

**City of South Bend
Council Meeting
Wednesday, May 29, 2019 @ 5:30 pm
Council Chambers
1102 W. First Street, South Bend, WA**

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda and Consent Agenda
Approval of Minutes: *May 13, 2019 Regular Meeting*
4. Correspondence
5. *Public Hearing @ 5:30 pm – CDBG General Purpose Grant*
6. *Bid Results – First Street & Kendrick Street Reconstruction / Willapa Avenue Sidewalk (Action)*
7. *Pacific Sunset Final Plat Approval (Action)*
8. *Resolution #2019-03 – July 5, 2019 Additional Holiday (Action)*
9. Items from the Public ***(3 Minute Limit)***
10. Department Head Reports:
 - i) Police Chief Eastham
 - ii) City Supervisor Houk
 - iii) Clerk/Treasurer Roberts
 - iv) Fire Department
11. Mayor's Report
12. Council Comments
13. Adjournment

The City of South Bend strives to provide access and services to all members of the public. Please notify the City at least 48 hours prior to an event if reasonable accommodations are needed.

NOTICE – *All proceedings of this meeting are sound recorded
Except Executive Sessions.*

Next Regular Meeting: Monday, June 10, 2019 @ 5:30 PM

South Bend Council Meeting

Wednesday, May 29, 2019

CONSENT AGENDA

1. Approval of Vendor Checks

Vendors – Check #45048 thru Check #45079 - \$32,525.20 Including EFT Payments

05/29/19

VENDOR	AMOUNT	
45048 Robert Case (Hand Pay)	\$ 350.00	Operating Supplies - Sewer Fund
45049 ALS Group USA, Corp	\$ 40.00	Water Samples
45050 Ashley Construction, Inc.	\$ 443.21	Professional Services - Street Fund
45051 Bank of the Pacific	\$ 36.87	Monthly Interest on Interim Financing - Water Treatment Plant
45052 Brim Tractor Company, Inc	\$ 8,818.84	Capital Outlay - Mosquito Fund
45053 City of Raymond	\$ 21.83	Intertie - Water Fund
45054 Coast Controls & Automation, Inc.	\$ 756.70	Repair/Maintenance - Water Fund
45055 Creative Community Solutions, Inc.	\$ 1,835.40	Professional Services - General Planning Services
45056 Daily Journal of Commerce	\$ 474.60	Publication of TIB Project
45057 Dept of Licensing	\$ 125.00	CPL - Police Dept
45058 Dilk Tire Factory	\$ 36.48	Repair/Maintenance - Parks
45059 Evoqua Water Technologies LLC	\$ 103.52	Operating Supplies - Water Fund
45060 Fastenal	\$ 156.66	Operating Supplies - Sewer Fund
45061 First Lutheran Church	\$ 50.00	Rental - Small Cities Connector Meeting
45062 Grays Harbor County Dept of Public Services	\$ 108.00	Water Samples
45063 H.D. Fowler	\$ 7,546.28	Operating Supplies - Water Fund
45064 Hach	\$ 412.40	Operating Supplies - Water Fund
45065 Jonathan Quittner	\$ 775.00	Municipal Court Public Defender - May 2019
45066 Maneman Electric, Inc.	\$ 205.39	Repair/Maintenance - Sewer Fund
45067 Northstar Chemical	\$ 744.12	Operating Supplies - Water Fund
45068 Pacific County Sheriff's Office	\$ 805.00	Jail Services - Feb, Mar, April 2019
45069 Powersports Northwest	\$ 912.03	Repair/Maintenance - Park Fund
45070 SeaWestern Fire Fighting Equipment	\$ 984.55	Repair/Maintenance - Fire
45071 Sound Publishing, Inc.	\$ 110.25	Civil Service Testing
45072 Steve's Front End & Brake, Inc.	\$ 1,245.91	Repair/Maintenance - Fire
45073 Sunset Air, Inc.	\$ 115.00	Reimbursement for Building Permit Paid to us in Error.
45074 Tierney & Correa, PC	\$ 2,805.00	Legal Services
45075 U.S. Fire Equipment, LLC	\$ 691.99	Repair/Maintenance - Fire
45076 Vision Forms, LLC	\$ 674.68	Statement Automation

45077	Willapa Veterinary Services	\$	24.00	Dog Board - Police Dept
45078	William Penoyar	\$	830.00	Municipal Court Prosecutor - May 2019
45079	Zee Medical Services	\$	286.49	First Aid Kit Restock - City Hall \$9.57 and Public Works \$276.92
TOTAL		\$	32,525.20	

Mayor Struck

City Supervisor Houk

Police Chief Eastham

**CITY OF SOUTH BEND
COUNCIL MEETING – 05/13/19**

1-2. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The council meeting was called to order by Mayor Struck at 5:30 pm followed by the Pledge of Allegiance. Members present: Councilor Buchanan, Councilor Williams, Councilor Neve, Councilor Davis, Councilor Little, Police Chief Eastham and Clerk/Treasurer Roberts. City Supervisor Houk was absent.

3. APPROVAL OF AGENDA, CONSENT AGENDA AND APPROVAL OF MINUTES

A motion was made by Councilor Neve to approve the Agenda, Consent Agenda and the minutes of the April 8, 2019 regular meeting. The motion was seconded by Councilor Williams. **Vote: Ayes-5, Noes-0, Absent-0**

Vendors – Check #44998 thru Check #45047 - \$308,173.64 Including EFT Payments

Check #44973 thru #44997 VOIDED

Payroll – Check #24605 thru Check #24621 - \$97,005.30 Including Direct Deposit

4. CORRESPONDENCE - NONE

5. PACIFIC COUNTY COMMUNICATIONS (PACCOM) INTERLOCAL AGREEMENT

Councilor Neve made a motion to accept the Pacific County Communications (PACCOM) Interlocal Agreement as presented. The motion was seconded by Councilor Davis. **Vote: Ayes-5, Noes-0, Absent-0**

6. SPRING CLEAN UP

Clerk/Treasurer Roberts gave the council a brief overview of past spring cleanup numbers. Using an average from the last three years – 2016, 2017 and 2018 – 104 people took advantage of spring cleanup for a total average of 60,077 lbs. which equaled 30.04 tons of garbage for an average cost of \$3,151.83. Following a brief discussion Councilor Williams made a motion to continue spring cleanup with the expense covered by the City. The motion was seconded by Councilor Davis. **Vote: Ayes-5, Noes-0, Absent-0**

Spring cleanup will be held the week of June 10th. Clerk/Treasurer Roberts will advise Kim Porter to get the information out to the citizens.

7. ITEMS FROM THE PUBLIC - NONE

Citizen Diantha Weillepp reminded Mayor Struck that grant applications for the library should be in the works.

8. DEPARTMENT HEAD REPORTS - NONE

9. MAYOR'S REPORT

✦ Mayor Struck advised she would be out of the office from May 14th – May 17th as she will be attending the National League of Cities Annual Conference in Florida. The Association of Washington Cities is paying for her to attend.

10. COUNCIL COMMENTS

- ❖ Councilor Buchanan asked his fellow councilors to think about ways to get more use of the city dock and about parking. Police Chief Eastham noted that the docks are full in the summer, during boating season.
- ❖ Councilor Buchanan asked that if the Steve Russell Crossing isn't fixed if there could be a sign put up that says it isn't working properly.
- ❖ Councilor Williams noted that he hasn't seen any mosquitos so far this year which is very unusual, but also a good thing.

11. ADJOURNMENT

The meeting was adjourned at 5:51 PM to meet again on Wednesday, May 29, 2019 for the next regularly scheduled meeting at South Bend City Hall.

Julie K. Struck
Mayor

ATTEST:

Dee Roberts
Clerk/Treasurer

DRAFT

**PUBLIC HEARING NOTICE
(GENERAL PURPOSE GRANT)**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the South Bend City Council at City Hall, on Wednesday, May 29, 2019 at 5:30 PM.

The purpose of the public hearing is to review community development and housing needs, inform citizens of the availability of funds and eligible uses of the state Community Development Block Grant (CDBG), and receive comments on proposed activities, particularly from lower income persons.

Up to \$750,000 may be available to the City of South Bend on a statewide competitive basis to fund public facility, community facility, economic development, planning and affordable housing projects that principally benefit low- and moderate-income persons. An outline of the proposed Water System Improvements will be available for review at City Hall starting on May 14, 2019. Comments may also be submitted in writing to the City of South Bend Clerk-Treasurer until May 31, 2019.

City Hall is handicap accessible. Arrangements to reasonably accommodate special needs, including handicap accessibility or interpreter, will be made upon receiving 24-hour advance notice. Contact Ms. Dee Roberts at (360) 875-5571.

**VISO DE AUDIENCIA PÚBLICA
(SUBVENCIÓN DE USO GENERAL)**

Por la presente se da aviso de que una audiencia pública será celebrada por el Ayuntamiento de South Bend en el Ayuntamiento, el miércoles 29 de mayo, 2019 a las 5:30 P.M.

El propósito de la audiencia pública es revisar las necesidades de desarrollo y vivienda de la comunidad, informar a los ciudadanos de la disponibilidad de fondos y usos elegibles de la subvención del bloque de desarrollo comunitario del estado (CDBG), y recibir comentarios sobre las actividades propuestas, particularmente de personas de bajos ingresos.

Hasta \$750.000 pueden estar disponibles para la ciudad de South Bend en una base competitiva estatal para financiar instalaciones públicas, instalaciones comunitarias, desarrollo económico, planificación y proyectos de vivienda asequible que beneficien principalmente a personas de ingresos bajos y moderados.

Un bosquejo de las mejoras propuestas del sistema de agua estará disponible para su revisión en el Ayuntamiento a partir del 14 de mayo de 2019. Los comentarios también pueden enviarse por escrito a la ciudad de South Bend Clerk-Tesorero hasta el 31 de mayo de 2019.

El Ayuntamiento es accesible para discapacitados. Los arreglos para acomodar razonablemente las necesidades especiales, incluyendo la accesibilidad o el intérprete del hándicap, serán hechos después de recibir el aviso con 24 horas de antelación.

Comuníquese con la Sra. Dee Roberts al (360) 875-5571.

Community Development Block Grant

Strengthening rural communities through projects that benefit low- and moderate-income persons

GENERAL PURPOSE GRANTS

\$10,000,000

For planning or construction of public infrastructure, community facilities, affordable housing, and economic development projects.

Competitive. Maximum grant up to \$750,000 based on project type. Application materials available in March and due in June.

ECONOMIC OPPORTUNITY GRANTS

\$300,000

For state and local priority projects resulting in economic resilience and development in rural communities through grant or grant-to-loan assistance.

Competitive. Applications accepted throughout the year on a fund available basis.

HOUSING ENHANCEMENT GRANTS

\$200,000

For off-site infrastructure or the community facility component of a state Housing Trust Fund project.

Competitive. Maximum grant is generally \$200,000. Initial CDBG Housing Enhancement Grant application forms are submitted with a HTF Stage 2 application.

PUBLIC SERVICES GRANTS

\$1,500,000

For 17 counties and community action agencies to fund new or expanded services for lower income persons.

Allocated by formula based on population and poverty. Application materials available February and due in April.

HUD NATIONAL OBJECTIVES

CDBG project activities must meet one of three HUD National Objectives:

- Principally benefits low-and moderate-income (LMI) persons
- Aids in the prevention or elimination of slums or blight
- Addresses imminent threat to public health or safety

Funding is contingent on approval of the state's 2019 Action Plan and CDBG allocation by the US Department of Housing & Urban Development.

OUR CORE PURPOSE

Grow and improve jobs in Washington State by championing thriving communities, a prosperous economy, and suitable infrastructure.

PROGRAM CONTACT

Kaaren Roe
Section Manager
Local Government Division
360.725.3018
kaaren.roe@commerce.wa.gov

ELIGIBILITY GUIDELINES:

Eligible applicants are Washington State cities/towns with less than 50,000 in population and not participating in a CDBG entitlement urban county consortium; and counties with less than 200,000 in population. Eligible cities/towns and counties are listed on the CDBG website.

Special purpose districts, public housing authorities, community action agencies, economic development councils, other non-profit organizations, and Indian tribes are not eligible to apply directly to the state CDBG Program for funding, but may be a partner in projects and subrecipient of funding with an eligible city/town or county applicant.

1011 Plum Street SE, Olympia, WA 98504
<http://www.commerce.wa.gov/cdbg>

Federal Citizen Participation Requirements For Local Government Applicants to the State CDBG Program

Federal Regulations 24 CFR 570.486 (a)

- (a) *Citizen participation requirements of a unit of general local government.* Each unit of general local government shall meet the following requirements as required by the state at Sec. 91.115(e) of this title.
- (1) Provide for and encourage citizen participation, particularly by low and moderate income persons who reside in slum or blighted areas and areas in which CDBG funds are proposed to be used;
 - (2) Ensure that citizens will be given reasonable and timely access to local meetings, information, and records relating to the unit of local government's proposed and actual use of CDBG funds;
 - (3) Furnish citizens information, including but not limited to:
 - (i) The amount of CDBG funds expected to be made available for the current fiscal year (including the grant and anticipated program income);
 - (ii) The range of activities that may be undertaken with the CDBG funds;
 - (iii) The estimated amount of the CDBG funds proposed to be used for activities that will meet the national objective of benefit to low and moderate income persons; and
 - (iv) The proposed CDBG activities likely to result in displacement and the unit of general local government's anti-displacement and relocation plans required under Sec. 570.488.
 - (4) Provide technical assistance to groups representative of persons of low and moderate income that request assistance in developing proposals in accordance with the procedures developed by the state. Such assistance need not include providing funds to such groups;
 - (5) Provide for a minimum of two public hearings, each at a different stage of the program, for the purpose of obtaining citizens' views and responding to proposals and questions. Together the hearings must cover community development and housing needs, development of proposed activities and a review of program performance. The public hearings to cover community development and housing needs must be held before submission of an application to the state. There must be reasonable notice of the hearings and they must be held at times and locations convenient to potential or actual beneficiaries, with accommodations for the handicapped. Public hearings shall be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can reasonably be expected to participate;
 - (6) Provide citizens with reasonable advance notice of, and opportunity to comment on, proposed activities in an application to the state and, for grants already made, activities which are proposed to be added, deleted or substantially changed from the unit of general local government's application to the state. *Substantially changed* means changes made in terms of purpose, scope, location or beneficiaries as defined by criteria established by the state.
 - (7) Provide citizens the address, phone number, and times for submitting complaints and grievances, and provide timely written answers to written complaints and grievances, within 15 working days where practicable.



Pacific Sunset Final Plat Approval Staff Report

Report date: May 01, 2017

Application Date: November 08, 2018

Determination of Completeness: April 26, 2019

Notice of Application: May 01, 2019

Council Action: May 29, 2019

Applicant: Kodiak South Bend, LLC (Lynn R. Barnett), 3020 S. Union Avenue,
Tacoma, WA 98409

Land Use Action: Final Plat Approval, Chapter 15.68 SBMC

1. Project Background

The City Council approved on February 22, 2016 a preliminary plat application submitted by South Bend Kodiak LLC to subdivide 20.58 acres (tax parcels 14092744010 and 14093411000) into 23 single-family residential lots and 6 community-owned lots providing for roads, stormwater utilities, park, and landscaping purposes. Phase 1 under this current final plat application would create 12 single-family lots. The applicant intends to submit in the future a second final plat for Phase 2, which would add another 11 single-family lots.

The stipulations attached to the preliminary plat approval by the City Council included issues related to:

- Critical area delineations,
- Homeowner association conditions,
- General engineering conditions,
- Construction plan requirements,
- Street conditions,
- Grading and drainage conditions,
- Sewer conditions, and
- Water conditions

2. Application for Final Plat Approval – Determination of Completion and Notice of Application

The city received an application from the applicant for final plat approval on November 14, 2018. After reviewing the application and the status of the project, the city deemed the application incomplete on November 27, 2018. The city made this determination because the applicant neither completed all improvements required under the preliminary plat nor submitted the financial assurances in lieu of construction necessary for final plat approval (see Section 3).

The applicant eventually made significant progress at finishing most of the physical improvements and worked with city staff to develop the financial assurances for work not completed. The city was then able to issue on May 01, 2019 a Determination of Completion under SMBC 15.08.070 and a Notice of Application under SBMC 15.08.080. The final plat application is now ready for the City Council to determine if all conditions of the preliminary plat are complete.

3. Completion Security for Incomplete Physical Improvements

Because not all physical improvements required under the preliminary plat are complete, the applicant has agreed to provide a completion security bond to the city. A completion security under RCW 58.17.130 allows the city to approve a final plat even though the required improvements are not yet complete. This enables the applicant to begin building homes and selling lots while he finishes his site work.

The bond provides a financial guarantee to the city that in the event the applicant fails to complete the outstanding improvements within a one-year period, the city receives adequate funding to complete them.

The bond will cover the city's cost to complete the improvements and amounts to 150% of the estimated value of these improvements. It covers costs related to completing trenching, street and sidewalk revisions, lighting, signage, landscaping, and survey monuments. The bond also includes costs related to mobilization and consultant services. See Exhibit A of the Subdivision Plat Completion Agreement for a full list of the covered improvements and costs.

4. Ownership of Water System Improvements and Maintenance Bond

The applicant has agreed to sell the water system improvements within the project to the city for \$1.00. See Bill of Sale. This is necessary due to its connection to the public water system; the city's ownership and maintenance of these improvements is important for protecting the health of the entire system.

The applicant has also agreed to provide a maintenance bond for the water system. The maintenance bond is a warranty to pay for the repair of any defects found in the system. The warranty period is for two years and the bond value is for 20% of all required improvements (\$12,000). See Maintenance Bond for Water Agreement.

5. City Council Consideration of the Final Plat Application

Chapter 15.68 SBMC outlines the procedures for final plat approval by the City Council. This chapter explains that the City Council must decide if the applicant has or has not met all conditions required under the preliminary plat approval. The City Council cannot change or add any conditions previously approved under their preliminary plat approval.

Per SBMC 15.68.080, the City Council evaluates the final plat for approval under the following criteria:

1. Whether conditions imposed when the preliminary plat was approved have been met. A final plat will not be approved until the city council finds that the final plat conforms to the proposed preliminary plat and any conditions imposed;
2. Whether the maintenance security (if required) assures the successful operation of improvements;
3. Whether the final plat is in conformance with the city's zoning regulations and all other applicable land use regulations.

The staff have reviewed the final plat and deems the applicant has met all conditions of the preliminary plat.

6. City Council Findings of Fact and Authorizations

If the City Council agrees with the staff assessment, it must enter into the public record the following **Findings of Fact**:

1. The Pacific Sunset Final Plat conforms to the preliminary plat conditions approved by the City Council on February 22, 2016;
2. In lieu of full completion of all physical improvements required under the preliminary plat approval, the applicant shall issue a maintenance security to the city as provided in the Subdivision Plat Completion Agreement between the City of South Bend and South Bend Kodiak, LLC;
3. The City of South Bend will purchase the water system improvements within the from South Bend Kodiak, LLC for \$1.00 as provided in the Water System Bill of Sale;
4. South Bend Kodiak, LLC will provide the City of South Bend with a Maintenance Bond for the above water system improvements as provided in the Maintenance Bond for Water agreement; and,
5. The Pacific Sunset Subdivision conforms to the city's zoning regulations and all other applicable land use regulations.

If the City Council **disagrees** with the staff assessment, it must state so for the record give their reason(s).

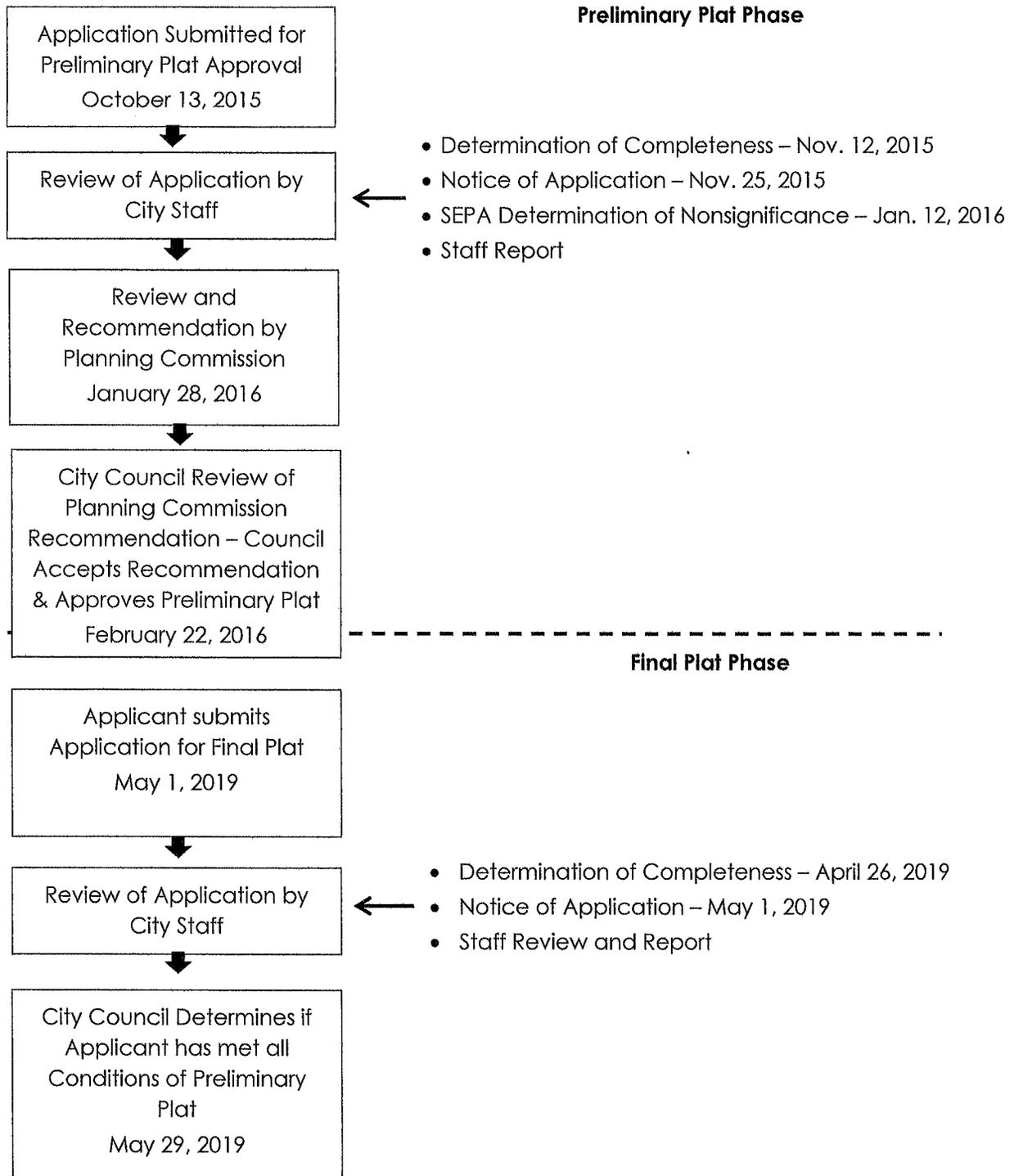
If their findings of fact show they approve the final plat, the City Council then **authorizes**:

1. The Mayor and City Supervisor to sign the final plat; and
2. The City Supervisor to sign the completion and maintenance securities.

7. Filing and Distribution of Approved Final Plat

Once the City Council acts to approve the final plat, the applicant must then file it with the Pacific County Auditor, provide one reproducible mylar or equivalent film copy to the City Supervisor, and provide one paper copy to the Pacific County Assessor. Once applicant meets these requirements, Phase 1 of the Pacific Sunset Subdivision will be complete.

Flow Chart for the Sunset Pacific Subdivision Approval Process



RESOLUTION # 2019-03

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SOUTH BEND, WASHINGTON TO ALLOW CLOSURE OF CITY HALL JULY 5, 2019 FOR AN ADDITIONAL HOLIDAY.

WHEREAS the City of South Bend will be closed an additional day, July 5, 2019, and

WHEREAS the City Council voted by motion to approve this extra holiday, and

WHEREAS this extra holiday is effective for 2019 only.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of South Bend approve the additional holiday of July 5, 2019.

Upon motion made for the adoption of this resolution, the following vote was cast by the City Council of the City of South Bend on this the 29th of May 2019.

Ayes –

Noes –

Absent –

Julie K. Struck, Mayor

AUTHENTICATED BY: _____

Dee Roberts, Clerk/Treasurer