ABATEMENT ACTION

Upon determination that any real property within the City is the site of vegetation in violation of this chapter, the City Administrator shall be notified, and he or the Fire Chief, Public Works Director, or their authorized representative shall take the following actions:

(a) Contact the property owner and inform the owner of the determination and the need to remove the vegetation within twenty days.

(b) Upon failure of the property owner to comply with the informal notification, the City Administrator shall issue written notice by certified mail to the property owner as shown by the records of the County Assessor directing the removal of the vegetation within twenty days of the issuance of the notification.

(c) Upon failure of the property owner to comply with the written notification, the City Attorney shall present for City Council consideration a resolution which instructs the property owner to remove the vegetation within twenty days following adoption of the resolution. Such resolution shall contain the street address and legal description of the real property, shall describe the violations thereon, and shall notify the property owner that failure to comply with the abatement directions therein will result in abatement by the City, with the costs thereof to become a charge against said property owner and a lien upon the real property. The owner of the property shall be given not less than five days' written notice of presentation of the proposed resolution to the City Council and shall be given an opportunity to speak at the Council

meeting regarding the resolution. In addition to written notice the City shall also post a copy of the notification of Council consideration upon the real property. Upon passage of the resolution, the City shall promptly give notice in writing thereof to the property owner.

Section 3. OMC Section 5-1-2 (Definitions), Amended. Orting Municipal Code Section 5-1-2 (Definitions) is hereby amended to read as follows:

PREMISES: Any building, lot, parcel, real estate or land or portion of land whether improved or unimproved, including adjacent sidewalks, ~~and parking strips, and planting strips.~~

Section 4. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 5. 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 6. 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.

FIRST READING APPROVED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 14TH DAY OF SEPTEMBER, 2016.

SECOND READING AND ADOPTION BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 28TH DAY OF SEPTEMBER, 2016.

CITY OF ORTING

Joachim Pestinger, Mayor

ATTEST/AUTHENTICATED:

Jane Montgomery, City Clerk

Approved as to form:

Charlotte A. Archer
Kenyon Disend PLLC
City Attorney

Filed with the City Clerk: 9.9.16
Passed by the City Council: 9.28.16
Ordinance No.2016-995
Date of Publication: 9.30.16
Effective Date: 10.05.16



**City Of Orting
Council Agenda Summary Sheet**

AB16-92 SUBJECT: Ordinance No. 2016-996- Amending Orting Municipal Code Section 9-2d-5, Regarding Grease, Oil and Sand Interceptors.	Agenda Item #:	2016-92
	For Agenda of:	9/28/16
	Department:	Public Works
	Date Submitted:	9/8/16

Orting Staff & Professional Representatives			
Mayor, Joachim Pestinger	X	Cost of Item:	<u>\$0</u>
City Administrator, Mark Bethune	X	Amount Budgeted:	<u>\$0</u>
City Attorney, Charlotte Archer		Unexpended Balance:	<u>\$0</u>
City Clerk, Jane Montgomery		Timeline: <i>enter a timeline if applicable</i>	
City Treasurer, Scott Larson		BARS:	
Police Chief, Bill Drake		Fiscal Note: <i>enter Finance information here.</i>	
Public Works, Dean Kaelin	x		
Recreation and Parks, Beckie Meek			
Municipal Court, Kaaren Woods			
Parametrix, JC Hungerford			
BHC Consultants, Roger Wagoner			
Agenda Placement: <input type="checkbox"/> Mayor <input type="checkbox"/> Councilmember <input checked="" type="checkbox"/> Committee Chair <input checked="" type="checkbox"/> City Administrator			

Attachments: Ordinance
<p>SUMMARY STATEMENT: The City of Orting maintains its sewer system to keep it free of obstructions and regulates the discharge of substances, liquids and solids, including fats, oils and grease, and other materials of a sedimentary nature into the sewer system. Orting Municipal Code (OMC) Title 9, Sewers and Drains, Article D, Improper Use of Public Sewers, contains the City’s regulations designed to minimize the discharge of fats, oils, grease and sediment into the City of Orting sewer system. Upon examination of the City’s existing regulations, amendments thereto are proposed to add additional controls for the discharge of fats, oils and grease (FOG) into the City’s sewer system by commercial enterprises.</p> <p>The proposed Ordinance has been to Committee and first reading was approved on September 14th. 2016.</p>
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: Public Works Committee
<p>RECOMMENDED ACTION: MOTION: <i>To approve second reading and adoption of Ordinance No. 2016-996, Amending Orting Municipal Code Section 9-2d-5, regarding Grease, Oil and Sand Interceptors.</i></p>

**CITY OF ORTING
WASHINGTON
ORDINANCE NO. 2016-996**

**AN ORDINANCE OF THE CITY OF ORTING,
WASHINGTON, AMENDING ORTING MUNICIPAL CODE
SECTION 9-2D-5, REGARDING GREASE, OIL AND SAND
INTERCEPTORS; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Orting is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington; and

WHEREAS, provides sewer service to customers within and without its corporate boundaries in Pierce County, Washington

WHEREAS, in addition to its general police powers, the City of Orting has “full authority to regulate the use and operation” of its sewer system pursuant to RCW 35.67.010 and 35.67.020;

WHEREAS, the City of Orting maintains its sewer system to keep it free of obstructions and regulates the discharge of substances, liquids and solids, including fats, oils and grease, and other materials of a sedimentary nature into the sewer system; and

WHEREAS, Orting Municipal Code (OMC) Title 9, Sewers and Drains, Article D, Improper Use of Public Sewers, contains the City’s regulations designed to minimize the discharge of fats, oils, grease and sediment into the City of Orting sewer system; and

WHEREAS, the City Council finds wishes to establish additional controls for the discharge of fats, oils and grease (FOG) into the City’s sewer system that will address a wider range of FOG sources than is currently regulated under the OMC; and

WHEREAS, the City Council has determined that the proposed regulations are in accord with the Comprehensive Plan, will not adversely affect the public health, safety, or general welfare, and are in the best interest of the citizens of the City;

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

Section 1. OMC 9-2D-5 (Grease, Oil and Sand Interceptors), Repealed and Replaced. Orting Municipal Code Title 9, Chapter 2, Article D, Section 5 (Grease, Oil and Sand Interceptors) is hereby repealed and replaced in its entirety with the following:

9-2D-5: FATS, OIL AND GREASE

A. All commercial establishments connected to the City of Orting sewer system that generate fat, oil, and grease, and dischargers who operate automatic and coin operated laundries, car washes, filling stations, commercial garages or a similar business having any type of washing facilities (including pressure washing and steam cleaning) or any other dischargers producing grit, sand, oils, lint, or other materials which have the potential of causing partial or complete obstruction of the building side sewer or other areas in the system shall:

1. Install (or modify existing) grease interceptors, traps, or biological process that comply with City of Orting standards; provided that all commercial and/or retail operations, regardless of size, shall install, operate and maintain a grease interceptor. The system installed shall:
 - a. Discharge effluent containing no more than 100 mg/liter of polar FOG (animal or vegetable) and suspended solids non-polar sediments including sand, lint and grit in excess of 250 mg/liter;
 - b. Provide a suitable location for representative sampling of effluent accessible to City personnel, and be accessible for sampling, cleaning and inspection, and it must be maintained in continuously efficient operation.
 - c. If applicable, comply with sizing criteria of either the Uniform Plumbing Code or with the manufacturer's specifications.
2. Prepare a management plan for the City of Orting's review and approval which plan shall include:
 - a. Identification of staff person in charge of the program;
 - b. Identification of sources of fats, oils, grease, and other materials of a sedimentary nature;
 - c. An employee training manual with scheduled new employee training and continuous education program;
 - d. Description of disposal and recycling programs used;
 - e. A list of all required functions related to fats, oils, grease and sediments housekeeping practices;
 - f. Visual signs or notices posted at specific sites for related tasks required;
 - g. Contact names and phone numbers for emergencies on a 24-hour basis;

- h. Provision for documentation of actions by date, including training sign off sheets, maintenance, cleaning, and incident reports; and
 - i. Provide consent to City inspectors to enter the premises during business hours to inspect, observe, measure, sample, and test the establishment's wastewater discharge.
- 3. An owner of a commercial establishment shall permit City of Orting inspectors to enter the premises during the establishment's business hours for the purpose of inspection, observation, measurement, sampling, and testing of the wastewater discharge.
- 4. As a condition of receiving sewer service from the City of Orting, applicants for new sewer connections shall complete a City of Orting Sewer Application form. Any applicant whose business or commercial use will generate fats, oils or grease, or dischargers of sand, silt or lint, shall comply with OMC 9-2D-5(A)(1) and (A)(2) before the connection will be approved.
- 5. All existing commercial establishments receiving sewer service shall have until December 31, 2016 to comply with the requirements of OMC 9-2D-5(A).

Beginning January 1, 2016, commercial customers served by the City of Orting sewer system that fail to comply with OMC 9-2D-5(A) will be assessed a service rate surcharge in accordance with the following procedures:

- a. Upon discovery of a failure to comply with the terms and conditions of the OMC 9-2D-5(A), the Public Works Director or Public Works Director's designee shall notify the commercial establishment and the property owner (if different) in writing of the violation and give the commercial establishment thirty (30) days to comply.
- b. If the commercial establishment fails to correct the violation within thirty (30) days, then the following monthly service rate surcharge(s) shall be assessed against the commercial customer receiving service from the City of Orting for the duration of the non-compliance:
 - (1) Failure to adopt a management plan - \$100
 - (2) Failure to allow inspection - \$250
 - (3) Failure to install required equipment or process - \$500
 - (4) Failure to meet discharge standards - \$500
 - (5) Failure to maintain records - \$ 100.

The above-referenced service rate surcharges shall be subject to collection and enforcement as any other rates and charges of the City of Orting.

- c. For each and every subsequent month that a commercial establishment is in violation of the OMC 9-2D-5(A), the applicable service rate surcharge(s) shall double in amount until completion of the third month of violation. At that time, the City of Orting may terminate sewer service to the commercial customer until corrective action has been taken and the sewer service surcharges paid in full, or take such other actions as the City of Orting deems appropriate to obtain compliance with OMC 9-2D-5(A) and to collect the sewer service surcharges.
- d. The enforcement provided for in OMC 9-2D-5(A) is not intended to and does not limit or replace the City of Orting common law, statutory, or equitable bases for recovery of damages suffered from the discharge of fats, oils, grease or sediment into the City of Orting sewer system.

B. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made above shall be determined at the control manhole in accordance with the latest edition of "Standard Methods for the Examination of Water and Sewage," published by the American Public Health Association (APHA), the American Water Works Association (AWWA), and the Water Environment Federation (WEF).

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. Codification. The City Council authorizes the City Clerk to correct any non-substantive errors herein, codify the above, and publish the amended code.

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.

APPROVED FIRST READING BY THE CITY COUNCIL AT A REGULAR COUNCIL MEETING ON SEPTEMBER 14, 2016.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 28th DAY OF SEPTEMBER, 2016.

CITY OF ORTING

Joachim Pestinger, Mayor

ATTEST/AUTHENTICATED:

Jane Montgomery, City Clerk, CMC

Approved as to form:

Charlotte A. Archer, City Attorney
Kenyon Disend, PLLC

Filed with the City Clerk: 9.9.16

Passed by the City Council: 9.28.16

Ordinance No.2016-996

Date of Publication: 9.30.16

Effective Date: 10.05.16



**City Of Orting
Council Agenda Summary Sheet**

AB16-93 SUBJECT: Interlocal Agreement with Pierce County for Animal Control Services.	Agenda Item #:	AB16-93
	For Agenda of:	09/28/16
	Department:	Administration
	Date Submitted:	

Orting Staff & Professional Representatives			
Mayor, Joachim Pestinger	X	Cost of Item:	<u>\$28,000 for 2017</u>
City Administrator, Mark Bethune	X	Amount Budgeted:	<u>NA</u>
City Attorney, Charlotte Archer	X	Unexpended Balance:	<u>NA</u>
City Clerk, Jane Montgomery		Timeline:	
City Treasurer, Scott Larson		BARS:	
Police Chief, Bill Drake		Fiscal Note:	
Public Works, Dean Kaelin			
Recreation and Parks, Beckie Meek			
Municipal Court, Kaaren Woods			
Parametrix, JC Hungerford			
BHC Consultants, Roger Wagoner			
Agenda Placement: <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Councilmember <input type="checkbox"/> Committee Chair <input checked="" type="checkbox"/> City Administrator			

Attachments: Interlocal Agreement

SUMMARY STATEMENT: The City is interested in contracting with Pierce County (specifically the Pierce County Auditor's Office and Pierce County Sheriff's Office together) for the purposes of procuring services related to the care and control of animals (code enforcement, pet licensing, shelter) with the City. The County has the capability to provide animal control and pet licensing services to cities and towns within the boundaries of Pierce County.

COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:

RECOMMENDED ACTION: ***Motion:** Move to approve the Interlocal Agreement with Pierce County for animal control services.*

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF ORTING AND PIERCE COUNTY
RELATING TO THE PROVISION OF ANIMAL SERVICES**

THIS AGREEMENT (“Agreement”) is made and entered into on the 1st day of November, 2016, by and between the City of Orting (“City”), and the Pierce County Auditor’s Office and Pierce County Sheriff’s Office together, (collectively, “County”).

WHEREAS, the County is in the business of providing services related to the care and control of animals (code enforcement, pet licensing, shelter) for Pierce County residents; and

WHEREAS, the County has the capability to provide animal control and pet licensing services to other jurisdictions (cities and towns) within the boundaries of Pierce County; and

WHEREAS, the City is in need of animal control and certain animal-related licensing services and wishes to contract for these services with the County; and

WHEREAS, the County is willing to provide animal control and certain animal-related licensing services to the City.

NOW THEREFORE, the County and the City agree to the following for the provision of animal control and licensing services:

1. The County agrees to provide the City with the services set forth in Exhibit A of this Agreement beginning November 1, 2016, and to provide all materials, labor and facilities necessary to effectively provide said services. No additional material, labor, or facilities will be furnished by the County, unless otherwise provided for in the Agreement.
2. Payment to the County by the City for the services set forth in Exhibit A rendered under this Agreement shall be set forth in Exhibit B.
3. No portion of this Agreement may be assigned or subcontracted to any other individual, firm or entity without the express and prior written approval of the City and the County.
4. This Agreement is subject to review by any Federal or State Auditor.
5. Either party may request changes in the Agreement. Any and all agreed modifications shall be in writing, signed by each of the parties.
6. In the event that any litigation should arise concerning the construction or interpretation of any of the terms of this Agreement, the venue of such action of litigation shall be in the courts of the State of Washington and in the County of Pierce. This Agreement shall be governed by the laws of the State of Washington.

7. All real and personal property used or acquired in the performance of this agreement will remain within the exclusive custody and control of Pierce County and will be disposed of in accordance with the applicable laws. In the event of partial or complete termination of this agreement, any property acquired by Pierce County will remain with the County.
8. If sufficient funds are not appropriated or allocated by the City under this Agreement for any future fiscal period, the County will not be obligated for the provision of services after the end of the current fiscal period. No penalty or expense shall accrue to the County in the event this provision applies.
9. Differences between the City and the County arising under and by virtue of this Agreement shall be brought to the attention of both parties at the earliest possible time in order that such matters may be settled or other appropriate action promptly taken.
10. The City agrees to defend, indemnify and hold harmless the County, its appointed and elective officers and employees, from and against all loss or expense, including but not limited to judgments, settlements, attorney's fees and costs by reasons of any and all claims and demands upon the County, its elected or appointed officers or employees for damages because of personal or bodily injury, including death at any time resulting therefrom, sustained by any person or persons and on account of damage to property including loss of use thereof, where such injury to persons or damage to property is due to the negligence of the City, its subcontractors, its successor or assigns, or its or their agent, servants, or employees. The County agrees to defend, indemnify and hold harmless the City, its appointed and elective officers and employees, from and against all loss or expense, including but not limited to judgments, settlements, attorney's fees and costs by reasons of any and all claims and demands upon the City, its elected or appointed officers or employees for damages because of personal or bodily injury, including death at any time resulting therefrom, sustained by any person or persons and on account of damage to property including loss of use thereof, where such injury to persons or damage to property is due to the negligence of the County, its subcontractors, its successor or assigns, or its or their agent, servants, or employees. Where such claims, suits, or actions result from concurrent negligence of the City and County, the indemnity provisions provided herein shall be valid and enforceable only to the extent of each Party's own negligence. It is further provided that no liability shall attach to either party by reason of entering into this Agreement except as expressly provided herein.
11. All writings, programs, data, public records or other materials prepared by the County and/or its consultants or subcontractors shall be the sole and absolute property of the County.
12. The County shall procure and maintain suitable commercial general liability and auto liability insurance policies to protect it from casualty losses by reason of the activities contemplated by this Agreement. The types and limits of liability for each coverage shall be at least at the level as the City would normally require of an independent contractor.

13. If any term or condition of this Agreement or the application thereof to any person(s) or circumstances is held invalid, such invalidity shall not affect other terms, conditions or applications which can be given effect without the invalid term, condition or application. To this end, the terms and conditions of this Agreement are declared severable.
14. This written Agreement represents the entire Agreement between the parties and supersedes any prior oral statements, discussions or understandings between the parties.
15. The term of this Agreement shall be November 1, 2016 through December 31, 2016. Thereafter, this Agreement shall automatically renew on January 1 of each calendar year, unless either party provides a six-month written notice of intent to terminate the Agreement.
16. Contacts for this contract are:

Primary & Emergency Contact for City	Primary & Emergency Contact for County
City of Orting P.O. Box 482 Orting, WA 98360 Phone: (360) 893-2219 Fax: (360) 893-6809 Email: mbethune@cityoforting.org	Brian Boman Animal Control Supervisor Pierce County Auditor's Office 2401 So 35th Street Suite 200 Tacoma, WA 98409 Phone: 253.798.7006 Cell Phone: 253.377.0580 Fax: 253.798.7004 Email: bboman@co.pierce.wa.us
Contract Administrator – Orting	Contract Administrator - County
Mark Bethune Phone: (360) 893-2219 ext. 115 Fax: (360) 893-6809 Email: mbethune@cityoforting.org	Mary Schmidtke Phone: 253.798.2583 Cell Phone: 253.948.6525 Fax: 253.798.3182 Email: mschmid@co.pierce.wa.us
Other Contacts – Orting	Other Contacts – County

<p>Jane Montgomery, City Clerk</p> <p>Phone: (360) 893-2219 ext 133 Email: jmontgomery@cityoforting.org</p> <p>Code Enforcement (kennels, permits, zoning) Phone: (360) 893-2219 Email: lisenhart@cityoforting.org</p> <p>Hearing Examiner Phone: (253) 770-0116 Email: bettyh2929@aol.com</p> <p>Charlotte A. Archer, Kenyon Disend, PLLC City Attorney Phone: (425) 988-2204 Email: Charlotte@kenyondisend.com</p>	<p>Julie Anderson, Pierce County Auditor Phone: 253.798.3188 Email: janders7@co.pierce.wa.us Animal Services Dispatch and Support</p> <p>Phone: 253.798.2133 Email: Licensing (questions related to licensing processes) Casey Kaul Phone: 253.798.2135 Email: kcaul@co.pierce.wa.us</p> <p>Communication, Outreach, and Education Georgia Cookson Phone: 253.798.3189 Email: gcooks1@co.pierce.wa.us</p>
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The rest of this page is intentionally left blank.

PIERCE COUNTY
CONTRACT SIGNATURE PAGE

IN WITNESS WHEREOF, the parties have executed this Agreement this ____ day of _____, 2016.

CITY OF Orting:

Approved As to Legal Form Only:

City Attorney Date

Approved:

Joachim Pestinger , Mayor Date

See page 2, item #16 for contact information.

PIERCE COUNTY:

Approved As to Legal Form Only:

Prosecuting Attorney Date

Recommended:

Budget and Finance Date

Approved:

Pierce County Auditor Date

N/A
County Executive Date

EXHIBIT "A"
Scope of Work

City Responsibilities:

The City shall:

1. Adopt current Pierce County Code Chapter 6 relating to animal enforcement and Pierce County Code Chapters 5.02, 5.04, and 5.24 prior to the effective date of this Agreement.
2. Provide the County with a copy of the City's proposed ordinance prior to adoption by the City. This is required to ensure that all necessary modifications have been completed.
3. Authorize Pierce County Animal Control to enforce all State and local laws pertaining to animals within the City's jurisdiction.
4. Request non-emergency services by calling the County Animal Services PETS line at 253-798-PETS. Request emergency dispatch by calling 911 and requesting dispatch through South Sound 911.
5. Provide police protection and services, as needed, to assist Pierce County Animal Control officers in the performance of the work specified in this agreement.
6. Provide and maintain current immediate emergency contact information for the City. Contact information at time of executing this contract is shown in the table in item #14 on pages 2 and 3 of this Agreement.
7. Be responsible for post-confiscation costs incurred by the County for animal cruelty/neglect confiscation. "Post confiscation costs" are shelter intake, shelter care, veterinary and/or hospital care, and any other costs related to the shelter and/or care of confiscated animals impounded during an animal cruelty / neglect investigation.
8. Be responsible for tag replacement for licensed animals through December 31, 2016.
9. Provide legal services as required by this contract.
9. Provide a hearing examiner to hear and decide animal control cases.
10. If any animals within the City limits have been declared dangerous or potentially dangerous, provide a copy of the case file to Pierce County Animal Control prior to the effective date of this agreement.

County Responsibilities:

The County shall:

1. Respond to the following types of service requests:
 - a) Animal enforcement dispatched through 911.
 - b) Injured stray animals.
 - c) Animals at large in roadway causing traffic hazards.
 - d) Assist law enforcement and other agencies in impounding animals.
 - e) Assist law enforcement and other agencies in confiscation of animals as appropriate.
 - f) Investigate animal cruelty and neglect which may also include removal of neglected or abused animals. The County shall provide notice to the City within 72 hours of removal.
 - g) Impound of injured animals at animal emergency clinic entities which provide such services through contract with Pierce County.
 - h) Impound of stray confined animals from residents as deemed appropriate.
 - i) Investigate ordinance complaints for leash law and barking.
 - j) Impound of owner-surrendered animals, as deemed appropriate.
 - k) Investigate dangerous and potentially dangerous animal claims which may include impounding animals and follow up compliance inspections.
2. Determine response priorities. In determining response priorities, several factors are taken into consideration such as public safety, animal safety, and available resources. Immediate threats to public safety will always take priority over any other type of call.
3. Be responsible for providing shelter and veterinary treatment as necessary, except those associated with animal cruelty / neglect cases. In animal cruelty / neglect cases, the City shall be responsible for all post-confiscation costs including shelter and veterinary care.
4. Meet on an annual basis with the City administrator or designee to discuss any issues relative to this Agreement and the provision of these services.
5. Provide animal-related licensing. The County will issue invoices to business / animal owners and will collect, keep, and receipt all revenue associated with these licenses. These licensing services include:
 - a) Animal pet Licenses.
 - b) Kennel and boarding facility licensing and related inspections.
 - c) Dangerous and Potentially-Dangerous Animal licensing and related inspections.
 - d) Animal-related business licensing (kennels, grooming parlors, etc.) and related inspections.
6. Provide legal services as required by this Agreement.

City and County responsibilities regarding administrative hearings and court cases.

Civil infractions: Animal control civil infractions shall be filed in the Orting Municipal Court or contract court. If notice of a contested hearing is provided to Pierce County Animal Control, the Animal Control Officers (ACO's) will attend and testify at the contested infraction hearing. If the court's decision is appealed, then legal representation shall be provided by the City of Orting.

Criminal misdemeanor cases: Criminal misdemeanor cases will be heard in the Orting Municipal Court or contract court. Criminal misdemeanor cases shall be referred to the Orting City Prosecutor, or designee, to determine if criminal misdemeanor charges will be filed. ACO's will attend and testify at criminal trials and hearings when subpoenaed. The City of Orting or designee shall be responsible for prosecuting all criminal misdemeanor cases and all appeals therefrom.

Felony criminal cases: Felony criminal cases will be referred to the Pierce County Prosecutor's office to determine if felony criminal charges will be filed in Pierce County Superior Court. The Pierce County Prosecutor's office shall be responsible for prosecuting all felony cases and all appeals therefrom.

Petitions for the return of animals under RCW 16.52.085: Petitions for the return of abused or neglected animals will be filed in Pierce County District Court as required by statute and legal representation at the petition hearing and during any appeals therefrom shall be provided by the Pierce County Prosecuting Attorney's office.

Dangerous and Potentially Dangerous Animal Appeals: Any appeals of dangerous or potentially dangerous animal declarations shall be heard by the Hearing Examiner retained by the City of Orting. The ACO's may present the case to the Hearing Examiner. If the Hearing Examiner's decision is appealed, then legal representation shall be provided by the City of Orting during the course of the appeal.

Impound Hearings: Any appeals of the decision to impound an animal shall be heard by the Hearing Examiner retained by the City of Orting. ACO's may present the case to the Hearing Examiner. If the Hearing Examiner's decision is appealed, then legal representation shall be provided by the City of Orting during the course of the appeal.

Civil Lawsuits: Civil lawsuits refer to complaints that arise from animal control incidents that occur within the City of Orting. Examples include tort claims and/or constitutional claims. Refer to paragraph 10 on page 2 regarding the duty to defend and duty to indemnify.

General: Where the City or County is assigned the responsibility for prosecuting criminal cases or providing legal representation, said responsibility includes providing an attorney to appear in court to argue the case/appeal, to prepare all court pleadings, briefs, and related documents, and to pay any required court costs and fees. This obligation shall continue throughout the life of each case and at every court level.

EXHIBIT "B"
Payment for Services

1. City shall reimburse the County on a cost of \$3.71 per resident annually times the City's population. The cost per resident shall be modified on an annual basis beginning January 1 of each year. The County shall notify the City of the change in the per resident rate no later than October 15 of the prior calendar year.

2016 Annualized Fee: Full year 2016 = \$3.71 * 7550 (based on 2015 population) for a total of \$28,010.50. The 2016 annualized rate shall be prorated to reflect the contract period for 2016 as defined in item #15 of this Agreement.

2. The annual fee excludes animal cruelty/neglect cases. As stated in Exhibit "A", the City shall be responsible for all such post-confiscation costs including shelter and veterinary care.
3. The County shall retain all license fees as payment for providing the following animal-related licensing services:
 - a. Pet licenses
 - b. Dangerous and Potentially Dangerous Animal licenses
 - c. Animal related businesses including Kennels, Catteries, Grooming Parlors, Pet Shops.
4. This Agreement will serve as an invoice. Payment is payable in December of each year this Agreement is in force and shall be sent to the Contract Administrator for the County shown in the table in item #15 on pages 2 and 3 of this Agreement.
5. Aside from what is expressly provided in this Agreement, County is solely responsible for all expenses, fees, and charges that relate to the performance of this Agreement. The County shall have no claim against City for payment beyond what is provided for in this Agreement.

EXHIBIT "C"
Code Modifications

Animal Enforcement and Animal Services Code

1. The City shall adopt current Pierce County Code Chapter 6 relating to animal enforcement and Pierce County Code Chapters 5.02, 5.04, and 5.24 prior to the effective date of this Agreement.
2. The City shall provide its own Hearing Examiner to hear appeals. Where the County Code refers to "Pierce County Hearing Examiner", "Hearing Examiner" or "Examiner", such terms shall be modified in the City's Municipal Code and defined as the Hearing Examiner for the City.
3. All civil infractions and criminal misdemeanor cases shall be filed in the City's municipal court or the court system that the City has contracted with to provide justice services. Where the County Code refers to "Pierce County District Court" or "District Court", those terms shall be the City's Municipal Code to refer to the City's Municipal Court or contract court.
4. Chapter 5.24 (Kennel Regulations) of the Pierce County Code requires a kennel license for any premises where six or more adult dogs and/or cats are kept. The City is responsible for reviewing its own zoning and animal codes and eliminating any conflict between the City's adopted version of Chapter 5.24 and the City's existing zoning and/or animal regulations.

Civil Infractions

5. PCC Chapter 6.03.010 classifies certain acts as civil infractions. The penalty amounts for these infractions are listed in PCC 1.16.120. The monetary penalties for animal control related civil infractions in the City's municipal code shall be identical to the amounts listed in PCC 1.16.120.
6. Where the County Code refers to "Pierce County", or "County" or "unincorporated Pierce County", such terms shall be modified in the City's Municipal Code to refer to the City.

Disturbance & Nuisance Noise

7. The City's adopting ordinance shall provide that the City is also adopting those portions of PCC Chapters 8.72.090 "Public Disturbance Noises" and 8.72.100 "Public Nuisance Noise" that pertain to animals.

Prevention of Cruelty to Animals

8. Under this Agreement, Animal Control Officers will investigate felony and misdemeanor violations of RCW Chapter 16.52 "Prevention of Cruelty to Animals". Therefore, the City must incorporate by reference RCW Chapter 16.52, except for felony offenses, into its own municipal code.

Future Amendments

9. The County intends to periodically update and amend the Pierce County Code. The County shall provide the City with advance (no less than 30-days) notice of any proposed amendments to the provisions of the PCC identified in this Exhibit. The City shall be responsible for maintaining consistency between the City's animal control regulations and Pierce County animal control regulations.



**City Of Orting
Council Agenda Summary Sheet**

AB16-94 SUBJECT: Deputy Mayor for 2017	Agenda Item #:	AB16-94
	For Agenda of:	09/28/16
	Department:	Council
	Date Submitted:	9/19/16

Orting Staff & Professional Representatives			
Mayor, Joachim Pestinger	X	Cost of Item:	<u>\$0</u>
City Administrator, Mark Bethune	X	Amount Budgeted:	<u>\$0</u>
City Attorney, Charlotte Archer		Unexpended Balance:	<u>\$0</u>
City Clerk, Jane Montgomery	X	Timeline: <i>effective January 1, 2017</i>	
City Treasurer, Scott Larson			
Police Chief, Bill Drake		BARS:	
Public Works, Dean Kaelin		Fiscal Note: <i>N/A</i>	
Recreation and Parks, Beckie Meek			
Municipal Court, Kaaren Woods			
Parametrix, JC Hungerford			
BHC Consultants, Roger Wagoner			
Agenda Placement: <input checked="" type="checkbox"/> Mayor <input checked="" type="checkbox"/> Councilmember <input type="checkbox"/> Committee Chair <input checked="" type="checkbox"/> City Administrator			

Attachments: None
SUMMARY STATEMENT: <i>Per the City Council Rules of Procedure:</i> Chapter 8 section 5 - <u>Selecting Deputy Mayor:</u> <i>The Deputy Mayor will be selected by a majority of the Councilmembers annually beginning in September and concluding in October. Outgoing Deputy Mayor will solicit two other councilmembers to nominate a candidate for his/her replacement for a full Council vote. (see 3.9B)</i> Chapter 3 section 9 (B) - <u>Deputy Mayor--Duties:</u> <i>Annually, in September, the outgoing Deputy Mayor, with the help of two councilmembers, will solicit and recommend a candidate for Deputy Mayor with confirmation from the entire council for his/her replacement in January.</i>
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: <i>N/A</i>
RECOMMENDED ACTION: The Deputy Mayor will solicit two Councilmembers to recommend a candidate for Deputy Mayor for the year 2017 and bring forward a recommendation and vote to October Council meeting.



**City Of Orting
Council Agenda Summary Sheet**

AB16-95 SUBJECT: Resolution 2016-24- A resolution memorializing The City Of Orting’s agreement with Washington State Department Of Transportation, as lead agency related to State Route 162, Orting Bridge For Kids.	Agenda Item #:	AB16-95
	For Agenda of:	9/28/16
	Department:	Administration
	Date Submitted:	

Orting Staff & Professional Representatives			
Mayor, Joachim Pestinger	X	Cost of Item:	<u>\$0</u>
City Administrator, Mark Bethune	X	Amount Budgeted:	<u>\$0</u>
City Attorney, Charlotte Archer		Unexpended Balance:	<u>\$0</u>
City Clerk, Jane Montgomery	X	Timeline: <i>enter a timeline if applicable</i>	
City Treasurer, Scott Larson		BARS:	
Police Chief, Bill Drake		Fiscal Note: <i>enter Finance information here.</i>	
Public Works, Dean Kaelin			
Recreation and Parks, Beckie Meek			
Municipal Court, Kaaren Woods			
Parametrix, JC Hungerford			
BHC Consultants, Roger Wagoner			
Agenda Placement: <input type="checkbox"/> Mayor <input checked="" type="checkbox"/> Councilmember <input type="checkbox"/> Committee Chair <input checked="" type="checkbox"/> City Administrator			

Attachments: Ordinance SUMMARY STATEMENT: The Emergency Evacuation Bridge System Committee requested that a resolution be approved by the City Council that formalizes the lead agency status of the City of Orting as the lead agency for the emergency evacuation bridge system. This will improve opportunities for future grant funding from the State and Federal government.
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: Transportation Committee
RECOMMENDED ACTION: MOTION: to approve Resolution No. 2016-24, a resolution to memorialize the City of Orting’s lead agency status for the Emergency Evacuation Bridge System.

**CITY OF ORTING
WASHINGTON
RESOLUTION NO. 2016-24**

**A RESOLUTION OF THE CITY OF ORTING,
WASHINGTON, MEMORIALIZING THE CITY OF
ORTING'S AGREEMENT WITH WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION AS LEAD
AGENCY RELATED TO STATE ROUTE 162 ORTING
BRIDGE FOR KIDS**

WHEREAS, the SR 162 Orting Emergency Evacuation Bridge project supported by the Orting Bridge for Kids will provide a dedicated pedestrian evacuation crossing of SR 162 in the vicinity of the City of Orting school campuses; and

WHEREAS, the bridge will be the first link in an evacuation bridge system to evacuate people from the valley floor in the event of a Mt. Rainier Lahar. It will serve to provide a safe crossing of SR162 as a pathway to schools, improve transportation, reduce greenhouse gases and provide economic benefit to a city divided by a Highway; and

WHEREAS, the City desired to enter into a lead agency agreement with Washington State Department of Transportation (WSDOT) for funding of the SR 162 Orting Bridge for Kids project; and

WHEREAS, the City Council authorized the Mayor to enter into a lead agency agreement with Washington State Department of Transportation for the Orting Emergency Evacuation Bridge system on February 25th, 2015 and the City Council would like to memorialize that vote;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORTING,
WASHINGTON, DO RESOLVE AS FOLLOWS:**

Section 1. By passage of this resolution memorializes that the City Council on February 25th, 2015 did by unanimous vote authorize the Mayor to enter into a lead agency agreement with WSDOT, in the form attached hereto as Exhibit A.

**PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE 28th DAY OF SEPTEMBER, 2016.**

CITY OF ORTING

Joachim Pestinger, Mayor

ATTEST/AUTHENTICATED:

Jane Montgomery, City Clerk

Approved as to form:

Charlotte Archer.
Kenyon Disend, PLLC
City Attorney

Filed with the City Clerk: September 22, 2016
Passed by the City Council: September 28, 2016
Resolution No.: 2016-24



**Washington State
Department of Transportation**

Lynn Peterson
Secretary of Transportation

Olympic Region
5720 Capitol Boulevard, Tumwater
P.O. Box 47440
Olympia WA 98504-7440
360-357-2600 / FAX: 360-357-2601
TTY: 1-800-833-6388
www.wsdot.wa.gov

September 1, 2015

City of Orting
P.O. Box 489
Orting, WA 98360-0489

Bridge for Kids
Pedestrian Evacuation Crossing of SR 162
GCB 2243

Attn.: Mark Bethune
City Administrator

Dear Sir:

Enclosed for records and use is an original of the above mentioned agreement. You may proceed with preliminary engineering work as outlined in the agreement.

I will send you an electronic bill form via email. Please submit bills for this project directly to me. Include copies of the supporting consultant invoices.

If you have any questions please call me at (360) 357-2666.

Sincerely,

A handwritten signature in black ink, appearing to read 'Neal Campbell', followed by a long horizontal line.

Neal Campbell
Olympic Region Local Programs Engineer

NJC:njc

Enclosure: Agreement GCB 2243 original

cc:
Jennifer Laboranti-original
Jennifer Harrington - copy
April Whittaker - copy
File - copy



Highways and Local Programs State Funding Agreement Work by Public Agencies		Agency and Address City of Orting 110 Train Street SE PO Box 489 Orting, WA 98360
Agreement Number GCB 2243	Maximum Amount Authorized \$101,921.00	Location and Description of Work (See also Exhibit "A") SR 162 Orting Bridge for Kids: Provide a dedicated pedestrian evacuation crossing of SR 162.
Participating Percentage 100%	Project Number	

This AGREEMENT is made and entered into this 1st day of September, 2015, between the STATE OF WASHINGTON, Department of Transportation, acting by and through the Secretary of Transportation, hereinafter called the "STATE," and the above named organization, hereinafter called the "AGENCY."

WHEREAS, the AGENCY is planning the work shown above, and in connection therewith, the AGENCY has requested financial assistance for the project or program, and

WHEREAS, the AGENCY has requested funds for the above shown project or program, which has been selected by the STATE for funding assistance.

NOW THEREFORE, in consideration of the terms, conditions, covenants, and performances contained herein, or attached and incorporated and made a part hereof, IT IS MUTUALLY AGREED AS FOLLOWS:

Type of Work	Estimate of Funding		
	(1) Estimated Total Project Funds	(2) Estimated Agency Funds	(3) Estimated State Funds
PE			
a. Agency	\$76,921.00		\$76,921.00
b. Other			
c. Other			
d. State	\$25,000.00		\$25,000.00
e. Total PE Cost Estimate (a+b+c+d)	\$101,921.00		\$101,921.00
Right of Way			
f. Agency			
g. Other			
h. Other			
i. State			
j. Total R/W Cost Estimate (f+g+h+i)			
Construction			
k. Contract			
l. Other			
m. Other			
n. Other			
o. Agency			
p. State			
q. Total CN Cost Estimate (k+l+m+n+o+p)			
r. Total Project Cost Estimate (e+j+q)	\$101,921.00		\$101,921.00

I
General

The AGENCY agrees to perform the above described work in accordance with the Project Application attached hereto as "Exhibit A" and made a part of this AGREEMENT.

Plans, specifications, and cost estimates shall be prepared by the AGENCY in accordance with the current State of Washington Standard Specifications for Road, Bridge, and Municipal Construction and adopted design standards, unless otherwise noted. The AGENCY will incorporate the plans and specifications into the AGENCY's project and thereafter advertise the resulting project for bid and, assuming bids are received and a contract is awarded, administer the contract, or if the project is of a size which the AGENCY is authorized to perform with its own forces under the laws of the State of Washington, the AGENCY may proceed with its own forces.

All work performed under this AGREEMENT shall comply with the applicable provisions of state law.

II
Payment

The STATE, in consideration of the faithful performance of the work to be performed by the AGENCY, agrees to reimburse the AGENCY for the percentage of the actual direct and related indirect cost of the work shown above, up to the "MAXIMUM AMOUNT AUTHORIZED". The agency will comply with Governmental Accounting Auditing and Financial Reporting Standards and applicable state law and local regulations, policies and procedures. No payment will be made for work done prior to execution of this AGREEMENT.

Partial payments shall be made by the STATE, upon request of the AGENCY, to cover costs incurred. These payments are not to be more frequent than one (1) per month. It is agreed that any such partial payment will not constitute agreement as to the appropriateness of any item and that, at the time of the final audit, all required adjustments will be made and reflected in a final payment. The AGENCY agrees to submit a final bill to the STATE within forty-five (45) days after the AGENCY has completed work.

The AGENCY agrees that all costs in excess of the amount authorized and the AGENCY's matching funds shall be the responsibility of the AGENCY.

III
Audit

The AGENCY agrees that an audit may be conducted by the STATE.

During the progress of the work and for a period not less than three (3) years from the date of final payment to the AGENCY, the records and accounts pertaining to the work and accounting thereof are to be kept available for inspection and audit by the STATE and copies of all records, accounts, documents, or other data pertaining to the project will be furnished upon request. If any litigation, claim, or audit is commenced, the records and accounts along with supporting documentation shall be retained until all litigation, claim, or audit finding has been resolved even though such litigation, claim, or audit continues past the three-year retention period.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT on the day and year last written below.

AGENCY

By: J. Pabjan

Title: MAYOR

Date: 8/25/15

IV
Legal Relations

No liability shall attach to the AGENCY or the STATE by reason of entering into this AGREEMENT except as expressly provided herein.

V
Nondiscrimination

The AGENCY agrees to comply with all applicable state and federal laws, rules, and regulations pertaining to nondiscrimination and agrees to require the same of all subcontractors providing services or performing any work using funds provided under this AGREEMENT.

VI
Venue

For the convenience of the parties to this AGREEMENT, it is agreed that any claims and/or causes of action which the AGENCY has against the STATE, growing out of this AGREEMENT or the project or program with which it is concerned, shall be brought only in the Superior Court for Thurston County.

VII
Termination

The Secretary of the Department of Transportation may terminate this AGREEMENT if the funding becomes unavailable or if the Secretary determines that it is in the best interest of the STATE.

VIII
Final Report and Final Inspection

Within ninety (90) days following the completion of the project and submission of the final billing for the project, a final report and/or final inspection shall be submitted to the Director, Highways & Local Programs containing the following information:

Non-Capital Projects

1. A description of the project or program.
2. A summary of actual costs of the project or program.
3. An evaluation of the project or program. This should address aspects such as transportation and/or other benefits to the public.

Capital Projects

1. A final inspection is required.

IX
Supplement

This agreement may be modified or supplemented only in writing by both parties.

STATE

By: [Signature]
Director, Highways and Local Programs Engineer

Date: 9/11/15

SCOPE OF WORK

City of Orting Orting Emergency Evacuation Bridge System Topographic Mapping, Utility Relocation Design, and Right-of-Way Acquisition

Founded in 2002, the Bridge for Kids non-profit organization was awarded grant money from the state and federal government of nearly \$2.4 million to complete a feasibility study, and eventually design a more effective evacuation route off the valley floor. Pierce County Public Works administered the design process and funds. The engineering firm, BergerABAM was contracted to design the evacuation route and structures needed to meet ADA compliance and the 40-minute criteria requirements.

The proposed three-component Emergency Evacuation Bridge System as presented in October 2014 was adopted by the City Council. The project is now identified as the "Orting Emergency Evacuation Bridge System." The project consists of a bridge over the state highway at Rocky Road, an evacuation designation of Rocky Road, and an ADA-compliant bridge over the Carbon River. Through a stewardship agreement with the Federal Highway Administration (FHWA), the Washington State Department of Transportation (WSDOT) retained the approval authority for the final Bridge for Kids Alternative Analysis Report, which the Bridge for Kids Committee played a central role in developing. WSDOT determined that Pierce County had delivered a product meeting the intent of the federal grant funds.

The Bridge for Kids Alternative Analysis Report is the first report of a total of three consultant-based efforts to successfully bring this project to 30-percent design, meeting the functional, aesthetic, and environmental requirements. The next project steps will be to proceed towards final design and construction. The City will assume the lead agency role, working in joint collaboration with the state, county, and federal agencies to seek out sources of funding to complete the project which includes environmental documentation, finalizing design, preparing right-of-way plans and estimates, and construction of the bridge system.

Task 1 – Project Management and Administration

Objectives

Work under this task includes time to administer and coordinate the various project elements that will be ongoing throughout all phases of the project. This work includes:

- Preparation of a scope and budget for engineering services to provide a framework for completion of the project in a logical and efficient manner.
- Coordination, correspondence, and review meetings with City of Orting staff.
- In-house project administration, scheduling, and direction of project staff.
- Preparation of monthly progress reports (assume three).
- Monthly design meetings with City of Orting Council Committee (assume eight).

Deliverables

The deliverables for this task include:

- Monthly progress letters.
- Miscellaneous correspondence and letters.
- Maintaining project files.

Assumptions

Following are the assumptions for this task:

- The engineering services phase of the project will last 6 months.

Task 2 – Topographic Survey

Objectives

To provide topographic mapping and prepare a base map identifying right-of-way, parcel lines, existing conditions and improvements at the intersection of SR 162 and Rocky Road to support design efforts for Bridge for Kids.

This task will include review of the video and inspection report produced by Michels Corporation for the Eldredge Avenue sanitary sewer main. A spreadsheet of problem areas will be produced.

Limits

The mapping area lies at the intersection of SR 162 and Rocky Road and includes portions of the Foot Hills Trail, SR 162 (WSDOT ROW), the north limits of Rocky Road abutting the plat of Village Crest, and the northerly portion of Tax Parcel No. 051930-1018 abutting the southerly limits of Rocky Road. The easterly limits of the mapping area will terminate at the easterly limits of the proposed SR 162 pedestrian crossing.

Topography Survey

Horizontal and vertical control will be established throughout the site. Mapping will be performed within the above-described limits and include but not be limited to curb gutter and sidewalks, edge of pavement, signs, structures abutting the right-of-way, visible utilities including services, and sufficient ground shots to generate 1-foot contours. Storm and sanitary structures will be opened and measurements taken to identify size, type, and invert elevation of all visible pipes.

Right-of-way and parcel lines will be based upon available county records, including assessor maps, plats and recorded survey drawings.

Assumptions

This assumptions for this task include:

- Horizontal control NAD 83/2011 per GPS observations and the WSRN network.
- Vertical control NAVD 88 per GPS observations and the WSRN network.
- The City will locate all City-owned utilities prior to the topographic survey. Should potholing be required, the City will provide this service by contracting with a potholing company.

Schedule

The field survey and mapping will be completed, and the resulting survey base map will be delivered to the City on an agreed-upon schedule.

Deliverables

Deliverables for this task include:

- Topographic base map in AutoCAD Civil 3D release 2012.

Task-3 – Right-of-Way Acquisition

Objectives

This task will include assisting the City of Orting with the acquisition of the right-of-way required to construct the SR 162 pedestrian crossing as designed by BergerABAM. Parametrix will utilize the design files provided by Pierce County to determine the limits of properties to be acquired. Right-of-way plans will be produced for use by the City for negotiations with property owners. Assistance with property-owner negotiations will be provided as well.

Approach

Parametrix will utilize the topographic survey files, along with the design files provided by Pierce County, to produce right-of-way plans.

Deliverables

The deliverables for this task include:

- Right-of-way plans to consist of two 20-scale plan sheets (6 copies, 8.5 by 11 inches).

Assumptions

Following are the assumptions for this task:

- Design files provided by Pierce County are accurate and consistent with survey data collected by Parametrix.
- One review meeting with the City will be sufficient. All City comments will be provided at this meeting, and addressed in the final documents.

Task 4 – Utility Relocation Design

Objectives

This task will include the utility relocation design and preparation of a complete set of Contract Documents. The following utilities are within the footprint of the SR 162 overcrossing:

- Six-inch City of Orting sanitary sewer force main.
- Eight-inch City of Orting sanitary sewer force main.
- Twelve-inch City of Orting ductile iron waterline.
- Puget Sound Energy gas line.

- Puget Sound Energy overhead power.
- Buried communications.

Parametrix will provide effort required for the design of the City of Orting utility relocation, as well as coordinate with the other utility companies on the relocation of privately-owned utilities.

Approach

Parametrix will utilize the topographic survey files, along with the design files provided by Pierce County, to produce utility relocation Contract Documents.

Deliverables

The deliverables for this task include:

- Utility relocation plans to consist of six 20-scale plan and profile sheets, as well as necessary details, legends, and cover pages (6 copies, 8.5 by 11 inches).
- Project Contract Documents.
- Engineer's Estimate of Probable Cost.

Assumptions

Following are the assumptions for this task:

- Design files provided by Pierce County are accurate and consistent with survey data collected by Parametrix.
- Design of relocated privately-owned utilities will be provided by each utility owner, not Parametrix. Parametrix will coordinate with private utility owners.
- The City of Orting will provide as-builts, available for all City-owned utilities.
- One review meeting with the City will be sufficient. All City comments will be provided at this meeting, and addressed in the final documents.

Task 5 – Permitting

Objectives

Parametrix will provide a completed SEPA Checklist and submit for agency review.

Approach

A SEPA Checklist will be completed by Parametrix staff, if needed, for open-cut construction.

Deliverables

The deliverable for this task includes:

- SEPA Checklist for review, processing, and advertisement.

Assumptions

Following are the assumptions for this task:

- The City of Orting will be the lead agency in reviewing the SEPA checklist. A determination of non-significance or mitigated determination of non-significance is anticipated. If a mitigated determination of non-significance results from the SEPA review, revisions to this scope of work may be necessary to meet the mitigation requirements.
- Parametrix will coordinate with the City Clerk on advertisement of the SEPA notification.

Task 6 – Grant Application (as approved separately)

Objectives

Parametrix will provide services to seek and apply for grant funds for the Orting Emergency Evacuation Bridge System, SR 162 Overcrossing.

Approach

Services will be provided to complete grant applications and follow-up effort such as presentations in order to secure grant funding for the SR 162 Overcrossing project as part of the Orting Emergency Evacuation Bridge System project. Each grant application shall be approved by the City Administrator.

Deliverables

The deliverables for this task may include:

- Complete grant applications.
- Presentations to funding committees as required by potential funding sources.
- Grant management of successful applications.

Not Eligible 

Assumptions

Following is the assumption for this task:

- The fee shown for this task is an estimate. Should a grant application or applications require further effort, an amendment to this task will be required.

- Legislative Priorities Councilmember Colorossi requested that on legislative priorities, the name of the Pedestrian Evacuation Bridge be changed to read "the Evacuation Bridge System Plan." Second by Councilmember Drennen. Motion carried.
- Emergency Evacuation Bridge System Councilmember Drennen moved to instruct the city Mayor to authorize the city attorney to draft "Lead Agency Agreements" for the City of Orting to assume lead agency from Washington Department of Transportation and Pierce County for the Orting Emergency Evacuation Bridge System supported by the Bridge for Kids committee since inception. Second by Councilmember Gunther. A roll call vote was unanimous to pass the motion.

NEW BUSINESS: (8:11)

- Farmers Market Request for Funding Councilmember Ford moved to approve funding for the Farmers Market in the amount of \$3,000 for 2015. Second by Councilmember Gunther. Motion carried.
- Social Media Policy and Procedure This item will be sent back to the Technology Committee.
- Police Department Survey Councilmember Gunther moved to approve the police department survey and to have it posted on the city's web site. Second by Councilmember Drennen. Motion carried.
- Time Keeper for Council Meetings Councilmember Ford requested to table the item and councilmembers will provide alternatives to her.
- Long. Attorney Chris Bacha introduced the new interim City Attorney, Jay

EXECUTIVE SESSION:

Cancelled

ADJOURN:

Councilmember Ford moved to adjourn. Second by Deputy Mayor Penner. Motion carried.

ATTEST:

City Administrator Mark Bethune

Mayor Joachim Pestinger