



The City of Sumner looks forward to welcoming members of the public to its meetings in-person, but until further notice will continue to conduct its meetings 100% virtually, using the ZOOM platform. The public is invited to attend using the ZOOM meeting access information below:

Please click the link below to join the webinar:

<https://sumnerwa-gov.zoom.us/j/81196451279>

Or One tap mobile :

US: +12532158782,,81196451279# or +16699006833,,81196451279#

Or Telephone:

Dial: +1 253 215 8782

Webinar ID: 811 9645 1279

CALL TO ORDER

Pledge of Allegiance

Invocation - Pam Osborne

Roll Call: Bitetto, Brown, Cole, Hochstatter, Neuman, Reed and Stuard

The following items are distributed to Councilmembers in advance for study and review, and the recommended actions will be accepted in a single motion. Any item may be removed for further discussion if requested by a Councilmember.

CONSENT AGENDA

1. Approval of the minutes of the December 6, 2021, regular council meeting
2. Approval of checks and electronic payments in the amount of \$1,535,464.23
3. Sumner Tapps Guardrail Upgrade – Construction Contract

PUBLIC HEARING

REGULAR BUSINESS

1. **Unfinished Business**
2. **Public Comment (Limit 3 minutes)**
Members of the community who wish to give public comment are strongly encouraged to join the meeting via the ZOOM link or by telephone. If you are unable to join the meeting, please submit your public comment in writing via email to the City Clerk at Michellec@sumnerwa.gov no later than 5:30pm on the date of the meeting. Any written comments received will be read into the record and provided to the City Council. Please contact the City Clerk at 253-299-5590 with any questions.
3. **New Business**
 - a. 2022 Deputy Mayor Selection
 - b. 2022/2023 Committee Selection

- c. Rainier Cable Commission Selection
- d. Pierce County Regional Council Representative Selection
- e. Principles of Conduct
- f. Ordinance No. 2805 - Amending Special Events Code - Sumner Municipal Code 12.52
- g. Ordinance No. 2806 - Adding the Lucy V. Ryan Park as a City Park

4. Reports

- a. Council
- b. City Administrator
- c. Mayor

5. Executive Session

6. Adjournment

This meeting is accessible to persons with disabilities. For individuals who may require special accommodations, please contact the City Clerk at (253) 299-5590, 24 hours in advance.

SUBJECT: Approval of the minutes of the December 6, 2021, regular council meeting

CATEGORY: Consent

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Minutes - December 6, 2021 regular council meeting

STAFF CONTACT:

SUMMARY BACKGROUND:

COUNCIL COMMITTEE/STUDY SESSION:

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION: Committee Do-Pass

STAFF RECOMMENDATIONS/MOTION:

Approve as written.

CITY OF SUMNER
Council Meeting
Minutes – December 6, 2021

The Covid-19 pandemic continues to impact the health and safety of our community. In an effort to be diligent, the city is continuing to conduct all public meetings virtually, using the ZOOM platform. Access information can be located on the city's website, and on each meeting agenda. As the pandemic evolves, and when it is safe to do so, we look forward to welcoming everyone back to City Hall for in-person and hybrid meetings in our newly renovated council chambers.

CALL TO ORDER

The Sumner City Council met in regular session at 6:01pm, with Mayor William L. Pugh presiding.

Staff present via electronic device: City Administrator Jason Wilson, City Attorney Andrea Marquez, Community Development Director Ryan Windish, Administrative Services Director Jeff Steffens, Communications Director Carmen Palmer, Chief Financial Officer Kassandra Raymond, Associate City Engineer Joe Fessler, City Engineer Michael Kosa, and City Clerk Michelle Converse

Mayor and Councilmembers present via electronic device: Mayor Bill Pugh, Councilmembers Bitetto, Brown, Hamilton, Hayden, Hochstatter, Neuman and Reed

RECOGNITION

Judge Jenkins, Hearing Examiner Stephen Causseaux, Councilmember Josh Hamilton were presented with plaques recognizing their retirement and service to the City.

CONSENT AGENDA

MOVED BY HAYDEN, SECONDED BY HOCHSTATTER TO APPROVE THE CONSENT AGENDA CONSISTING OF THE FOLLOWING:

1. Approval of the minutes from the regular council meeting of November 15, 2021 and the November 22, 2021, study session
2. Approval of electronic checks and payments in the amount of \$1,617,301.99.
3. Bushore/Eagle Asphalt Asbestos Abatement Change Order
4. Resolution No. 1603 - Interagency Agreement for the Housing of Inmates in the Puyallup City Jail
5. Resolution No. 1606 - Justice Assistance Grant Acceptance

PASSED BY VOICE VOTE

PUBLIC HEARING

None tonight.

UNFINISHED BUSINESS

Ordinance No. 2802 - Mid-Biennial Budget Amendment

MOVED BY REED SECONDED BY HOCHSTATTER TO ADOPT ORDINANCE NO. 2802 – MID-BIENNIAL BUDGET AMENDMENT

Chief Financial Officer Kassandra Raymond addressed the council.

City Council adopted the 2021/2022 Biennial Budget by Ordinance #2758 on December 7, 2020. Per RCW 35.34.130, cities adopting a biennial budget are required to provide by ordinance a mid-biennial review no later than the conclusion of the first year of the fiscal biennium. This review provides staff the opportunity to review revenue and expenditure trends, capital programs, and make adjustments as necessary. The mid-biennial budget amendment was reviewed by the Finance & Personnel Committee on November 3, 2021, and in City Council Study Session on November 8, 2021. This public hearing provides the community opportunity to comment on the proposed amendments. City Council action is scheduled December 6, 2021. This 2021/2022 Mid-Biennial Budget Amendment makes changes as follows:

- General Fund (001): Recognizes one-time criminal justice revenue distribution. Includes amendments for a variety of operational adjustments, including legal prosecution services, and changes to events.
- Tourism Tax Fund (106): Amendments for the recommended 2021/2022 work plan.
- Sidewalk Capital Fund (302): Amendments to support 2022 sidewalk program administration.
- Parks Capital Fund (310): Includes support for Heritage Park Design funded by Tourism Fund.
- Street Capital Fund (320): Recognizes new grant funding and expenditures for Maple Street Pedestrian Signal and Stewart Road Bridge.
- Facilities Capital Fund (325): Includes expenditure amendments for Public Works Operations Facility design of the north property. Also includes support for Ryan House improvements funded by the Tourism Fund (106).
- Water Fund (401): Includes amendments to support purchase of water meters, and various capital projects.
- Sewer Fund (402): Includes amendments to support lift station improvements. Also includes amendments to support capital projects at the Wastewater Treatment Facility, with support from the City of Bonney Lake.
- Stormwater Fund (408): Amendment to support paving and planting of Decant facility.
- Cemetery Development Fund (415): Recognizes revenues and amends expenditure for Green Burial development.
- Animal Control Fund (440): Re-appropriates funding from 2020 for the office remodel (funded by a bequest).
- Information Technology Fund (551): Amends budget for 2021 unanticipated expenditures and corresponding assessments to user funds.
- Development Impact Fee Fund (605): Amend expenditure to support the Stewart Road Bridge project.
- All funds: Recognizes 2021 labor changes from non-representated staff salary survey (Ordinance No. 2799)

Ordinance No. 2802		
Mid-Biennial Budget Amendment	Revenues	Expenditures
General Fund	\$41,467	\$129,808
Reserve Funds	-	-
Special Revenue	25,000	318,000

Funds		
Debt Service Funds	-	-
Capital Funds	2,066,700	2,047,700
Utility Funds	106,406	1,445,564
Other Enterprise Funds	40,000	50,690
Internal Service Funds	76,130	84,186
Fiduciary Funds	-	700,000
Totals	\$2,355,703	\$4,775,949

COUNCILMEMBER HOCHSTATTER MOTIONED TO DIVIDE THE QUESTION AND PORTION OF LINE 106 FOR LODGING TAX INVOLVING THE ALLOCATION OF \$125,000 AND CORRESPONDING TRANSFER IN AND EXPENDITURE FROM FUND 325 RELATED TO THE RYAN HOUSE LANDSCAPE IMPROVEMENT. SECONDED BY NEUMAN.

Discussion ensued.

PASSED BY ROLE CALL VOTE.

COUNCILMEMBER HOCHSTATTER MOVED TO POSTPONE THE CONSIDERATION OF \$125,000, IN SPENDING AS RECOMMENDED BY THE CITY'S LODGING TAX ADVISORY COMMITTEE TO THE FEBRUARY 7, 2022, CITY COUNCIL MEETING. SECONDED BY NEUMAN.

Discussion ensued.

PASSED BY ROLE CALL VOTE.

COUNCIL THEN VOTED ON ORDINANCE NO. 2802 AS AMENDED.

PASSED BY ROLE CALL VOTE.

PUBLIC COMMENT

Rachel Oberg acting chair Summer Healthy Neighborhood Alliance. Spoke against the proposed 7-11 fuel station on the corner of Valley and Main.

Kathy Baerny spoke against the proposed 7-11 fuel station on the corner of Main and Valley Avenue.

NEW BUSINESS

Municipal Court Judge Appointment

MOVED BY HAYDEN SECONDED BY HAMILTON TO CONFIRM THE APPOINTMENT OF KRISTA SWAIN AS THE SUMNER MUNICIPAL COURT JUDGE.

City Administrator Jason Wilson addressed the council.

Earlier this year, the mayor was informed by Judge Jenkins that he would be retiring at the end of 2021. The Municipal Court Judge is a Mayoral appointed position subject to Council confirmation.

The city conducted a recruitment process and received eight applications. Four candidates were interviewed by the Mayor, Deputy Mayor, City Administrator and Administrative Services Director. The Mayor has appointed Krista Swain as Municipal Court Judge effective January 1, 2022 for a term ending December 31, 2025. Municipal Court Judge appointments and removals are subject to RCW Chapter 3.50. The Sumner Municipal Court Judge is considered a .40 FTE with salary and benefits commensurate with such status as prescribed by Sumner Municipal Code.

Judge Swain has been an attorney since 1996. Through private practice, she has provided prosecution and public defender services to multiple municipal governments. Since 2017, she has been the presiding Judge for Black Diamond Municipal Court and has previously served as a pro-tem Judge for our court as well as several other municipal and district courts.

Discussion ensued.

PASSED BY VOICE VOTE.

Ordinance No. 2803 - American Rescue Plan Act Budget Amendment

MOVED BY REED SECONDED BY HOCHSTATTER TO ADOPT ORDINANCE NO.: 2803, ALLOCATING AMERICAN RESCUE PLAN ACT FUNDS AND AMENDING THE 2021-22 BIENNIAL BUDGET.

City Administrator Jason Wilson addressed the council.

The American Rescue Plan Act (ARPA) committee reviewed several possible uses of ARPA funds and has recommended allocations that address immediate needs to respond to the pandemic. The proposed ordinance would allocate \$105,000 under the following ARPA categories:

Direct Response:	\$80,000
Economic Impact:	\$25,000

The attached staff report details the expenditures and applicability to ARPA fund guidelines.

If approved, the remaining ARPA balance is \$1,743,676 for future use. The ARPA continues to meet and discuss future allocation recommendations.

Discussion ensued.

PASSED BY VOICE VOTE

2022 Legislative Agenda

MOVED BY HAYDEN SECONDED BY HOCHSTATTER TO APPROVE THE 2022 LEGISLATIVE AGENDA FOR DISTRIBUTION TO LEGISLATORS AND PARTNERS IN PREPARATION FOR THE 2022 STATE SESSION.

Communications Director Carmen Palmer spoke to the item.

The Legislative Agenda connects State lawmakers with Sumner, informing them how potential legislation will affect their constituents here and encouraging key items for which the City needs their support. In past sessions, these agendas have helped complete the Traffic Avenue interchange, fund the White River Restoration Habitat project and fund Rainier View Park's covered playground.

This is a "short" session with a lot of large topics anticipated, including transportation, climate change and police reform. The goal of this agenda is to affect change within this session and also lay ground work for the 2023 long session.

The attached draft reflects comments and suggestions from the Council at Study Session as well as final adjustments from our lobbyist, Bill Clarke. There was some question about whether or not to leave in the term "climate change." Mayor, staff and Bill C. all recommend this wording, balanced by salmon recovery. These are the terms used for major efforts underway at the State level. What can be more polarizing/political than the term itself are the actions proposed. Sumner's efforts, especially the White River Restoration, are more unifying than polarizing. Few projects were coordinated by such diverse interests as a railroad, environmental activist groups, Tribes, and manufacturing/industry businesses.

Discussion ensued.

PASSED BY VOICE VOTE.

Resolution No. 1605 - Main Street Visioning Plan Adoption

MOVED BY HAYDEN SECONDED BY NEUMAN TO APPROVE RESOLUTION NO. 1605 - ADOPTING THE MAIN STREET VISIONING PLAN AND IMPLEMENTATION PRIORITIES.

Community Development Director Ryan Windish addressed the council.

Resolution No. 1605 will adopt the Main Street Visioning Plan and implementation priorities. The Main Street Visioning Plan was developed in partnership with University of Washington Tacoma (UW-T). Between Fall 2020 and Spring 2021, the students in the Urban Design Studio class, in collaboration with a local Advisory Committee, created the Main Street Visioning Plan showing how the city can be enhanced, providing improvement to Main Street, between Traffic Avenue and Wood Avenue, in downtown Sumner. The goal of the project was to continue to provide for the community by creating an equitable environment, safety, increase the quality of life in the downtown, and increase economic development. The City Council was briefed on the progress of the plan in December 2020, April 2021 and June 2021.

Staff has completed a draft Main Street Visioning Plan incorporating the UW-T Final Report and a prioritization of projects to be completed which are: Heritage Park and surrounding streets, Alleys Activation, and the Main Street Corridor.

Discussion ensued.

PASSED BY VOICE VOTE.

COUNCIL REPORTS

Councilmember Bitetto thanked those who were recognized and welcomed Judge Swain. She regrets that we couldn't meet in person this year. She ended her comments by wishing Mayor Pugh well in retirement and thanking him for everything that he has done over the past four-years.

Councilmember Reed thanked those who were recognized for their time and service to the city.

Councilmember Brown thanked those who were recognized and welcomed Judge Swain.

Councilmember Neuman seconds Councilmember Brown's comments. She shared SHAPE will have a board meeting on December 6th, on the agenda is planning for the 2022.

Councilmember Hochstatter thanked those recognized. Service to the community is such a powerful thing which she hopes more can be a part of.

Deputy Mayor Hayden thanked the retirees and welcomed Judge Swain. She ended her comments by thanking staff. She is going to need everyone as she tries to fill Mayor Pugh's shoes. She is excited and ready to get to work.

Councilmember Hamilton thanked Mayor Pugh, it has been great working with him. Deputy Mayor Hayden has some big shoes to fill. He ended his comments by thanking council for the kind words and his family for their support.

CITY ADMINISTRATOR

City Administrator Wilson reported on the following-

Upcoming Policy Issues:

- No regular council meetings or study sessions left this year.
- Next Regular Council Meeting on January 3rd:
 - Resolution amending the ILA with Bonney Lake for court services
 - Deputy Mayor Selection
 - Committee Selection
 - Regional Committee Selection
 - Council Principles of Conduct
 - Ordinance amending the Special Event Permit code update

Commission Updates:

- **Planning Commission:** Held a public hearing on the proposed code amendment related to senior housing. The amendment would 1) Expand where senior housing, particularly senior apartments, can be built, with a focus on independent living. 2) Provide flexibility in all Zoning Code standards (e.g. building height, density) to accommodate more sites and housing types for senior housing, while addressing potential impacts of increased density and apartments in residential zones. This will be coming before council in early 2022 for consideration.

Miscellaneous:

- Swearing in Ceremony for newly elected officials will be on December 20th at 3pm in the Council Chambers. The event will also be live streamed, with the link available on our website.

MAYOR REPORT

Mayor Pugh began his remarks by thanking everyone for their kind words. Serving as the Mayor for the last four years has truly been one of the high lights of his career. The Deputy Mayor will experience the same thing, wonderful staff but also working with a really good city council which has made his job so easy! He is looking forward to great things that will continue to make Sumner shine!

EXECUTIVE SESSION

There was no Executive Session tonight.

ADJOURNMENT

With no further business before the Council, the Mayor adjourned the meeting at 7:39pm. Councilmembers concurred.

ATTEST:

Kathy Hayden, Mayor

Michelle Converse, CMC City Clerk

SUBJECT: Approval of checks and electronic payments in the amount of \$1,535,464.23

CATEGORY: Consent

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Financial Cover Sheet

STAFF CONTACT: Jeff Steffens, Administrative Services Director

SUMMARY BACKGROUND:

[Approval of checks and electronic payments.](#)

COUNCIL COMMITTEE/STUDY SESSION:

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION: Committee Do-Pass

STAFF RECOMMENDATIONS/MOTION:

Approve as presented.



**CLAIMS VOUCHER
APPROVAL**
City of Sumner Finance
Department

The following check/electronic payments are approved for payment:

Accounts Payable Check #:	From: 27202	To: 27299	\$492,241.91 *
AP Electronic (EFTs) Payments:	From: 302	To: 310	\$478,499.32
AP Wire(s):	From: 15148	To: 15150	\$2,737.50
Payroll DD Numbers:	From: 50191	To: 50315, 4073	\$328,510.75
Payroll Check(s):	From: ---	To: ---	\$0.00
Payroll Wire(s):	From: 4071-4072,	To: 4074-4079	\$233,474.75
TOTAL			\$1,535,464.23

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the service rendered, or the labor performed as described herein, and that the claim is a just, due, and unpaid obligation against the City of Sumner and I am authorized to authenticate and certify to said claim.

DocuSigned by:

Kassandra Raymond

Chief Financial Officer

12/15/2021 | 12:28 PM PST

Date

We, the undersigned Finance & Personnel Committee of the Sumner City Council, Sumner, Washington, do hereby certify that the check numbers and electronic payments listed above are approved for payment in the amount of \$1,535,464.23 this 6th day of December 2021.

DocuSigned by:

[Signature]

Chair

12/16/2021 | 6:08 PM PST

Date

DocuSigned by:

Barbara Bitetto

Member

12/16/2021 | 9:14 AM PST

Date

DocuSigned by:

Charla Neuman

Member

12/21/2021 | 3:28 PM PST

Date

* Includes \$476.06 in Use Tax and (\$0.00) in Check Voids.

SUBJECT: Sumner Tapps Guardrail Upgrade – Construction Contract

CATEGORY: Consent

BUDGET IMPACT:

Expenditure Required: \$540,964.24

Within Budget Allocation: Yes

ATTACHMENTS:

1. Construction Contract with Bid

STAFF CONTACT: Michael Kosa, City Engineer

SUMMARY BACKGROUND:

The Sumner Tapps Highway Guardrail Improvements project consists of replacing obsolete and end-of-life guardrail and correcting slopes along Sumner-Tapps Highway to meet current clear zone standards.

Construction is 100% funded by a federal grant up to \$385,400.00. Staff will seek additional funds through the federal funding source to attempt to make up any overage. If no additional funds are available, funding over the grant amount will use local match funds from the roadway property tax set aside.

Four (4) bids were received on November 30th, 2021 for this project. The lowest responsive bid was submitted by Petersen Brothers Inc, with a bid amount of \$491,785.67. With 10% contingency, the total budgeted value is \$540,964.24. The Engineers Estimate for this project was \$359,090.00. The Contractor will have 30 working days to complete the project once given notice to proceed.

COUNCIL COMMITTEE/STUDY SESSION: Public Works Committee

MEETING/STUDY SESSION DATE: 12/7/2021

COMMITTEE RECOMMENDATION: Do-Pass

STAFF RECOMMENDATIONS/MOTION:

A motion authorizing the Mayor and City Administrator to execute all necessary contract documents with Petersen Brothers Inc, in an amount not-to-exceed \$540,964.24 for the Sumner Tapps Guardrail Upgrade (CIP 19-01), substantially in a form approved by the City Attorney.

PUBLIC WORKS CONTRACT
between City of Sumner and
Peterson Brothers, Inc.

THIS AGREEMENT, made and entered into this day _____, between the City of Sumner under and by virtue of Title 35 RCW (Cities and towns) as amended and Peterson Brothers, Inc., hereinafter called the Contractor.

WITNESSETH:

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

I. The Contractor shall do all work and furnish all tools, materials and equipment for

Sumner-Tapps Highway Guardrail Project (CIP 19-01)

in accordance with and as described in the (a) attached plans and specifications, (b) the standard specifications of the Washington State Department of Transportation, and (c) all other documents, specifications, provisions and required regulations contained in the Bid Document package provided at bid opening, all of which are considered the "Contract Documents" and are incorporated herein by this reference and made part hereof as if fully set forth in this contract, and, shall perform any changes in the work in accord with the Contract Documents.

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

II. The City of Sumner hereby promises and agrees with the Contractor to employ, and does employ the Contractor to provide the materials and to do and cause to be done the above described work and to complete and finish the same in accord with the attached plans and specifications and the terms and conditions herein contained and hereby contracts to pay for the same according to the attached specifications and the schedule of unit or itemized prices at the time and in the manner upon the conditions provided for in this contract. The Contractor for himself/herself, and for his/her heirs, executors, administrators, successors, and kin, does hereby agree to the full performance of all the covenants herein contained upon the part of the Contractor.

III. Contractor's Employees – Employment Eligibility Requirements (E-Verify).

The Contractor and any subcontractors shall comply with E-Verify as set forth in Sumner Municipal Code Chapter 3.30. E-Verify is an Internet-based system operated by United States Citizenship and Immigration Services in partnership with the Social Security Administration. E-Verify is free to employers and is available in all 50 states. E-Verify provides an automated link to federal databases to help employers determine employment eligibility of new hires and the validity of their Social Security numbers. The Contractor shall enroll in, participate in and document use of E-Verify as a condition of the award of this contract. The Contractor shall continue participation in E-Verify throughout the course of the Contractor's contractual relationship with the City. If the Contractor uses or employs any subcontractor in the performance of work under this contract, or any subsequent renewals, modifications or extension of this contract, the subcontractor shall register in and participate in E-Verify and certify such participation to the Contractor. Upon execution of this Contract, the Contractor shall provide proof of compliance with this section by filling out and signing the attached Certification of Compliance with Sumner's Municipal Code 3.30 "E-Verify" attached hereto as Exhibit B.

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

V. Debarment. The Contractor must certify that it, and its subcontractors, have not been and are not currently on the Federal or the Washington State Debarment List and if the Contractor or its subcontractors become listed on the Federal or State Debarment List, the City will be notified immediately.

VI. Application of Uniform Guidance. If this contract involves the use, in whole or in part, of federal award(s), provisions (A)-(J) in Appendix II to Part 200 of the Uniform Guidance (2 CFR Ch. 11 (1-1-14 edition)) are hereby incorporated, as applicable, as if fully set forth herein. See attached Exhibit C.

IN WITNESS WHEREOF, the Contractor has executed this instrument, on the day and year first below written and the Local Agency Approving Authority has caused this instrument to be executed by and in the name of said City of Sumner the day and year first above written.

CONTRACTOR:	CITY OF SUMNER:
By: _____ <i>(signature)</i>	By: _____ <i>(signature)</i>
Print Name: _____	Print Name: <u>Kathy Hayden</u>
Its _____ <i>(Title)</i>	Its <u>Mayor</u> <i>(Title)</i>
DATE: _____	DATE: _____
	By: _____ <i>(signature)</i>
	Print Name: <u>Jason Wilson</u>
	Its <u>City Administrator</u> <i>(Title)</i>
	DATE: _____
	Attest: Approved as to form: _____ City Clerk City Attorney
	DATE: _____ DATE: _____
NOTICES TO BE SENT TO:	NOTICES TO BE SENT TO:
CONTRACTOR:	CITY OF SUMNER:
Ron Petereson Peterson Brothers, Inc. 2008 East Valley Hwy E Sumner, WA 98390 253-863-8136 ron@petersonbrothers.com	Michael Kosa, City Engineer City of Sumner 1104 Maple Street Sumner, WA 98390 253-299-5709 michaelk@sumnerwa.gov

Proposal

To: City of Sumner

- Pursuant to and in compliance with your Advertisement for Bids and the other documents relating thereto, the undersigned Bidder, having familiarized himself with the terms of the project related to those items herein bid, being aware of the local conditions affecting the performance of a Contract covering the items bid, having knowledge of the cost of the work at the place where the work is to be done and having familiarized himself with the Contract Documents, hereby proposes and agrees to perform the work and/or to furnish the equipment, any or all of the labor, materials, tools, expendable equipment and all utility and transportation services necessary to perform a Contract covering any or all of those items herein bid and to complete in a workmanlike manner all work covered by said Contract in connection with the Owner's **Sumner Tapps Hwy E Guardrail Improvements, CIP 19-01**, for the amounts stated below.

Basis of Award

Bidders must bid all portions of the work. The bidder understands that the award shall be made to the lowest responsible and responsive bidder on the basis of the sum of Schedule A. The City reserves the right to withdraw any item(s) that were used for the basis of award, based on funding limitations or other considerations, for execution of a contract.

A. BID ITEMS (See Special Provisions and Standard Specifications for description of bid items)

SUMNER TAPPS HWY E GUARDRAIL IMPROVEMENTS						
ITEM NO.	ESTIMATED QUANTITY	UNIT	DESCRIPTION OF ITEM	SECTION	UNIT PRICE	AMOUNT
1	1	CALC	Minor Change \$ twenty-five thousand (Words)	1-04	\$25,000.00	\$25,000.00
2	1	L.S	SPCC Plan \$ Seven Hundred Ninety Four dollars ⁷⁶ / ₁₀₀ (Words)	1-07	\$ 794 ⁷⁶ / ₁₀₀	\$ 794 ⁷⁶ / ₁₀₀
3	1	L.S	Mobilization \$ Four thousand Seven Hundred Eighty-two dollars ⁷⁵ / ₁₀₀ (Words)	1-09	\$ 4,782 ⁷⁵ / ₁₀₀	\$ 4,782 ⁷⁵ / ₁₀₀
4	1	L.S.	Project Temporary Traffic Control \$ Seventy Five thousand Nine Hundred Eighty Four dollars ⁸³ / ₁₀₀ (Words)	1-10	\$ 75,974 ⁸³ / ₁₀₀	\$ 75,974 ⁸³ / ₁₀₀
5	1600	HOURL	Portable Changeable Message Sign \$ Six dollars ⁷² / ₁₀₀ (Words)	1-10	\$ 6 ⁷² / ₁₀₀	\$ 10,752 ⁰⁰ / ₁₀₀

SUMNER TAPPS HWY E GUARDRAIL IMPROVEMENTS

ITEM NO.	ESTIMATED QUANTITY	UNIT	DESCRIPTION OF ITEM	SECTION	UNIT PRICE	AMOUNT
6	1	L.S.	Clearing <i>Sixty Six thousand Sixty</i> <i>\$ one dollars ⁵⁷/₁₀₀</i> (Words)	2-01	<i>\$ 66,061 ⁵⁷</i>	<i>\$ 66,061 ⁵⁷</i>
7	1	F.A.	Roadside Cleanup \$ ten thousand (Words)	2-01	\$10,000.00	\$10,000.00
8	3,740	L.F.	Removing Guardrail <i>\$ Three dollars ⁵³/₁₀₀</i> (Words)	2-02	<i>\$ 3 ⁵³</i>	<i>\$ 13,202 ²⁰</i>
9	110	TON	Gravel Borrow Incl. Haul <i>\$ Eighty three dollars ³¹/₁₀₀</i> (Words)	2-03	<i>\$ 83 ³¹</i>	<i>\$ 9,164 ¹⁰</i>
10	24	EACH	Inlet Protection <i>\$ Sixty Seven dollars ¹⁸/₁₀₀</i> (Words)	8-01	<i>\$ 67 ¹⁵</i>	<i>\$ 1,611 ⁶⁰</i>
11	5,460	L.F.	Beam Guardrail Type 31 <i>\$ thirty Eight dollars ⁰⁴/₁₀₀</i> (Words)	8-11	<i>\$ 38 ⁰⁴</i>	<i>\$ 207,698 ¹⁰</i>
12	5	EACH	Beam Guardrail Type 31 Non-Flared Terminal <i>Three thousand One Hundred</i> <i>\$ Four dollars ³⁴/₁₀₀</i> (Words)	8-11	<i>\$ 3,104 ³⁴</i>	<i>\$ 15,521 ⁷⁰</i>
13	2	EACH	Beam Guardrail Anchor Type 10 <i>One thousand Ninety Four</i> <i>\$ dollars ⁶³/₁₀₀</i> (Words)	8-11	<i>\$ 1,094 ⁶³</i>	<i>\$ 2,189 ²⁶</i>
14	550	L.F.	Buried Terminal <i>\$ Eighty Nine dollars ¹⁵/₁₀₀</i> (Words)	8-11	<i>\$ 89 ¹⁵</i>	<i>\$ 49,032 ⁵⁰</i>

Schedule A Base Bid Total \$ *491,785 ⁶⁷*

EXHIBIT B

CITY OF SUMNER

**CERTIFICATION OF COMPLIANCE WITH SUMNER MUNICIPAL CODE CHAPTER 3.30
“E-VERIFY“**

As the person duly authorized to enter into such commitment for

_____,
Peterson Brothers, Inc.

I hereby certify that the Company or Organization named herein will

(check one box below)

☐ Be in compliance with all of the requirements of City of Sumner Municipal Code Chapter 3.30 for the duration of the contract entered into between the City of Sumner and the Company or Organization.

OR

☐ Hire no employees for the term of the contract between the City and the Company or Organization.

NAME

TITLE

DATE

EXHIBIT C

APPENDIX II TO PART 200---CONTRACT PROVISIONS FOR NON-FEDERAL ENTITY CONTRACTS UNDER FEDERAL AWARDS

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the City of Sumner under federal award(s) are subject to the following provisions, as applicable.

(A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964- 1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, the following language is hereby incorporated into the contract as if fully set forth therein:

Application of Uniform Guidance. If this contract involves the use, in whole or in part, of federal award(s), the following provisions (29 CFR, Subtitle A Part 5, Subpart A, § 5.5, subsections (a)(1) – (a)(10)) shall apply:

(1) Minimum wages.

(i) All laborers and mechanics employed or working upon the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics. Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph (a)(1)(iv) of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in § 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph (a)(1)(ii) of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

(ii)

(A) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(1) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

- (2) The classification is utilized in the area by the construction industry; and
- (3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(B) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(C) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(D) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs (a)(1)(ii) (B) or (C) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

(iii) Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

(iv) If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program. Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

(2) Withholding. The City of Sumner shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld from the contractor under this contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), all or part of the wages required by the contract, the (Agency) may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

(3) Payrolls and basic records.

(i) Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work (or under the United States Housing Act of 1937, or under the Housing Act of 1949, in the construction or development of the project). Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

(ii) (A) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the City if the agency is a party to the contract, but if the agency is not such a party, the contractor will submit the payrolls to the applicant, sponsor, or owner, as the case may be, for transmission to the City. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying

number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the City if the agency is a party to the contract, but if the agency is not such a party, the contractor will submit them to the applicant, sponsor, or owner, as the case may be, for transmission to the City, the contractor, or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the sponsoring government agency (or the applicant, sponsor, or owner).

(B) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(1) That the payroll for the payroll period contains the information required to be provided under § 5.5

(a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under § 5.5

(a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;

(2) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(3) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(C) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph

(a)(3)(ii)(B) of this section.

(D) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

(iii) The contractor or subcontractor shall make the records required under paragraph (a)(3)(i) of this section available for inspection, copying, or transcription by authorized representatives of the City or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the Federal agency may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

(4) Apprentices and trainees.

(i) Apprentices. Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed. Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination. In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(ii) Trainees. Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration. The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(iii) Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

(5) Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

(6) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses contained in 29 CFR 5.5(a)(1) through (10) and such other clauses as the City may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

(7) Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

(8) Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

(9) Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7.. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

(10) Certification of eligibility.

(i) By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(ii) No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(iii) The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR §401.2 (a) and the recipient or sub recipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or sub recipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended- Contracts and sub grants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to

comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 U.S.C. 6201).

(I) Debarment and Suspension (Executive Orders 12549 and 12689)-A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1986 Comp., p. 189) and 12689 (3 CFR Part 1989 Comp., p. 235), "Debarment and Suspension." The Excluded Parties List System in SAM contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(J) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)-Contractors that apply or bid for an award of \$100,000 or more must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

SUBJECT: Public Comment (Limit 3 minutes)

CATEGORY:

Members of the community who wish to give public comment are strongly encouraged to join the meeting via the ZOOM link or by telephone. If you are unable to join the meeting, please submit your public comment in writing via email to the City Clerk at Michellec@sumnerwa.gov no later than 5:30pm on the date of the meeting. Any written comments received will be read into the record and provided to the City Council. Please contact the City Clerk at 253-299-5590 with any questions.

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

STAFF CONTACT:

SUMMARY BACKGROUND:

COUNCIL COMMITTEE/STUDY SESSION:

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION: Committee Do-Pass

STAFF RECOMMENDATIONS/MOTION:

SUBJECT: 2022 Deputy Mayor Selection

CATEGORY: Motion

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

STAFF CONTACT: Jason Wilson, City Administrator

SUMMARY BACKGROUND:

Per the Council Rules Section 19. Below:

Section 19. Deputy Mayor Selection Process and Duties

19.1 The Deputy Mayor shall be elected to a one (1) year term at the first Regular Council meeting in January of each year. The Mayor shall conduct the election for the Deputy Mayor.

19.2 The Mayor shall preside at all meetings of the Council, and in the absence of the Mayor, the Deputy Mayor will act in that capacity, following established procedures and directives provided in Section 10 of the Council Rules for the Mayor. If both the Mayor and Deputy Mayor are absent, the Councilmembers present shall elect one of its members to serve as Presiding Officer until the return of the Mayor or Deputy Mayor.

For this action, the Mayor will accept nominations from the Council and those nominations will be voted upon.

COUNCIL COMMITTEE/STUDY SESSION:

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Select the 2022 Deputy Mayor.

SUBJECT: 2022/2023 Committee Selection**CATEGORY:** Information Only

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Committee Descriptions
2. Tally Sheet

STAFF CONTACT: Jason Wilson, City Administrator

SUMMARY BACKGROUND:

Per the Council Rules, Section 20 – City Council Committees, committee members are to be selected every two years, on even numbered years. Historically this has been accomplished by choosing committee assignments based on seniority. Seniority is as indicated below:

Councilmember	Took Office	Current Committees
Curt Brown	2004	Public Safety, Community Development, Public Works
Cindi Hochstatter	2008	Community Development, Finance & Personnel (Alt.), Public Works, American Rescue Plan
Patrick Reed	2016	Finance & Personnel, Public Safety (Alt.), American Rescue Plan
Barbara Bitetto	2018	Finance & Personnel, Public Safety, American Rescue Plan (Alt.)
Charla Neuman	2020	Finance & Personnel, Public Works
Earl Stuard	2022	
Pat Cole	2022	

As directed by the Mayor and based on the above seniority, Councilmembers will make their first selection for a committee then begin again with the most senior Councilmember, choosing either a second committee seat or an alternate position. The process will continue until all available seats on each Council committee and the alternate positions for each are filled. For Councilmembers Cole and Stuard who have equal seniority, a coin flip (at their request) determined the selection order. For 2022 the order will be Stuard and then Cole. In 2024 it will switch to Cole then Stuard.

Meeting times and chair positions are agreed upon by committee members at their first meeting.

COUNCIL COMMITTEE/STUDY SESSION:**MEETING/STUDY SESSION DATE:****COMMITTEE RECOMMENDATION:****STAFF RECOMMENDATIONS/MOTION:**

Choose committee and alternate assignments for 2022-2023.

The **Finance and Personnel Committee** considers appropriations, finances, taxation, revenues, technology systems, labor relations, personnel, and other benefits, insurance, audits and city budget and other ad hoc matters as assigned.

2021 Meeting Schedule: 1st Wednesday at 5:30 pm

The **Community Development Committee** considers matters relating to community development, planning and land use, annexations, code enforcement, block grants, business improvement districts, emerging business enterprises, and other ad hoc matters as assigned.

2021 Meeting Schedule: 4th Wednesday at 5:00 pm

The **Public Works Committee** is responsible for physical services provided by the city such as street and alley maintenance, sewer, water and flood control projects, shop facilities, fleet and other ad hoc matters as assigned.

2021 Meeting Schedule: 1st Tuesday at 4:00 pm

The **Public Safety Committee** will provide policy recommendations on legislative matters relating to police, fire, emergency services, public safety facilities, animal control and other ad hoc matters as assigned.

2021 Meeting Schedule: 3rd Wednesday at 5:00 pm

The City **Lodging Tax Advisory Committee** is established by law to review applications for funding from lodging taxes collected by the city, and to make recommendations to the county on those applications and related lodging tax issues. *Per State Law this committee has only one elected official who serves as the chair. An alternate may be appointed.*

2021 Meeting Schedule: As needed 1-2 times a year

The **American Plan Rescue Committee** was developed to formulate a strategic funding plan that establishes community priorities and aligns with eligible uses of both the direct allocations and potential funding from other federal agencies.

2021 Meeting Schedule: 1st Tuesday at 6:00 pm

2022-2023 Council Committee Assignments

Committee Name	Member	Member	Member	Alternate
American Rescue Plan				
Finance & Personnel				
Public Works				
Community Development				
Public Safety				
City Lodging Tax Advisory Committee		XX	XX	

Councilmember	Took Office	Current Committees
Curt Brown	2004	Public Safety, Community Development, Public Works
Cindi Hochstatter	2008	Community Development, Finance & Personnel (Alt.), Public Works, American Rescue Plan
Patrick Reed	2016	Finance & Personnel, Public Safety (Alt.), American Rescue Plan
Barbara Bitetto	2018	Finance & Personnel, Public Safety, American Rescue Plan (Alt.)
Charla Neuman	2020	Finance & Personnel, Public Works
Patricia Cole	2022	
Earle Stuard	2022	

SUBJECT: Rainier Cable Commission Selection

CATEGORY: Information Only

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Functions of the Rainier Communications Commission

STAFF CONTACT: Jason Wilson, City Administrator

SUMMARY BACKGROUND:

Per the Council Rules Section 21 – Appointments to Regional Organizations (below).

Council can appoint representatives to regional organizations.

21.1(d) When the Council has the authority to make direct appointment to a regional committee, discussion shall take place with the full Council to determine interest. The Mayor or Councilmember receiving a majority vote will represent the City on that regional body.

21.1(e) Changes in representation to regional committees where the Council has the authority to make a direct appointment shall also be determined through full Council discussion and majority vote of the Council.

Meetings are held at 8:00am on the third Wednesday, bi-monthly - January, March, May, July, September and November. The term of office shall be for two years and representatives may be reappointed or changed at the discretion of the City. The RCC also recommends appointing an alternate who would attend meetings on behalf of the City in the absence of the appointed representative.

COUNCIL COMMITTEE/STUDY SESSION:
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MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Appoint a representative and alternate to the Rainier Communications Commission to represent the City of Sumner.

Functions of the Rainier Communications Commission

The functions of the Rainier Communications Commission shall be as follows:

- 1) Endeavor through research and cooperation with a wide spectrum of public and private entities to develop expertise in the cable television and telecommunications fields and share this expertise and information with its members. This endeavor shall include, but is not limited to, research on the magnitude of non-competitive cable service being provided, any failure of television cable companies to comply with the terms of their franchise agreement, the effects thereof, and the development of recommended strategies that will foster the providing of state-of-the-art cable and telecommunication services at the lowest price to users, which strategies may include municipal ownership and operations.
- 2) Develop and maintain a central data bank and make available expert advice to each member on cable television matters.
- 3) Study and advise each member regarding an exercise of that jurisdictions' cable television and telecommunications related franchise powers and advise and assist in the preparation and enforcement of franchises and related agreements or ordinances upon request.
- 4) Take specific action on behalf of individual members as authorized or to recommend specific actions for individual members to take in regard to the provision of cable television and telecommunication services and to the regulation and oversight of telecommunications activities and operators.
- 5) Provide a forum for intercommunication and consultation among members and to provide an opportunity for joint sharing of the expense, data expertise, experiences and plans of each of the members on cable television matters.
- 6) If requested by a member, provide through staff or consultants to be made available under this Agreement, for the soliciting, reviewing and analyzing of cable television and telecommunication proposals, modifications, transfers and renewals and for negotiating the proposed franchise terms with applicants, and for other actions relating to monitoring and enforcing cable operator compliance with cable franchisees and related agreements.
- 7) Provide advise and recommendation as to agreements between members for the production of programming for public and municipal purposes,
- 8) Provide information and advice to members in regard to the obligation of cable operators and telecommunication providers under federal, state and local laws.
- 9) Prepare a model telecommunications ordinance and cable franchise agreements for consideration by each of the local jurisdictions to act jointly on cable television and telecommunications matters.

10) Recommend to the respective members the manner in which supporting staff for Commission should be provided and make recommendations from time to time as to the employment of outside consultants in the providing of expert and technical services to members.

11) Perform such other duties and functions as prescribed by this Agreement.

SUBJECT: Pierce County Regional Council Representative Selection

CATEGORY: Motion

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Pierce County Regional Council Member Cities

STAFF CONTACT: Jason Wilson, City Administrator

SUMMARY BACKGROUND:

When the Growth Management Act (GMA) passed in 1990, it mandated that cities and counties plan for growth collaboratively. In 1991, Pierce County created the Growth Management Steering Committee consisting of elected officials from every city in the County. The Port of Tacoma and the Library District also participate. In 1998, the steering committee was changed to the Pierce County Regional Council (PCRC) and continued its role in maintaining countywide planning policies. The PCRC also makes recommendations on allocation of certain federal transportation grants.

The appointment is for two years. The member and alternate(s) must be elected officials representing the member agency. There is no limit to the number of alternates the City can appoint. A member jurisdiction can select its representative(s) and designated alternate(s) by its own appropriate process.

Per the Council Rules Section 21 – Appointments to Regional Organizations (below), Council can appoint representatives to regional organizations.

21.1(d) When the Council has the authority to make direct appointment to a regional committee, discussion shall take place with the full Council to determine interest. The Mayor or Councilmember receiving a majority vote will represent the City on that regional body.

21.1(e) Changes in representation to regional committees where the Council has the authority to make a direct appointment shall also be determined through full Council discussion and majority vote of the Council.

In the past, Sumner has chosen their representative and alternate through a selection process at the first Regular Council Meeting of the year.

COUNCIL COMMITTEE/STUDY SESSION:

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Select a Sumner representative and alternate(s) for the Pierce County Regional Council.

PIERCE COUNTY REGIONAL COUNCIL

Current Sumner representative - Councilmember Reed / Alt. Councilmember Neuman

City of Auburn
City of Bonney Lake
City of Buckley
Town of Carbonado
City of Dupont
Town of Eatonville
City of Edgewood
City of Fife
City of Fircrest
City of Gig Harbor
City of Lakewood
City of Milton
City of Orting

City of Pacific
Pierce County
Port of Tacoma
City of Puyallup
City of Roy
Town of Ruston
Town of South Prairie
Town of Steilacoom
City of Sumner
City of Tacoma
City of University Place
Town of Wilkeson

SUBJECT: Principles of Conduct

CATEGORY: Motion

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Council Principles of Conduct

STAFF CONTACT: Jason Wilson, City Administrator

SUMMARY BACKGROUND:

The Principles of Conduct were drafted in 2011 as an acceptable code of conduct for Councilmembers in and out of the Council meetings in relation to City business. It has been the practice of the Council to pass a motion to accept and sign the Principles of Conduct every two years or when new members are added to the Council.

COUNCIL COMMITTEE/STUDY SESSION:

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Vote to accept the Principals of Conduct and have Councilmembers sign them.



CITY OF SUMNER MAYOR & CITY COUNCIL PRINCIPLES OF CONDUCT

Courtesy Norms

We agree:

1. To promote and require respect and civility in dialog between the Mayor and Councilmembers while still allowing for healthy disagreement.
2. To be courteous and professional at all times in recognition that Council communications and behaviors set the tone for the organization.
3. To allow the public to respectfully present information and opinions at appropriate meeting times.
4. To not engage in debate with the public during Council meetings.
5. To authorize the presiding officer, when complaints are raised by the public or an elected official at a Council meeting, to follow up with the speaker to work towards resolution; alternatively, if the item can be easily resolved or answered, the presiding officer may provide the answer at the time of comment or refer the issue to staff. The presiding officer will acknowledge the speaker's comments.
6. To not pass food or eat at the dais.
7. To help ensure that everyone who wants to speak gets a chance to by limiting individual comments so as to not be repetitive, argumentative, and off-topic.
8. To be recognized by the presiding officer before speaking.
9. To not have side conversations, cell phone calls, on-line activity, or texting during meetings.
10. To include, when possible, in regular Council meetings a positive note or celebration of community accomplishments, recognition of staff achievement, or presentation of an award or commendation for the City, an employee, or other official.
11. To use formal titles (Councilmember Jones, Mayor Anderson, etc.) during regular Council meetings. It shall be left up to each individual's discretion at informal meetings and work sessions.
12. The Mayor will be respectful of Council time by scheduling full and complete meetings and not having work sessions when there are insufficient agenda items or overloading any one agenda with business items.
13. To honor and respect disagreements and differences as an important feature of policy making and governance.
14. To not criticize those who vote against your position on any issue.

15. To respect the decision once a policy is passed or defeated by the majority vote.
16. To strive to honor time limits on meetings but eliminating unnecessary questions and remarks.
17. To strive to attend assigned regional or committee meetings or inform the Mayor, consistent with the adopted Council Rules, if unable to. Notice will be in time to provide an alternate to attend meetings on your behalf.
18. To come to meetings on time, having read the preparatory materials.
19. To carefully research the facts, the other organization's perspective, and potential damage to organizational relationships before criticizing another partner agency or organization. If possible, criticism and concerns will be delivered to the agency directly.
20. To respect City staff in their role as experts and advisors and not make demeaning or critical comments about them. Concerns about performance of staff will be raised to the Mayor or City Administrator.
21. To retain materials requiring subsequent review thereby eliminating duplication of voluminous materials.

No Surprise Rule

We agree:

1. To make every attempt, as an elected official, to notify staff in advance of public meetings about key questions and discussion points that the officials would like addressed during Council meetings.
2. To notify fellow Councilmembers of key issues, events, and other emerging issues of interest or concern to the Council in advance of public notification.
3. To be inclusive in policy making.
4. To regularly check email in order to use it as an efficient tool for communicating City news.
5. To follow Council protocols and use of committees for introduction of new issues to be brought to the Council.

Role of Mayor and Councilmembers

We agree:

1. To strive for a partnership in the governance and operation of the City while respecting the necessary responsibilities for checks and balances.
2. That the Mayor shall seek to involve the Council in civic events and celebrations.
3. To use the Council Committee structure to flesh-out issues, develop and review alternatives, make recommendations to the full Council, and provide input to the Mayor and staff.
4. To empower staff to give input and challenge the potential ideas and direction of Council provided it is done respectfully, professionally, and in the appropriate setting (such as in

private, in a work session, or committee meeting). Similarly, staff is clear to help ensure that all perspectives and alternatives are represented prior to action. Council will be clear in asking if they are seeking facts/data or opinions.

5. To understand that City staff will inform the Mayor of their contacts with the City Council in the interest of keeping the entire leadership team informed on key issues and requests.
6. To understand as the Mayor, City Administrator, Senior Staff, and City Council that an informed policy body is the most effective means to establishing sound public policy and therefore shall strive to both ask and answer any question that is relevant to creating and managing public policy.
7. To learn about the actions and/or processes that occurred in meetings during an individual Councilmember's absence and take individual responsibility for obtaining the information, consistent with the Mayor's memo regarding interactions with the City staff.
8. To strive for unanimous votes from the City Council on decisions affecting key issues.

Media Relations and Protocols

We agree:

1. To speak only for one's own particular point of view on an issue and clarify to the reporter that you are only speaking for yourself. Do not speak for the entire Council or the City unless specifically authorized to do so.
2. To utilize the Executive Department as a resource to assist with media contacts or notify others of media contacts.
3. To not comment on issues of pending or potential litigation, referring those media contacts to the Executive Department.

SIGNED & AGREED ON THIS _____ DAY OF _____, 2022:

Mayor Kathy Hayden

Deputy Mayor

Councilmembers:

SUBJECT: Ordinance No. 2805 - Amending Special Events Code - Sumner Municipal Code 12.52

CATEGORY: Ordinance

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Ordinance No. 2805 - Amending SMC 12.52 - Special Event Permits
2. 2022 Special Event Fee Schedule

STAFF CONTACT: Ryan Windish, Community Development Director

SUMMARY BACKGROUND:

Special event permits are required for large community and public events that may impact traffic, businesses, residents and require city services such as street closures. A special event permit allows for the city to address potential negative impacts and coordinate services to have a successful event. Ordinance No. 2805 contains code amendments that would increase fees to address increases in city costs, amends the definition for a "special event" to include vehicle related events such as cruising events, and makes other minor amendments. Note: The Special Events Fee Schedule is approved administratively and not part of Ordinance No. 2805 and is for reference only.

COUNCIL COMMITTEE/STUDY SESSION: Community Development Committee
MEETING/STUDY SESSION DATE: 12/22/2021
COMMITTEE RECOMMENDATION: Do Pass

STAFF RECOMMENDATIONS/MOTION:

Move to adopt Ordinance No. 2805 amending the Special Events Permit Code Sumner Municipal Code -12.52.

**ORDINANCE NO. 2805
CITY OF SUMNER, WASHINGTON**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, UPDATING SPECIAL EVENTS PERMIT REGULATIONS TO ADDRESS DRIVE-IN/DRIVE-THROUGH EVENTS AND SPECIAL EVENT FEES AND AMENDING CHAPTERS 12.52 OF THE SUMNER MUNICIPAL CODE.

WHEREAS, the City of Sumner Special Events permit fees need to be updated to reflect increased hourly rates and other costs related to special events; and

WHEREAS, the fee schedule is being updated to be simplified and give the authority to set the fees administratively; and

WHEREAS, organized events involving vehicle parades and rallies and drive-through or cruising may create traffic congestion and noise that that impacts businesses and residents and therefore warrant a Special Event permit; and

WHEREAS, the City Council Community Development Committee reviewed these amendments on, December 22, 2021 and voted unanimously on a recommendation to adopt.

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

Section 1. That Sumner Municipal Code section 12.52.010 “Definitions” and definition “Special Event” is hereby amended to read as follows:

“12.52.010 Definitions

...

“Special event” means an event or happening organized by any person, firm, organization or corporation which will generate or invite considerable public or private participation and/or spectators, **and may create traffic and congestion interfering with normal street operations** for a particular and limited purpose and time, including, but not limited to, fun runs, foot races, fund-raising walks, bike-athons, weddings, reunions, concerts, parties, parades, carnivals, food fairs, shows, **vehicle drive-in/drive-thru events**, exhibitions, circuses, farmers markets, flower stands, street dances, flea markets, auctions and fairs. Special events pursuant to this chapter apply to those activities conducted partially or entirely on public property or require public resources.

Section 2. That Sumner Municipal Code section 12.52.015 “Policy” and is hereby amended to read as follows:

“12.52.015 Policy.

It is the policy of the city, as implemented through this code and any procedures adopted hereunder, to recognize the substantial community benefits that result from special events. These events provide cultural enrichment **and inclusivity**, promote economic vitality **and equity**, and enhance community **diversity**, identity and pride. They also may provide opportunities for family activities and funding for our community’s nonprofit agencies.

Partnerships between the city, event sponsors and the community are valuable in ensuring successful events. Therefore, the city will strive to accommodate special events. The city recognizes that events can be difficult to implement successfully and that the city requirements may represent a significant portion of an event's costs. When setting fees and conditions for events, the city will be sensitive to their impacts on the event's costs while balancing the city's obligation to protect public health, and safety **and impacts to the community such as noise and traffic congestion.** It is the city's goal to have successful special events that enrich and enliven the community.

It is the policy of the city that events be staged in various areas in Sumner when feasible, thus encouraging the participation by a greater number of Sumner citizens. The city also recognizes that certain events are site-specific; therefore flexibility is important when determining event locations."

Section 3. That Sumner Municipal Code section 12.52.030 "Fees" is hereby amended to read as follows:

"12.52.030 Fees.

~~Applicants for private special event permits involving city services shall pay 100 percent of the staff and equipment costs (if applicable) for the city to close the street, including any applicable rental fees associated (e.g., extra barricades), subject to the below fee structure.~~

Applicants for special event permits involving city services shall pay 100 percent of any facility rentals (e.g. streets or parks), banner hanging fees, rental fees (e.g., extra barricades), equipment costs, and connections or services (if applicable). Such fees will be adopted annually by the Mayor and City Administrator.

~~Applicants for public special event permits involving city services shall pay a portion of the staff and equipment costs (if applicable) for the city to close the street, including any applicable rental fees associated (e.g., extra barricades), subject to the below fee schedule.~~

Staff/Equipment Costs	Permit Fee
Less than \$1,000	Actual costs not to exceed \$500
\$1,001 — \$2,500	Actual costs not to exceed \$1,500
\$2,501 — \$5,000	Actual costs not to exceed \$2,500
\$5,001 — \$10,000	Actual costs not to exceed \$5,000
Over \$10,000	To be negotiated between applicant and city

Applicants for a special event that requires staff at the event (e.g. police officers for crowd/traffic control, public works employees to close down a road) shall pay 50 percent of all labor costs (if

applicable). Such fees will be adjusted annually based on billable labor rates approved by the Chief Financial Officer.

The city may budget funds to sponsor a portion or all of the costs associated with certain civic related events as determined by the city.

The applicant for a special events permit shall post the fee with the city prior to the issuance of the permit. Any additional fees incurred shall be paid within 30 days of the end of the event. A permit to hang a street banner is \$150.00 per banner, per occurrence.”

Section 4. That Sumner Municipal Code section 12.52.030 “Fees” is hereby amended to read as follows:

“12.52.040 Application – Contents.

The application for a special events permit shall be made to the director and shall include the following information:

- A. The proposed location of the special event venue, which may be identified by a map attached to the special event permit;
- B. The date, assembly area, time for assembly, and starting time of the special event;
- C. The specific route plan proposed for the special event;
- D. The proposed minimum and maximum speeds of the vehicles or other conveyances used in the special event;
- E. The proposed number and types of persons, animals, and vehicles; the number of bands, other musical units, and equipment capable of producing sound, if any; and limitations thereon pertaining to noise abatement;
- F. The proposed maximum interval of space to be maintained between booths or other structures to be used for the special event;
- G. The proposed portion of the street and sidewalk that is to be occupied by the special event;
- H. The proposed location of reviewing or audience stands, if any;
- I. The proposed number and location of traffic controllers, monitors, other support personnel and equipment, and barricades to be furnished by the special event organizer;
- J. The proposed area and time for disbanding;
- K. The proposed plan for garbage collection and disposal;
- ~~K~~L. The proposed conditions or restrictions on the use of alcoholic beverages and authorization for and conditions of the exclusive control or regulation of vendors and related sales activity by the event organizer during the special event;
- ~~L~~M. The proposed provisions for any required emergency medical services; and

MN. Such other information and conditions as are reasonably necessary for the conduct of the special event and the enforcement of this chapter, including the requirement for the on-site presence of the event organizer or its designated representative for all special event coordination and management purposes.

Section 5. That Sumner Municipal Code section 12.52.060 “Permit-Conditions” is hereby amended to read as follows:

“12.52.060 Permit – Conditions.

The director may attach conditions to the permit issuance in order to ensure compliance with this chapter and/or other applicable law and regulations.

- A. The time, hours, location and size of the special event will comply with city code requirements, will not unnecessarily impact the city and/or disrupt movement of traffic within the city;
- B. The special event will not endanger the participants, spectators or the noninvolved public;
- C. Adequate plans for parking exist to meet the needs generated by the proposed event;
- D. The proposed event or use of the street will not intrude onto or over any portion of a public or private right-of-way open to vehicle or pedestrian travel in such a manner as to create a likelihood of endangering vehicles or pedestrians. In addition, in the event the requested permit involved encroachment or partial obstruction of a sidewalk or other walkway open to the public, a minimum of three feet of unobstructed sidewalk or other walkway shall be maintained at all times; and
- E. The location of the special event will not cause undue hardship for adjacent business or residents.
- F. As a condition of the issuance of a special event permit, the applicant shall be required to make adequate provisions for cleaning the area or route of the special event both during and upon completion of the special event and to return the area or route to the same condition of material preservation and cleanliness as existed prior to the special event.
- G. The director may also condition the special event with any other condition necessary to protect the health and safety of the public.
- H. When and event is located more than 500 feet from any restroom maintained by the city or when the event exceeds 500 people, additional ADA compliant portable toilets shall be provided at the expense of the applicant.

Section 6. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 7. 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; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 8. Effective Date. This ordinance shall become effective five (5) days after its passage, approval and publication as provided by law.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this _____ day of 2022.

Mayor Kathy Hayden

Attest:

Approved as to form:

City Clerk Michelle Converse

City Attorney Andrea Marquez

First Reading:
Date Adopted:
Date of Publication:
Effective Date:

SPECIAL EVENT COSTS & SERVICES

Labor Costs

Prices listed in this section do not reflect permit costs, facility rentals, or any other costs associated with services or rental of equipment. Fees below to be paid for by the applicant at 50%.

Standard Police Officer Rates (1 hour min.)	\$62.00 per hour
Overtime Police Officer Rates (3 hour min.)	\$93.00 per hour
Standard Public Works Rates (1 hour min.)	\$43.00 per hour
Overtime Public Works Rates (3 hour min. after regular hours and on Saturdays)	\$60.00 per hour
Double-time Public Works Rates (4 hour min. on Sundays and holidays)	\$77.00 per hour
Main St. Public Restroom Cleaning Rates (1 hour min.)	\$25.00 per hour
Overtime Main St. Public Restroom Cleaning Rates (3 hour min.)	\$37.50 per hour

Facility and Location Rental

Prices listed in this section do not reflect labor, barricade rentals, traffic control by Sumner Police Department, or any other costs or services affiliated with the rental of the facility. Fees below to be paid for by the applicant at 100%.

City of Sumner Parking Lots: #1- Mount Hood (Between North St. & Main St.), #2- Delta Queen (off North St.), #3- King Alfred (Ryan Ave. & North St.), #4- Golden Ducat (Main St.) #5- Cheerfulness (Main St. & Ryan Ave.), or the City of Sumner Employee Parking Lot* (Alder Ave. & Academy) *available after City Hall hours only	\$50.00 each per day
Rhubarb Alley	\$50.00 per day
Roads or Streets: Kincaid Ave. between Maple & Main, Cherry Ave between Maple & Main, Main Street—Kincaid Ave to Alder Ave, Main Street—Alder Ave to Ryan Ave, Bridge St. bridge, or other	\$50.00 each per day
Public Parks: Loyalty Park, Heritage Park (without street closures), Rainier View Park, Ryan House Lawn or other	\$50.00 each per day

Equipment/Services

Prices listed in this section do not reflect permit costs, labor, facility rentals, traffic control by Sumner Police Department, or any other costs affiliated with services or rental of equipment. Fees below to be paid for by the applicant at 100%.

Street Sweeping (Please note: The City of Sumner may require street sweeping for large scale events or parades)	\$100.00 per hour
Extra Barricades	\$5.00 each
Connection to a City power box	\$10.00 per day
Access to City water (Available at #5 Main & Ryan parking lot only)	\$10.00 per day
Gray Water Dump Site	\$10.00 per day
Adjustments to Lock/Unlock Public Restrooms After Regular Hours	\$25.00 per event
Requests To Adjust Music on City Sound System	\$25.00 per event

Promotional Banner

The banner hanging fee includes labor and equipment rental. Fee below to be paid for by the applicant at 100%.

Hang Promotional Banner (Banner supplement application required)	\$150.00 each banner
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Permit Fees

Applicants for special event permits involving city services shall pay 100% of any facility rentals (e.g. streets or parks), banner hanging fees, rental fees (e.g., extra barricades), equipment costs, and connections or services (if applicable). Applicants for a special event that requires staff at the event (e.g. police officers for crowd/traffic control, public works employees to close down a road) shall pay 50 percent of all labor costs (if applicable).

Fees may be reviewed annually. (SMC 12.52.030)

SUBJECT: Ordinance No. 2806 - Adding the Lucy V. Ryan Park as a City Park

CATEGORY: Ordinance

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Ordinance No. 2806 - Adding Lucy Ryan Park
-

STAFF CONTACT: Ryan Windish, Community Development Director

SUMMARY BACKGROUND:

The Lucy V. Ryan Park, which also contains the "Ryan House", was deeded to the city in 1926 with covenants and restrictions retaining it as a city park by the Ryan family. In accordance with the 1926 deed and its 1979 amendment, Lucy V. Ryan Park shall remain open and accessible for use by the public. The city works with public and private partners to establish short and long-term leases using the facility, in accordance with the deeds, and maximize its ability to remain open and accessible to the public for recreation and gathering, either through use agreements or as outlined by the Special Event Permit process. Ordinance No. 2806 would add Lucy V. Ryan Park to the list of city parks in the Sumner Municipal Code and establish specific rules for said park.

COUNCIL COMMITTEE/STUDY SESSION: Council CD Committee

MEETING/STUDY SESSION DATE: 12/22/2021

COMMITTEE RECOMMENDATION: Do Pass

STAFF RECOMMENDATIONS/MOTION:

Move to approve Ordinance No. 2806 - adding the Lucy V. Ryan Park to the City of Sumner Municipal code SMC 12.60.

ORDINANCE NO. 2806
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, ADDING THE LUCY V. RYAN PARK AS A CITY PARK AND UPDATING NAMES OF OTHER PARKS AND FACILITIES AND AMENDING CHAPTERS 12.60 OF THE SUMNER MUNICIPAL CODE.

WHEREAS, the Lucy V. Ryan House was dedicated to the City in 1926 with covenants and restrictions retaining it as a city park by the Ryan family; and

WHEREAS, in accordance with the 1926 deed and its 1979 amendment, the Lucy V. Ryan Park shall remain open and accessible for use by the public; and

WHEREAS, the City works with public and private partners to establish short- and long-term leases using the facility and maximizing its ability to remain open and accessible to the public for recreation and gathering, either through use agreements or as outlined by the Special Event Permit process; and

WHEREAS, Chapter 12.60 “City Parks and Facilities” does not list the Lucy V. Ryan House as a park; and

WHEREAS, the Sumner School District changed the name to the Sumner-Bonney Lake School District in 2017; and

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

Section 1. That Sumner Municipal Code section 12.60.020 “Applicability” is hereby amended to read as follows:

“12.60.020 Applicability.

This chapter shall apply to all city owned parks, trails, and facilities which now or may in the future exist.

A. City parks shall include Loyalty Park, Seibenthaler Park, Reuben A. Knoblauch Heritage Park, ~~Library Park~~, Skateboard Park (SK8), Rainier View Park, ~~Confluence Park~~, Lucy V. Ryan Park and the Bill Heath Sports Complex.

B. City trails shall include the Sumner Link Trail and all adjoining recreational and amenity areas.

C. City facilities include Sumner Senior Center, City Hall, Sumner Regional Wwaste Wwater Treatment plant Facility, ~~city shops~~ Operations Facility, ~~the Ryan House~~, library park and cemetery.”

Section 2. That Sumner Municipal Code section 12.60.070 “Heritage Park” is hereby amended to read as follows:

“12.60.070 Reuben A. Knoblauch Heritage Park.

The park and/or gazebo are available for both private and public use under the special event permit process as outlined in chapter 12.52 SMC.

Priority for use of the park gazebo shall be to the city government, Sumner-Bonney Lake School District, Sumner community and not-for-profit organizations, other governmental entities doing business in Sumner, and lastly, private parties.”

Section 3. New Section. That Sumner Municipal Code chapter 12.60 “City Parks, Trails, and Facilities” is hereby amended with a new section, 12.60.085 “Lucy V. Ryan House Park” to read as follows:

“12.60.085 Lucy V. Ryan Park.

The grounds of the park and/or porch of the house are available for both private and public use under the special event permit process as outlined in chapter 12.52 SMC.

Priority for use of the porch of the house shall be to the city government, Sumner-Bonney Lake School District, Sumner community and not-for-profit organizations, other governmental entities doing business in Sumner, and lastly, private parties.”

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. 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; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 6. Effective Date. This ordinance shall become effective five (5) days after its passage, approval and publication as provided by law.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this _____ day of 2022.

Mayor Kathy Hayden

Attest:

Approved as to form:

City Clerk Michelle Converse

City Attorney Andrea Marquez

First Reading:
Date Adopted:
Date of Publication:
Effective Date:

January 2022

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1
3	4	5	6	7	8
6:00PM Regular Council Meeting (Virtual)	4:00 PM Public Works Committee (Virtual) 6:00 PM American Rescue Plan Comm. (Virtual)	5:30PM Finance Committee (Virtual)	6:00PM Planning Commission (Virtual)		
10	11	12	13	14	15
6:00PM Study Session (Virtual)		6:30PM Design Commission (Virtual)	4:30PM Forestry/Parks Commission (Virtual)		
17	18	19	20	21	22
RECOGNIZED HOLIDAY CITY HALL CLOSED	6:00PM Regular Council Meeting (Virtual)	5:00PM Public Safety Committee (Virtual)			
24	25	26	27	28	29
6:00PM Study Session (Virtual)		5:00PM CD Committee (Virtual)	5:30PM Cultural Arts Commission (Virtual)		
31					

Meeting dates and times may change. Please contact City Hall to confirm this information prior to any meeting you plan to attend. **These meetings are accessible to persons with disabilities.** For individuals who require special accommodations, please contact City Hall at (253) 299-5500, 24 hours in advance.

Name: Michelle Converse, CMC
Title: City Clerk

City of Sumner
1104 Maple Street
Sumner, Washington 98390
Ph: (253) 299-5500 Fax: (253) 299-5509
Website: www.sumnerwa.gov