



CASHMERE CITY COUNCIL MEETING
MONDAY, SEPTEMBER 9, 2024, 6:00 P.M., CITY HALL

THE PUBLIC CAN ATTEND IN PERSON, CALL-IN OR LOG-IN TO ZOOM TO PARTICIPATE IN THE CITY COUNCIL MEETING. PLEASE CALL-IN OR LOGIN 5 MINUTES PRIOR TO THE MEETING.

**To Join the Meeting Go To <https://zoom.us>
Meeting ID: 882 719 9871 Passcode: 788276
Audio Only: PH# 1-(253)-215-8782**

AGENDA

CALL TO ORDER - ROLL CALL – FLAG SALUTE

ANNOUNCEMENTS

PUBLIC COMMENT PERIOD (For Items Not on the Agenda)

APPROVAL OF AGENDA

CONSENT AGENDA

1. Minutes of August 26, 2024, Regular Council Meeting
2. Payroll and Claims Packet Dated September 9, 2024

BUSINESS ITEMS

1. Sheriff Morrison – Update on Sheriff's Office
2. Ordinance No. 1329 establishing the Cashmere Transportation Benefit District No. 1
3. Selection of Contractor for the S. Douglas Waterline Replacement project

PROGRESS REPORTS

ADJOURNMENT

MINUTES OF THE CASHMERE CITY COUNCIL MEETING
MONDAY AUGUST 26, 2024, AT CASHMERE CITY HALL – In-Person and Digital

OPENING

Mayor Fletcher opened the regular City Council meeting at 6:00 p.m. at City Hall. Clerk-Treasurer Kay Jones took minutes.

The public can attend the council meeting in person, by phone, or by digital conference.

ATTENDANCE

	<u>Present</u>	<u>Not Present</u>
Mayor:	Jim Fletcher	
Council:	John Perry Chris Carlson Shela Pistoresi Jayne Stephenson Jeff Johnson	
Staff:	Kay Jones, Clerk-Treasurer Steve Croci, Director of Operations City Attorney, Julie Norton	

ANNOUNCEMENTS

PUBLIC COMMENT

No public comment.

APPROVAL OF AGENDA

Mayor Fletcher added a closed session to the agenda to discuss union negotiations.

MOVED by Councilor Carlson and seconded by Councilor Stephensen to approve the agenda as amended. Motion carried unanimously.

CONSENT AGENDA

Minutes of August 12, 2024, Regular Council Meeting

Payroll and Claims Packet Dated August 26, 2024

Claims Direct Pay and Check #43682 through #43698 totaling \$47,301.39

Manual Check #43677 through #43681 not needing prior approval

MOVED by Councilor Carlson and seconded by Councilor Stephenson to approve the items on the Consent Agenda. Motion carried unanimously.

PUBLIC HEARING ON THE SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM 2025-2030

Mayor Fletcher opened the public hearing at 6:02 pm to take comment from the public on the Six-Year TIP. With no public present the mayor closed the hearing at 6:03 pm.

RESOLUTION NO. 06-2024 ADOPTING THE SIX-YEAR TRANSPORTATION PROGRAM (TIP)

The consensus of the council was to amend priority #5 School Zone Sidewalk Replacement and improve the crosswalk and add flashing warning lights.

MOVED by Councilor Stephenson and seconded by Councilor Pistoresi to approve Resolution No. 06-2024 adopting the Six-Year Transportation Program for 2025 – 2030 as amended. Motion carried unanimously.

WORKSHOP ON CASHMERE TRANSPORTATION BENEFIT DISTRICT FORMATION PROCESS

City Attorney Julie Norton was present to discuss the process regarding the formation of a Transportation Benefit District (TBD). The memorandum she provided outlined the steps required to form the Cashmere Transportation Benefit District (CTBD) and the steps required after the district is formed.

The first step is to schedule a public hearing regarding the creation of a TBD, the second is after the public hearing, take action to approve or reject an Ordinance establishing a Cashmere Transportation Benefit District, and the third steps is to approve an interlocal agreement between the City of Cashmere and the CTBD.

If a CTBD is formed there a several additional steps the district will need to take including creating bylaws, policies and a resolution authorizing imposition of an additional sales and use tax rate.

MOVED by Councilor Stephenson and seconded by Councilor Johnson to schedule a public hearing on September 23, 2024 at 6:00 pm regarding the creation of a Transportation Benefit District. Motion carried unanimously.

PROGRESS REPORTS

Manager Dorien McElroy reported that the SCADA project is revving up and a lot of progress will be made in the next week. The hydrant on Sunset Highway has been repaired after a traffic accident and they are working on replacing the large meters to remote read. To help the plant run more efficiently the city and W&C are working with Crunch Pak on their loading. The city and W&C received and reviewed the design plans for S. Douglas and the project is now out for bid.

Director Croci reported that the contractor for the generator project is ready to start installing the electrical quick connections and a generator has been ordered. There has been a lot of graffiti around town and the city crew has been removing it.

ADJOURNMENT

Mayor Fletcher adjourned the council meeting at 6:47 PM to enter a closed session.

CLOSED SESSION TO DISCUSS UNION NEGOTIATIONS

Mayor Fletcher closed the session at 7:09 pm.

James Fletcher, Mayor

Attest:

Kay Jones, Clerk-Treasurer

ORDINANCE NO. 1329

AN ORDINANCE OF THE CITY OF CASHMERE, WASHINGTON ESTABLISHING THE CASHMERE TRANSPORTATION BENEFIT DISTRICT NO. 1, SETTING FORTH THE PURPOSE AND AUTHORITY OF THE DISTRICT, AND SPECIFYING THAT THE BOUNDARIES OF THE DISTRICT WILL COINCIDE WITH CITY BOUNDARIES.

WHEREAS, RCW 35.21.225 authorizes the legislative authority of a city to establish a transportation benefit district (TBD) for the purpose of acquiring, constructing, improving, providing, and funding transportation improvements within the TBD, subject to the provisions of Chapter 36.73 RCW; and

WHEREAS, transportation improvements are defined in RCW 36.73.015 to include projects contained in the transportation plan of a city, and which also includes investment in new or existing highways of statewide significance, principal arterials of regional significance, high capacity transportation, public transportation, and other transportation projects and programs of regional or statewide significance including transportation demand management (TBD Projects); and

WHEREAS, TBD Projects may also include the operation, preservation, and maintenance of the previously mentioned facilities or programs; and

WHEREAS, the City of Cashmere (City) Capital Facilities Plan (CFP), as now existing and as it may exist in the future, includes elements that constitute and will constitute a “transportation plan” as contemplated by RCW 36.73.015; and

WHEREAS, the City’s “transportation plan” set forth in the CFP currently includes evidence indicating a need for a coordinated, cost-efficient approach to arterial street resurfacing improvements and other improvements that may be funded by a TBD (CFP Projects); and

WHEREAS, the City Council finds that the CFP Projects are transportation improvements within the meaning of RCW 36.73.015 and therefore also are TBD Projects; and

WHEREAS on September 23, 2024, the City Council conducted a public hearing in accordance with RCW 36.73.050, after giving proper Notice describing the proposed formation of the TBD, the TBD Projects and activities to be funded by the TBD; and

WHEREAS, the City Council finds that the City can most effectively undertake CFP Projects if it forms and works in conjunction with a TBD; and

WHEREAS, the City Council finds it to be in the best interests of the City to establish a citywide TBD to mutually fund, undertake, and implement TBD/CFP Projects, as proposed or hereafter adopted, consistent with Chapter 36.73 RCW and the City’s CFP (i.e. transportation plan), and to contract with the TBD to enable the City to provide management and staffing of the TBD’s operations; and

WHEREAS, the City Council further desires to establish a governing body for the TBD comprised of the City Council acting in an *ex officio* and independent capacity and to provide for the continuing operations of the TBD;

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

Section 1. Findings. The City council finds it is in the public interest to help provide an adequate level of funding for transportation improvements through establishment of a transportation benefit district (TBD).

Section 2. Creation of a New City Code Chapter Providing for the Formation of a Transportation Benefit District. A new Chapter 2.74 of the Cashmere Municipal Code is hereby added to read as follows:

**Chapter 2.74
Transportation Benefit District**

Sections:

- 2.74.010 Formation of Transportation Benefit District**
- 2.74.020 Geographic Limits and General Authority of District.**
- 2.74.030 Powers and Operations of District**
- 2.74.040 Governing Board**
- 2.74.050 Transportation Improvements Funded**
- 2.74.060 Annual Report to Public**
- 2.74.070 Assumption or Dissolution of District**

2.74.010 Formation of a Transportation Benefit District

The City, pursuant to RCW 35.21.225 and Chapter 36.73 RCW, hereby establishes and creates a TBD to be known and referred to as the Cashmere Transportation Benefit District (CTBD), subject to the following:

2.74.020 Geographic Limits and General Authority of District.

There is hereby created the CTBD with geographical boundaries comprised of the corporate limits of the City, as those boundaries may be adjusted in the future. CTBD shall be a quasi-municipal corporation and an independent taxing "authority" within the meaning of Article VII, section 1 of the Washington State Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the Washington State Constitution. CTBD shall constitute a body corporate and possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including but not limited to the authority to hire employees, staff, and services, to enter into contracts, to acquire, hold, and dispose of real and personal property, and to sue and be sued.

2.74.030 Powers and Operations of District

- A. The CTBD shall possess and exercise all the powers of a transportation benefit district authorized pursuant to Chapter 36.73 RCW, as existing or hereafter amended. This section shall be liberally construed to permit the accomplishment of the District's purpose. The District's powers include, without limitation the

power to: request voter approval of, and thereafter impose and collect, a sales and use tax in accordance with RCW 82.14.0455, or a vehicle fee in excess of \$20.00 up to \$100.00 as allowed by RCW 82.80.140; impose an *ad valorem* tax pursuant to RCW 36.73.060; issue general obligation and/or revenue bonds in the manner and subject to the restrictions set forth in RCW 36.73.070; form a local improvement district and impose assessments therefor; take those actions allowed, and subject to the limitations of RCW 36.73.0810, contract for street and highway improvements, and operations; exercise the power of eminent domain in the same manner as authorized for the City; and, accept and use gifts and grants.

- B. Consistent with RCW 36.73.020(4), the secretary/treasurer of the CTBD shall be the City Clerk/Treasurer. As such the Clerk/Treasurer shall establish those funds and accounts of behalf of the CTBD as required and shall disburse funds and pay claims as approved by the CTBD Board and prepare and maintain such accounts as are appropriate and/or required by state or federal law.
- C. The City Attorney will serve as legal advisor to the CTBD board, except where separate council is engaged by the CTBD.
- D. Other City employees shall carry out the operations of the CTBD as agreed by the CTBD and the City. Such employees and the contracts of the CTBD shall be overseen and administrated by the Mayor and/or his/her designee.
- E. The CTBD may contract with the City for operations, services and materials, office space and equipment, and to undertake and/or fund CFP/TBD Projects undertaken jointly or by one entity or the other.
- F. Public works contract limits applicable to the City of Cashmere shall apply to the CTBD.

2.74.040 Governing Board

- A. Consistent with RCW 36.73.020(3), the governing board of the CTBD (the "CTBD Board") shall be the members of the Cashmere City Council acting in an ex officio and independent capacity. The CTBD Board shall have the authority to exercise the statutory powers set forth in Chapter 36.73 RCW and other applicable provisions of Washington State law.
- B. The CTBD Board shall adopt governing bylaws setting forth requirements and procedures of the Board.
- C. As required by RCW 36.73.160(1), as the same may be amended from time to time, the CTBD Board shall develop a material change policy to address major plan changes that affect CTBD Project delivery or the ability to finance the plan for funding and implementing the CTBD Projects.

2.74.050 Transportation Improvements Funded.

The funds generated by the CTBD shall be used for the CTBD Projects identified at the time of adoption of this Ordinance, or as modified or amended using procedures set forth herein, and/or allowed by state law. The CTBD Projects may be amended in accordance with the material change policy described in Section 2.74.040(C) CMC and in accordance with the Notice, hearing and other procedures described in Chapter 36.73 RCW, including RCW 36.73.050(2)(b), as the same may be amended from time to time.

2.74.060 Annual Report to the Public.

As required by RCW 36.73.160(2), as the same may be amended from time to time, the CTBD shall issue an annual report, indicating the status of transportation improvement costs, transportation improvements expenditures, revenues, and construction schedules, to the public and to newspapers of record in the CTBD.

2.74.070 Assumption or Dissolution of District

The District may, at any time following formation, be assumed by the City pursuant to the authority and procedures set forth in Chapter 36.73 RCW, as existing or hereafter amended. The CTBD shall be dissolved pursuant to the procedures set forth in Chapter 36.73 RCW, when all indebtedness, if any, of the CTBD has been retired and when all of the CTBD's anticipated responsibilities have been satisfied. Notice of any dissolution shall be provided in accordance with RW 86.73.170

Section 3. Severability; Construction. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall Not affect the validity of the remaining portions of this ordinance. If the provisions of this ordinance are found to be inconsistent with the provisions of the Cashmere Municipal Code, this ordinance is deemed to control. This ordinance shall be liberally construed to permit the accomplishment of the CTBD's purposes and objectives.

Section 4. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

Approved this _____ day of _____, 2024

APPROVED:

MAYOR JAMES FLETCHER

ATTEST/AUTHENTICATED:

KAY JONES, CITY CLERK-TREASURER

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

/s/ Julie K. Norton
JULIE K. NORTON

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO. _____

Staff Summary

Date: September 5, 2024
To: City Council
From: Steve Croci, Director of Operations
RE: South Douglas Street Water Replacement

Six bids were received for the water line replacement project on South Douglas Street. The lowest bid was submitted by Accent Foundations and More LLC for \$630,727.83.

Total Bid Amount	Business Name
\$630,727.83	Accent
\$715,068.32	Hurst
\$758,600.36	Pipkin
\$729,067.22	Rudnich
\$828,696.51	Selland
\$643,176.36	Smith

Staff Recommendation:

Move to approve Accent Foundations and More LLC to replace the water line on South Douglas Street and authorize the Mayor to sign documents.
