

**WEST RICHLAND CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 5, 2017
7:00 p.m.
PRELIMINARY AGENDA**

- 1. MEETING CALLED TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF AGENDA**
- 5. PRESENTATIONS**
 - a. WFOA Distinguished Budget Award Presentation
- 6. CONSENT AGENDA**
 - a. Approve Minutes of City Council Meeting of August 15, 2017
 - b. ORD – Amending WRMC 12.04, Sidewalk, Curb and Gutter Construction
 - c. RES – Relating to Surplus Property
 - d. Approve Modification of the Closing Date for the Purchase and Sale Agreement with SSC North America, LLC
- 7. ORDINANCES, RESOLUTIONS, MOTIONS AND PUBLIC HEARINGS**
- 8. UNFINISHED BUSINESS**
- 9. NEW BUSINESS**
- 10. CITIZENS PUBLIC COMMENT**
- 11. STAFF AND COUNCIL ANNOUNCEMENTS, REPORTS AND COMMENTS**
 - a. Staff Reports
 - b. Council Reports
- 12. EXECUTIVE SESSION**
- 13. ADJOURNMENT**

**CITY OF WEST RICHLAND
CITY COUNCIL MEETING
TUESDAY, AUGUST 15, 2017**

1. **Call to Order** – Mayor Gerry called the meeting to order at 7:00 p.m.
2. **Roll Call** – Mayor Brent Gerry and Mayor Pro Tem Rich Buel were present. Council Members Richard Bloom, Gail Brown, Don Engelman, Steven Shupe, and Ken Stoker were also present. Staff members present were Community Development Director Aaron Lambert, Police Chief Ben Majetich, Finance Director Jessica Platt, Public Works Director Roscoe Slade, City Attorney Bronson Brown, and City Clerk Julie Richardson.

Upon motion by Councilmember Bloom, seconded by Councilmember Stoker, Council unanimously excused Councilmember John Smart from the meeting.

3. **Pledge of Allegiance** – Councilmember Brown led the Council, staff, and audience in the recitation of the Pledge of Allegiance.
4. **Approval of Agenda** – *Upon motion by Councilmember Engelman, seconded by Councilmember Brown, Council unanimously approved the agenda as presented.*

5. Presentations

- a. Tony Kalmbach, Ben Franklin Transit, presented an update on the Transit and their services and updated routes.
- b. Finance Director Platt presented the 2nd Quarter 2017 Financial Report.

6. **Consent Agenda** – *Upon motion by Councilmember Bloom, seconded by Councilmember Shupe, Council unanimously approved the consent agenda as presented.*

a. Approve Payment of Bills

Accounts Payable Checks	60376-60521	\$688,827.71
Accounts Payable Voided Checks	60349, 60454 & 60521	(\$295.87)
Payroll Checks	16418	\$393.10
Direct Deposits		\$262,371.71
Electronic Wire Payments	01.07.2017 – 18.07.2017	\$345,824.98
		\$1,297,121.63

- b. **Approve Minutes of City Council Meeting of July 18, 2017, Workshops of July 17 and 18, 2017, Special Meeting and Workshop of July 24, 2017, Informational Meeting of July 27, 2017 and Special Meeting of August 8, 2017**
- c. **Approve Amendment to Library Services Agreement**
- d. **RES – Waiving Competitive Bidding Requirements – Well #9 Emergency Repairs**

RESOLUTON 17-17 - A RESOLUTION OF THE CITY OF WEST RICHLAND, WASHINGTON, WAIVING COMPETITIVE BIDDING REQUIREMENTS UNDER RCW 39.04.280(2)(B), WRITTEN FINDING OF EXISTENCE OF AN EMERGENCY

7. **Ordinances, Resolutions, Motions, and Public Hearings – a. ORD – Amending the 2017-2018 Biennial Budget – Finance Director Platt** presented a recommendation to approve ordinance 17-17 amending the 2017-2018 biennial budget, which increases the 2017-2018 appropriation in the amount of \$110,000 and recognizes an increase in total resources in the amount of \$75,000 bringing the revised budget to a total of \$60,144,591. The amendments reflect contributions for a new electronic reader board, with the city using unanticipated carry-over for the remaining cost. It also reflects a TIB transportation grant for emergency roadway repairs.

ORDINANCE 17-17 – AN ORDINANCE OF THE CITY OF WEST RICHLAND, WASHINGTON, AMENDING THE BUDGET FOR THE CITY FOR THE BIENNIUM ENDING DECEMBER 31, 2018

Upon motion by Councilmember Brown, seconded by Councilmember Stoker, Council unanimously approved ordinance 17-17.

- b. **ORD – First Reading - Amending WRMC 12.04, Sidewalk, Curb and Gutter Construction – Public Works Director Slade** presented an ordinance amending WRMC Chapter 12.04 to be consistent with Ordinance 15-17 and the associated reduction of zoning designations for first reading and discussion. He provided an update of the amendments. This ordinance will be presented for action during the September 5, 2017 meeting.

8. **Unfinished Business** – There was no unfinished business.

9. **New Business** – There was no new business.

10. **Citizens Public Comment**

Patsy Squire was impressed with the financial report presented during the meeting, but requested page numbers be added to the printed version. She also commented that Benton County is a sanctuary county so every city in the county is also a sanctuary city.

Fred Brink thanked the council for holding the informational meeting on the Comprehensive Plan.

11. **Announcements, Reports & Comments**

a. **Staff Reports**

Chief Majetich reported that 800 people attended National Night Out. He also announced “Subs with the Fuzz” at Subway on Thursday from 9:00 to 11:30.

Finance Director Platt said the financial audit being conducted will be complete soon.

Public Works Director Slade reported that the new pathway to Libby Middle School was paved on Monday. Also, the city upgraded the school zone flashing lights at all schools and purchased new ones for the new middle school.

b. Council Reports

Councilmember Bloom commented that the city is now a member of the Yakima Fish and Wildlife Recovery Board. He is the city liaison. The board has two vacancies and they are looking for citizens to fill those positions. He also said he and the Mayor will be attending the Energy Communities Alliance Peer Exchange in Richland on Wednesday and Thursday.

Councilmember Brown announced a Good Roads conference next month.

Mayor Pro Tem Buel said Energy Secretary Rick Perry has been touring the Hanford site and has been complimentary of the site. He said he will continue to push for funding for cleanup.

12. Executive Session – There was no executive session.

13. Adjournment – The meeting was adjourned at 8:12 p.m.

Brent Gerry, Mayor

Julie Richardson, City Clerk

WEST RICHLAND AGENDA ACTION ITEMS

<i>GENDA ITEM:</i>	6b	<i>TYPE OF ACTION NEEDED</i>			
<i>MEETING DATE:</i>	September 5, 2017	<i>Execute Contract</i>		<i>Consent Agenda</i>	X
<i>SUBJECT:</i>	ORD. __-17 amending WRMC Chapter 12.04 Sidewalk, Curb and Gutter Construction	<i>Pass Resolution</i>		<i>Public Hearing</i>	
		<i>Pass Ordinance</i>	X	<i>1st Discussion</i>	
<i>Prepared by:</i>	Roscoe C. Slade III, PW Director. <i>RS</i>	<i>Pass Motion</i>		<i>2nd Discussion</i>	
<i>Reviewed by:</i>	Brent Gerry, Mayor <i>BG</i>	<i>Other</i>		<i>Other</i>	

STRATEGIC FOCUS AREA:

SFA #5 – Neighborhoods, Business Districts & Parks.

Goal #3 – Ensure city policies and ordinances are clearly written in order that businesses, citizens, and property owners can understand and correctly interpret the meaning.

ATTACHMENTS:

- Draft Ord. __-17 amending WRMC Chapter 12.04 Sidewalk, Curb and Gutter Construction (underlined and strike through formatting and clean copy of ordinance).

BACKGROUND INFORMATION:

On August 8, 2017, City Council passed Ordinance 14-17 adopting the 2017 Comprehensive Plan and passed Ordinance __-17 amending WRMC Title 17, Zoning. WRMC 12.04 Sidewalk, Curb and Gutter Construction needs to be amended to be consistent with Ordinance 15-17 and the associated reduction of zoning designations. WRMC 12.04 was previously revised in 2002 and additional clarification of this chapter is needed per Strategic Focus Area #5, Goal #3.

SUMMARY:

The draft Ord. __-17 amends WRMC Chapter 12.04 to be consistent with Ordinance 15-17 and the associated reduction of zoning designations. Proposed changes to WRMC Chapter 12.04 are attached (underlined and strike through formatting so that Council and the public can clearly review proposed changes).

Brief summary of proposed changes:

12.04.010 revised to provide clarification that curb and gutter is required on both sides of all public streets with the following exceptions: RL-40 zone, UT zone or public streets constructed by city as an interim rural roadway. Clarification was added that in addition to curb and gutter construction, construction of storm drainage facilities and ADA compliant ramps are required.

12.04.020 revised to provide clarification that sidewalk, curb, gutter, storm drainage facilities are required for change of use (i.e. residential use to commercial use) or the construction of any new development. Requirement that sidewalks are only required on one side of RL-20 zoning has been removed (proposed ordinance would require sidewalks on both sides of roadway).

12.04.030 revised to provide clarification that a building permit and or street cut/roadway access/road row permit will not be issued by the city for a change of use and or construction of any new development unless the applicant also applies for a permit for the construction of sidewalks, curb, gutter, storm drainage facilities on all side of property adjoining a public street.

12.04.040 revised permit application goes to Public Works Director (previously Finance Director).

12.04.060 minor revisions to this section, but the process for staff and or an applicant to request a waiver from the City

Council for sidewalk, curb, gutter improvements remains primarily unchanged.

During Council discussion on August 15, 2017, Councilmember Bloom expressed concern that the original WRMC Chapter 12.04 did not match the underlined and strike through formatted draft ordinance in the Council packet. Staff confirmed that the strike through formatted draft ordinance in the August 15, 2017 Council packet did match the language in WRMC chapter 12.04 with the following exception: under WRMC 12.04.010, first sentence, the following language was added and should have been underlined, "... except for areas zoned RL- 40 (low density residential) and or zone UT (urban transition) or public streets constructed by city as an interim rural roadway...". This has been corrected on the attached strike through formatted draft ordinance.

RECOMMENDATION:

Staff recommends that Council adopted the attached ordinance amending WRMC chapter 12.04.

ALTERNATIVES:

As amended by Council.

FISCAL IMPACT (Indicate amount, fund and impact on budget):

No fiscal impact to city budget.

MOTION:

I move to adopt Ordinance __-17 amending WRMC Chapter 12.04 Sidewalk, Curb and Gutter Construction.

When Recorded Please Return To:
City of West Richland
3801 W. Van Giesen
West Richland, WA 99353

ORDINANCE NO. __-17

**AN ORDINANCE OF THE CITY OF WEST RICHLAND, WASHINGTON,
RELATING TO SIDEWALK, CURB, AND GUTTER CONSTRUCTION,
AMENDING CHAPTER 12.04 OF THE WEST RICHLAND MUNICIPAL
CODE.**

**THE CITY COUNCIL FOR THE CITY OF WEST RICHLAND, WASHINGTON,
do hereby ordain as follows:**

Section 1. Chapter 12.04 of the West Richland Municipal Code is hereby amended to read as follows:

**Chapter 12.04
SIDEWALK, CURB, AND GUTTER CONSTRUCTION**

Sections:

- 12.04.010 Curbs and gutters to be provided.**
- 12.04.020 Sidewalks to be provided.**
- 12.04.030 Permit required in conjunction with building permit or street cut / roadway access / road row permit.**
- 12.04.040 Permits – Application and issuance – Bond required.**
- 12.04.050 Conformance to city standards required.**
- 12.04.060 Waiver – Exemptions.**

12.04.010 Curbs and gutters to be provided.

Whenever any public street is constructed or improved in any area of the city, except for areas zoned RL- 40 (low density residential) and or zone UT (urban transition) or public streets constructed by city as an interim rural roadway, whether such construction or improvement be by local improvement or otherwise, as a part of such construction or improvement, there shall be included therein, on both sides of any such street that may abut, curbs and gutters, storm drainage facilities and ADA compliant ramps constructed

in conformity with the requirements of the City Engineer. City Engineer may require the construction of curb and gutter and or ditch erosion controls with the construction of storm drainage facilities for a public street in areas zoned RL- 40 (low density residential) and or zone UT (urban transition) where the grade / slope of the public street exceeds six percent.

12.04.020 Sidewalks to be provided.

Where curbs and gutters are installed, or where curbs and gutters are required to be installed by this chapter, the construction of sidewalks, storm drainage facilities and curb and gutters shall take place at the same time as a change of use (i.e. residential use to commercial use) or the construction of any new development including but, not limited to residential or commercial structure or mobile home park improvements, excluding the alteration of existing buildings or structures.

12.04.030 Permit required in conjunction with building permit or street cut/roadway access /road row permit.

No building permit and or street cut / roadway access / road row permit shall be issued by the city for a change of use and or the construction of any new development including but, not limited to buildings or structures or mobile home park improvements, excluding the alteration of existing buildings or structures, unless the applicant also applies for a permit as provided for in this chapter for the construction of sidewalks, storm drainage facilities, curbs, and gutters on all sides of such property that may adjoin a street; the construction to conform with the requirements of this chapter.

12.04.040 Permits — Application and issuance – Bond required.

Upon proper application to the Public Works Director and payment of a permit fee as set by City Council in the Master Fee Schedule, the City Engineer shall issue to the applicant a permit as required by this chapter; provided, however, that upon proper application to the Public Works Director by the applicant for the permit, the Public Works Director may condition the issuance of a building permit, street cut / roadway access / road row permit and or issuance of a certificate of occupancy upon delivery to the City of a performance bond or reasonable equivalent guarantee that the improvement to the public right-of-way and or access easement will be installed or constructed at the expense of the building permit applicant or his assigns.

12.04.050 Conformance to city standards required.

All sidewalks, storm drainage facilities, curbs and gutters shall extend the full distance of the property sought to be improved that may adjoin property dedicated as a public street. Sidewalks, storm drainage facilities, curbs and gutters shall be constructed to city standards to meet and conform with the existing streets and street grades, and to provide uniformity in construction or as directed by the City Engineer.

12.04.060 Waiver – Exemptions.

A. City Council, following the review and recommendation of the Public Works Director or the Public Works Director's designee, may waive the requirements of this chapter for a change of use, or when application is made for a street cut / roadway access / road row permit or when application is made for the construction of a new development including but, not limited to residential, commercial or other structure or for the improvement of a city street by local improvement district or otherwise:

1. Where the condition of the property or the location is not conducive to sidewalks, storm drainage facilities, curbs and gutters; or
2. Where the sidewalk, storm drainage facilities, curb or gutter improvements proposed to be made are not suitable or will not be uniform with and conform to existing or proposed improvements in the immediate vicinity of the proposed sidewalk, storm drainage facilities, curb and gutter improvement; or
3. On a previously improved street, which previously improved street did not include sidewalks, storm drainage facilities, curbs or gutters on the effective date of the ordinance codified in this chapter; or
4. When the grade for the street or public thoroughfare has not been properly established.

B. City Council, following the review of the City Planning Commission, may waive the requirements of this chapter at the time a preliminary plat of a proposed subdivision is submitted to the council for review and approval.

C. In determining if the provisions of this chapter shall be waived, the Public Works Director or the Public Works Director's designee, the City Planning Commission and the City Council shall consider the size of the proposed lots, the number and proximity of developed lots abutting the street to be improved, whether the existing developed lots

included the construction of sidewalks, storm drainage facilities, curbs and gutters in the general area in which the new construction application is made.

Section 2. This ordinance shall be in full force and effect five days following the date of its passage and publication in the official newspaper of the City.

PASSED by the City Council for the City of West Richland, Washington, this ___ day of _____, 2017.

Brent Gerry, Mayor

ATTEST:

Julie Richardson, City Clerk

APPROVED AS TO FORM:

Bronson Brown, City Attorney

When Recorded Please Return To:
City of West Richland
3801 W. Van Giesen
West Richland, WA 99353

ORDINANCE NO. __-17

AN ORDINANCE OF THE CITY OF WEST RICHLAND, WASHINGTON, RELATING TO SIDEWALK, CURB, AND GUTTER CONSTRUCTION, AMENDING CHAPTER 12.04 OF THE WEST RICHLAND MUNICIPAL CODE.

THE CITY COUNCIL FOR THE CITY OF WEST RICHLAND, WASHINGTON, do hereby ordain as follows:

Section 1. Chapter 12.04 of the West Richland Municipal Code is hereby amended to read as follows:

**Chapter 12.04
SIDEWALK, CURB, AND GUTTER CONSTRUCTION**

Sections:

- 12.04.010 Curbs and gutters to be provided.**
- 12.04.020 Sidewalks to be provided.**
- 12.04.030 Permit required in conjunction with building permit or street cut / roadway access / road row permit.**
- 12.04.040 ~~Permits — Curbs and gutters —~~ Application and issuance — Bond required.**
- 12.04.050 Conformance to city standards required.**
- 12.04.060 Waiver — Exemptions.**

12.04.010 Curbs and gutters to be provided.

Whenever any public street is constructed or improved in any area of the city, except for areas zoned RL- 40 (low density residential) and or zone UT (urban transition) or public streets constructed by city as an interim rural roadway zoned for a lot size of 15,000 square feet or less or where the street is in an area of the city zoned RL-15 (low density residential), RL-12.5 (low density residential), RM-10 (medium density residential), R-

~~1MBH (residential mobile home), R-2MBH (mobile home park), MR-2 and MR-3 (multifamily residential), or in a planned unit development, whether such construction or improvement be by local improvement or otherwise, as a part of such construction or improvement, there shall be included therein, on both sides of any such street that may abut, curbs and gutters, storm drainage facilities and ADA compliant ramps constructed in conformity with the requirements of the City Engineer. Whenever any street is constructed or improved in any area of the city zoned for a lot size of 20,000 square feet or where the street is in an area zoned RL-20 (low density residential) curbs and gutters shall be constructed on both sides of any such street as well as a sidewalk shall be required for one side of a street that is constructed in a RL-20 zone. City Engineer may require the construction of curb and gutter and or ditch erosion controls with the construction of storm drainage facilities for a public street in areas zoned RL-40 (low density residential) and or zone UT (urban transition) where the grade / slope of the public street exceeds six percent.~~

12.04.020 Sidewalks to be provided.

Where curbs and gutters are installed, or where curbs and gutters are required to be installed by this chapter, the construction of sidewalks, storm drainage facilities and curb and gutters shall take place at the same time as a change of use (i.e. residential use to commercial use) or the construction of any new development including but, not limited to residential or commercial structure or mobile home park improvements, excluding the alteration of existing buildings or structures. ~~Whenever any street is constructed or improved in any area of the city zoned for a lot size of 20,000 square feet or where the street is in an area zoned RL-20 (low density residential), curbs and gutters shall be constructed on both sides of any such street as well as a sidewalk shall be required for one side of a street that is constructed in a RL-20 zone.~~

12.04.030 Permit required in conjunction with building permit or street cut/roadway access /road row permit.

No building permit and or street cut / roadway access / road row permit shall be issued by the city for a change of use and or the construction of any new development including but, not limited to buildings or structures or mobile home park improvements, excluding the alteration of existing buildings or structures, unless the applicant also applies for a permit as provided for in this chapter for the construction of sidewalks, storm drainage facilities, curbs, and gutters on all sides of such property that may adjoin a street; the construction to conform with the requirements of this chapter.

12.04.040 Permits —~~Curbs and gutters~~ — Application and issuance — Bond required.

Upon proper application to the Public Works Director ~~city finance director~~ and payment of a permit fee as ~~set by City Council in the Master Fee Schedule established by the city,~~ the City Engineer ~~mayor or the city administrator~~ shall issue to the applicant a permit as required by this chapter; provided, however, that upon proper application to the Public Works Director ~~City finance director~~ by the applicant for the permit, the Public Works Director ~~city~~ may condition ~~authorize~~ the issuance of a building permit, street cut / roadway access / road row permit and or issuance of a certificate of occupancy upon delivery to the City of a performance bond or reasonable equivalent guarantee that the improvement to the public right-of-way and or access easement will be installed or constructed at the expense of the building permit applicant or his assigns ~~within 90 calendar days after notice to comply has been given by the city.~~

12.04.050 Conformance to city standards required.

All sidewalks, storm drainage facilities, curbs and gutters shall extend the full distance of the property sought to be improved that may adjoin property dedicated as a public street. Sidewalks, storm drainage facilities, curbs and gutters shall be constructed to city standards to meet and conform with the existing streets and street grades, and to provide uniformity in construction or as directed by the City Engineer.

12.04.060 Waiver — Exemptions.

A. ~~The~~ City Council, following the review and recommendation of the Public Works Director ~~mayor~~ or the Public Works Director's ~~mayor's~~ designee, may waive the requirements of this chapter for a change of use, or when application is made for a street cut / roadway access / road row permit or when application is made for the construction of a new development including but, not limited to residential, commercial or other structure or for the improvement of a city street by local improvement district or otherwise:

1. Where the condition of the property or the location is not conducive to sidewalks, storm drainage facilities, curbs and gutters; or
2. Where the sidewalk, storm drainage facilities, curb or gutter improvements proposed to be made are not suitable or will not be uniform with and conform to existing or proposed improvements in the immediate vicinity of the proposed sidewalk, storm drainage facilities, curb and gutter improvement; or

3. On a previously improved street, which previously improved street did not include sidewalks, storm drainage facilities, curbs or gutters on the effective date of the ordinance codified in this chapter; or

4. When the grade for the street or public thoroughfare has not been properly established.

B. ~~The City Council, following the review and recommendation of the City Planning Commission and the mayor or the mayor's designee,~~ may waive the requirements of this chapter at the time a preliminary plat of a proposed subdivision is submitted to the council for review and approval.

C. In determining if the provisions of this chapter shall be waived, the Public Works Director ~~mayor~~ or the Public Works Director's ~~mayor's~~ designee, the City Planning Commission and the City Council shall consider the size of the proposed lots, the number and proximity of developed lots abutting the street to be improved, whether the ~~these~~ existing developed lots included the construction of sidewalks, storm drainage facilities, curbs and gutters in the general area in which the new construction application is made.

Section 2. This ordinance shall be in full force and effect five days following the date of its passage and publication in the official newspaper of the City.

PASSED by the City Council for the City of West Richland, Washington, this ___ day of _____, 2017.

Brent Gerry, Mayor



ATTEST:

Julie Richardson, City Clerk

APPROVED AS TO FORM:

Bronson Brown, City Attorney

WEST RICHLAND AGENDA ACTION ITEMS

AGENDA ITEM:	6c	TYPE OF ACTION NEEDED			
MEETING DATE:	September 5, 2017	<i>Execute Contract</i>		<i>Consent Agenda</i>	X
SUBJECT:	RES __-17 Relating to Surplus Property	<i>Pass Resolution</i>	X	<i>Public Hearing</i>	
		<i>Pass Ordinance</i>		<i>1st Discussion</i>	
Prepared by:	Roscoe C. Slade III, PW Director 	<i>Pass Motion</i>		<i>2nd Discussion</i>	
Reviewed by:	Brent Gerry, Mayor 	<i>Other</i>		<i>Other</i>	

STRATEGIC FOCUS AREA:

SFA #3 – Financial & Operational Effectiveness, Stability and Accountability

Goal #1 – Conduct city operations using best management practices.

ATTACHMENTS:

- Copy of RES __-17 Relating to Surplus Property

BACKGROUND INFORMATION:

The Public Works Department on a routine basis reviews the condition of the department's vehicles, supplies and equipment as related to its need, usability, repair ability, and safety of operation to determine if said vehicle and / or equipment has reached the end of its useful life and or is no longer needed by the department. If an piece equipment and or vehicle is not needed by the department, prior to declaring it surplus, other departments within the City are able to transfer the asset to their department (i.e. police cars are typically transferred to the Public Works Department and utilized for a number of years before being declared surplus).

SUMMARY:

The Public Works Department staff has determined the items listed on the attached resolution are surplus to the City's needs.

RECOMMENDATION:

Staff recommends Council authorize dispose of listed items via an auction or other means as provided by State Law with the exception of computer and computer related items to be E-Cycled.

ALTERNATIVES:

As amended by Council.

FISCAL IMPACT (Indicate amount, fund and impact on budget):

Revenue of less than \$2,000 from the listed items to be disposed of via an auction or other means as provide by State Law to be deposited into various funds (water, sewer, street, general fund, etc.).

MOTION:

I move to pass resolution ____-17 relating to surplus property.

**CITY OF WEST RICHLAND
RESOLUTION NO. ____-17**

**A RESOLUTION OF THE CITY OF WEST RICHLAND, WASHINGTON,
RELATING TO SURPLUS PROPERTY.**

WHEREAS, Staff has reviewed the condition of specific items, as hereinafter set forth, said review relating to its usability and has determined that said property is surplus to the needs of the City and has recommended to the City Council that said property be declared surplus and disposed of in accordance with applicable law; and

WHEREAS, the City Council has determined that the property items set forth are surplus;

NOW, THEREFORE, the City Council of the City of West Richland, Washington, does resolve as follows:

The following items are hereby declared to be surplus to the needs of the City, and City Staff is directed to dispose of said items in accordance with applicable law.

Item	Asset ID	Description	Serial/ID #	Asset Value	Recommended Disposal Method
A	N/A	Bobcat push mower	N/A	Less than \$100	Sold in accordance with applicable law
B	N/A	Bobcat push mower	N/A	Less than \$100	Sold in accordance with applicable law
C	528	Dell Pentium 4 computer	9JXYP01	\$0	E-Cycle
D	732	Dell OptiPlex computer	28D6F21	\$0	E-Cycle
E	N/A	Dell V350 computer	N/A	\$0	E-Cycle
F	N/A	(2) 18HP Hydraulic Pumps	N/A	Less than \$500	Sold in accordance with applicable law

G	N/A	1996 Ford truck bed	N/A	Less than \$100	Sold in accordance with applicable law
H	216	Rhino Mower	TX-13-10308	Less than \$200	Sold in accordance with applicable law
I	800	Dell T3400	N/A	\$0	E-Cycle
J	N/A	(2) Dell flat screen monitors	N/A	\$0	E-Cycle
K	634	Dell computer	N/A	\$0	E-Cycle
L	N/A	Dell Dimension V350 computer	N/A	\$0	E-Cycle
M	N/A	Powerware computer	N/A	\$0	E-Cycle
N	N/A	Dell monitor	N/A	\$0	E-Cycle
O	N/A	APC Smart UPS 2200	N/A	\$0	E-Cycle
P	N/A	Metal detector - Garret	N/A	Less than \$50	Sold in accordance with applicable law
Q	834	HPXW4400	N/A	\$0	E-Cycle

R	N/A	Metrotech Locator	N/A	Less than \$50	Sold in accordance with applicable law
S	N/A	Portion of Computer Stand	N/A	Less than \$10	Sold in accordance with applicable law
T	N/A	Excalibur Lift	N/A	Less than \$100	Sold in accordance with applicable law
U	N/A	Hydraulic Pump	N/A	Less than \$100	Sold in accordance with applicable law
V	N/A	Low Frequency Transmitter	N/A	Less than \$25	Sold in accordance with applicable law
W	N/A	Ridgid Tripod Vise grip	N/A	Less than \$25	Sold in accordance with applicable law
X	N/A	Survey Rod	N/A	Less than \$100	Sold in accordance with applicable law
y	N/A	Survey Equipment - Transit	N/A	Less than \$250	Sold in accordance with applicable law
Z	N/A	Engine Stand	N/A	Less than \$100	Sold in accordance with applicable law
AA	N/A	Concrete Mixer	N/A	Less than \$50	Sold in accordance with applicable law
BB	N/A	Survey Range Finder	N/A	Less than \$25	Sold in accordance with applicable law

CC	N/A	Forney's Concrete Tester	N/A	Less than \$25	Sold in accordance with applicable law
DD	N/A	(2) Survey Tripods	N/A	Less than \$50	Sold in accordance with applicable law
EE	N/A	Pipehorn Low Frequency Transmitter	N/A	Less than \$25	Sold in accordance with applicable law
FF	N/A	Utility Trailer	N/A	Less than \$100	Sold in accordance with applicable law
GG	N/A	Bearcat/Crayer Wood Chipper	N/A	Less than \$250	Sold in accordance with applicable law
HH	N/A	Wagner Paint Sprayer	N/A	Less than \$25	Sold in accordance with applicable law
II	N/A	Honda Air Compressor	N/A	Less than \$25	Sold in accordance with applicable law
JJ	N/A	Ridgid Vise Grips	N/A	Less than \$25	Sold in accordance with applicable law
KK	N/A	Various Tire Chains	N/A	Less than \$10	Sold in accordance with applicable law
LL	N/A	Craftsman Wheel Grinder	N/A	Less than \$25	Sold in accordance with applicable law
MM	N/A	HP Distance Meter	N/A	Less than \$25	Sold in accordance with applicable law

NN	N/A	Pisher Metal Detector	N/A	Less than \$50	Sold in accordance with applicable law
OO	N/A	Bissell Carpet Cleaner	N/A	Less than \$10	Sold in accordance with applicable law
PP	N/A	4-Drawer Metal File Cabinet	N/A	Less than \$25	Sold in accordance with applicable law
QQ	N/A	Computer Keyboard	N/A	\$0	E-cycled
RR	N/A	HP Data Collector	N/A	Less than \$25	Sold in accordance with applicable law
SS	N/A	HP Power Unit	N/A	Less than \$25	Sold in accordance with applicable law
TT	N/A	KERN/SWISS Survey Equipment	N/A	Less than \$25	Sold in accordance with applicable law
UU	N/A	Wooden Desk	N/A	Less than \$10	Sold in accordance with applicable law
VV	N/A	Metrotech Locator	N/A	Less than \$50	Sold in accordance with applicable law
WW	N/A	Misc. Computer cords&mice	N/A	\$0	E-Cycled
XX	N/A	Dell Keyboard	N/A	\$0	E-Cycled

YY	N/A	Magnum Kohler Motor	N/A	Less than \$25	Sold in accordance with applicable law
ZZ	N/A	(2) Pennalt Scales	N/A	Less than \$50	Sold in accordance with applicable law
AAA	N/A	Fire Hose	N/A	Less than \$5	Sold in accordance with applicable law
BBB	N/A	Honda Push Mower	N/A	Less than \$25	Sold in accordance with applicable law
CCC	N/A	Honda Push Mower	N/A	Less than \$25	Sold in accordance with applicable law
DDD	N/A	Line Lazer 5900	N/A	Less than \$25	Sold in accordance with applicable law
EEE	N/A	Hose w/ valve	N/A	Less than \$5	Sold in accordance with applicable law
FFF	788	Sony DCR-SR45 Camcorder	N/A	Less than \$50	Sold in accordance with applicable law
GGG	845	HP Plotter T77	N/A	Less than \$200	Sold in accordance with applicable law
HHH	896	Dell Latitude D630	N/A	\$0	E-Cycled
III	661	Sony DSCT10/W Camera	N/A	Less than \$25	Sold in accordance with applicable law

JJ	624	Dell Precision 470	N/A	\$0	E-Cycled
KK	689	Latitude D630	N/A	\$0	E-Cycled
LL	N/A	Old Plotter Computer	N/A	\$0	E-Cycled
MM	587	TV	37993ccwc007632Y	Less than \$50	Sold in accordance with applicable law
NN	682	Ricoh Aficio 240W Plotter	N/A	Less than \$200	Sold in accordance with applicable law
OO	630	MPC Clientpro computer	N/A	\$0	E-Cycled
PP	675	MPC Clientpro computer	N/A	\$0	E-Cycled

PASSED by the City Council of the City of West Richland, Washington, this 5th day of, September 2017.

Brent Gerry, Mayor


ATTEST:

Julie Richardson, City Clerk

APPROVED AS TO FORM:

Bronson Brown, City Attorney

WEST RICHLAND AGENDA ACTION ITEMS

AGENDA ITEM:	6d	TYPE OF ACTION NEEDED			
MEETING DATE:	September 5, 2017	Execute Contract	X	Consent	X
SUBJECT:	Approve Modification of the Closing Date for the Purchase and Sale Agreement with SSC North America, LLC	Pass Resolution		Public Hearing	
		Pass Ordinance		1st Discussion	
Prepared by:	Jessica Platt, Finance Director	Pass Motion		2nd Discussion	
Reviewed by:	Brent Gerry, Mayor 	Other		Other	

SFA 3 – Financial & Operational Effectiveness, Stability, and Accountability

Goal 2 – Adopt and maintain a long-term financial plan and supporting policies to ensure financial effectiveness, stability, and accountability

BACKGROUND INFORMATION: The City of West Richland (Lessor) and SSC North America, LLC (Lessee) entered into a lease agreement dated May 17, 2013 for an initial term of 20 years. On May 19, 2015, Council approved Exhibit F – Financial Guaranty Fund of the lease agreement in accordance with Section 7.8. On September 1, 2015 Council approved the First Amendment to the Ground Lease which amended Exhibits B, C, D, E, and G in accordance with the ground lease.

Under Section 19 of the Ground Lease, the lessee has the right and option to purchase Lessor’s entire interest in the property under the terms and conditions in the lease. In the current agreement, the Lessee has three separate opportunities to exercise this option beginning December 1, 2022 with closing on December 31, 2023. Upon Lessee’s delivery of the Exercise Notice, the Purchase Agreement in the form attached to the lease as Exhibit E shall automatically be deemed in full force and effect, and the purchase price for the property shall be equal to \$1,155,508. The entire purchase price payable by Lessee for the property pursuant to this option shall be paid by Lessee in cash at closing and any and all lease payments made by Lessee during the term of the Lease will be applied and credited to the purchase price.

In April of this year, SSC North America, LLC requested an acceleration and exercise of the option to purchase. A Second Amendment was approved by Council on April 18, 2017 to allow for the acceleration and exercise of option to purchase the property. In the purchase and sale agreement, there is a 150 day closing period which puts the closing date at September 15, 2017. Due to scheduling conflicts, the buyer has asked to extend the closing date by 3 weeks to October 6, 2017. There are no other changes or modifications to the purchase and sale agreement.

SUMMARY: . The Modification of Closing Date Addendum attached to this staff report adjusts the closing date on the Purchase and Sale Agreement with SSC North America LLC to October 6, 2017. All other terms and conditions of the agreement remain unchanged.

RECOMMENDATION: Approve modification of closing date addendum to October 6, 2017.

ALTERNATIVES: As amended by Council.

FISCAL IMPACT (Indicate amount, fund and impact on budget): All terms and conditions remain unchanged. The property purchase price is \$1,155,508. Some of these funds would be used to pay back the 0% interest CERB loan in the amount of \$829,766. Benton County also contributed \$55,000 to the project under the November 2011 Disbursement Agreement. According to the agreement with the County, if the City sold the property, these funds would need to be paid back. City staff will be working with the County to possibly apply these funds to another city project. After paying off the 0% interest CERB loan and the funds contributed by Benton County, the City’s General Fund would net approximately \$270,000 less closing fees.

MOTIONS: I move to approve and authorize the Mayor to execute the Modification of Closing Date Addendum with SSC North America, LLC.

MODIFICATION OF CLOSING DATE ADDENDUM

The following is part of the Purchase and Sale Agreement dated April 18, 2017 1
between SSC North America LLC ("Buyer") 2
Buyer Buyer
and City of West Richland ("Seller") 3
Seller Seller
concerning see Exhibit A attached (the "Property"). 4
Address City State Zip

1. **MODIFICATION OF CLOSING DATE.** The parties hereby agree to modify the Closing Date set forth in the 5
Agreement to: October 6, 2017 . 6

2. **OTHER DATES.** In addition, the parties hereby agree to modify other dates set forth in the Agreement as follows: 7

3. **OTHER.** 17

All other terms and conditions of the Agreement remain unchanged. 40

AS. 8/31/17 _____
Buyer's Initials Date Buyer's Initials Date Seller's Initials Date Seller's Initials Date

Exhibit A
Legal Description

Lot 2, Belmont Business District, according to the plat thereof recorded in Volume 15 of Plats, Page 503, records of Benton County, Washington, lying in a portion of the Southeast quarter of the Southeast quarter of Section 12, Township 9 North, Range 27 East, Willamette Meridian, City of West Richland, Benton County, Washington.