

**GRANDVIEW CITY COUNCIL
COMMITTEE-OF-THE-WHOLE
MEETING AGENDA
TUESDAY, JULY 12, 2016**



COMMITTEE-OF-THE-WHOLE MEETING – 6:00 PM

PAGE

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **CITIZEN PARTICIPATION** – The public may address the Council on items on the agenda.
4. **NEW BUSINESS**
 - A. Ordinance No. 2016-9 amending Grandview Municipal Code Section 5.22.020 permission for alcoholic beverages in Country Park to expand the duration of time during which beer and/or wine may be served at Country Park Events Center 1-10
 - B. Ordinance adopting a new Chapter 5.25 of the Grandview Municipal Code establishing a Special Event Permit 11-17
 - C. Ordinance adopting a new Chapter 17.94 of the Grandview Municipal Code establishing a reasonable accommodation process in the City's land use ordinance to accommodate statutory rights of the disabled 18-27
 - D. Class B Bituminous Surface Treatment (BST) Program Recommendations 28-60
 - E. City Council Procedures Manual Section 3.18(a) – Councilmember Souders 61-62
5. **OTHER BUSINESS**
6. **ADJOURNMENT**

**CITY OF GRANDVIEW
 AGENDA ITEM HISTORY/COMMENTARY
 COMMITTEE-OF-THE-WHOLE MEETING**

ITEM TITLE

AGENDA NO.: New Business (A)

Ordinance No. 2016-9 amending Grandview Municipal Code Section 5.22.020 permission for alcoholic beverages in Country Park to expand the duration of time during which beer and/or wine may be served at Country Park Events Center

AGENDA DATE: July 12, 2016

FUNDING CERTIFICATION (City Treasurer)
(If applicable)

DEPARTMENT DIRECTOR REVIEW

Parks & Recreation Director Mike Carpenter

Police Chief Kal Fuller



CITY ADMINISTRATOR

MAYOR




ITEM HISTORY (Previous council reviews, action related to this item, and other pertinent history)

Grandview Municipal Code Chapter 5.22.020, copy attached, allows organizations to seek permission to serve beer and/or wine at their respective events at the Country Park Events Center.

At the June 28, 2016 C.O.W. meeting, the C.O.W. was presented with two requests, copies attached, from the Grandview Chamber of Commerce and the Yakima Valley Fair & Rodeo Board to change the duration of time during which beer and/or wine may be served at the Country Parks Event Center.

ITEM COMMENTARY (Background, discussion, key points, recommendations, etc.) Please identify any or all impacts this proposed action would have on the City budget, personnel resources, and/or residents.

At the June 28th meeting, the C.O.W. directed staff to draft an ordinance amending Grandview Municipal Code Section 5.22.020 regarding the time allowed for serving of beer and/or wine, and duration of an event from two days to three days for consideration at the July 12th COW meeting.

ACTION PROPOSED

Move Ordinance No. 2016-9 amending Grandview Municipal Code Section 5.22.020 permission for alcoholic beverages in Country Park to expand the duration of time during which beer and/or wine may be served at Country Park Events Center to the regular Council meeting agenda for consideration.

Chapter 5.22 REGULATION OF ALCOHOLIC BEVERAGES

Sections:

[5.22.010](#) Alcoholic beverages.

[5.22.020](#) Permission for alcoholic beverages in Country Park.

5.22.010 Alcoholic beverages.

Except as permitted by the Washington Liquor Act, RCW Title 66, GMC [9.20.020](#) and [12.20.110](#), and as set forth in this section, no person, group or organization shall open a package containing liquor or consume liquor in a public place, nor building or park owned or operated by the city without complying with the provisions of this chapter. (Ord. 2008-27 § 2).

5.22.020 Permission for alcoholic beverages in Country Park.

Any organization seeking permission to conduct an activity in Country Park or any buildings in Country Park involving the consumption of wine or beer of any kind shall first complete an application which can be obtained at the parks and recreation department. Said application shall then be reviewed and approved, denied, or approved with additional conditions by the parks and recreation director and the police chief.

Provided, however, that an applicant whose application has been denied may appeal to the city council by notice to the city clerk within 10 days of such denial. Upon receipt of an appeal, the city clerk shall place the matter on the next council's agenda. The city council's decision on appeal shall be final.

Approval of such activity shall be conditional upon the following requirements:

- A. The applicants must have a valid permit from the Washington State Liquor Control Board appropriate for the type of activity to be conducted and may not have more than two events per year involving consumption of wine or beer.
- B. The consumption of liquor, as defined by RCW 66.04.101(6), shall be limited solely to wine or beer in Country Park only and shall be confined to 10 events per year. An "event" may not be longer than two days in duration.
- C. Approved applicants may serve beer or wine only during those times as approved by the police chief, but in no event shall alcohol be served before 2:00 p.m. nor later than 11:30 p.m. regardless of the time of the beginning or completion of the event.
- D. Entities or organizations eligible to conduct an activity in Country Park or buildings located in Country Park involving the consumption of wine or beer, as described in subsection B of this section, shall be limited to responsible groups or organizations as determined by the police chief.
- E. All beer or wine served at approved events must be served either:
 1. In an enclosed building; or

2. In a defined, fenced-off area as designated in the application and approved by the police chief.

Any such serving area must have a single ingress and egress where all persons entering such designated area can be identified as being over the age of 21 years. The approved organization shall provide security as is designated by the police chief, or his designee, and shall ensure that no one under the age of 21 is allowed into the designated area and that no one is allowed to overindulge while in the area and that no alcoholic beverages leave the designated area. All security personnel used shall be licensed and bonded.

F. All applications for permission to serve alcoholic beverages under this section must be reviewed by the police chief or his designee, and he shall assess the application and impose those security regulations that in his opinion are necessary to ensure that the intent of this section is carried out.

In addition to any requirements of the police chief, all such organizations approved and, as a condition of approval, shall have, at a minimum, one person who has undergone mandatory alcohol server training (MAST) on duty at the event at all times during its operation. Servers shall receive such training as is approved by the police chief and shall be conducted by an individual who has undergone the mandatory alcohol server training.

G. All organizations granted permission to serve or consume wine and/or beer must comply with all federal, state and city rules, regulations and ordinances dealing with liquor and with the use of Country Park and the city facilities located therein.

H. The city may require a deposit to ensure that no damage or expense is borne by the city for such activity, and may set any other reasonable conditions to the use of city facilities.

I. The police chief may, upon good cause, cause the permit granted herewith to be withdrawn and, upon notification thereof, said applicant or organization shall discontinue such activity. (Ord. 2012-15 § 1; Ord. 2008-27 § 2).

The Grandview Municipal Code is current through Ordinance 2016-8, passed June 14, 2016.

Disclaimer: The City Clerk's Office has the official version of the Grandview Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.



June 3, 2016

City of Grandview
207 W. 2nd Street
Grandview, WA. 98930

Attention: Cus Arteaga

Dear Cus,

The Chamber Of Commerce has evolved the former Greater Grandview Grape Stomp to the *Stomp and Chomp*. As with every year the Yakima Valley College helps in planning this event. This year it will be held on September 17th, 2016 at Country Park from 12:00 to 5:00 pm. Everything is coming into place and we feel like this is going to be a great event for Grandview to host. Along with the normal Grape Stomp we are including a BBQ Cook Off Competition and expanding the Wine Tasting to include a Beer Garden.

We appreciate the partnership that we share with the City and your willingness to help us whenever we ask. With that said, I understand that there is a Municipal Code that does not allow alcohol at the Country Park (Fair Grounds) before 2:00pm. We would like to ask for a variance of that Municipal Code for that one day. We would ask that we could change that time to 12:00 pm. on September 17th. We would like to have the wine and beer garden available when the stomping begins at noon. The event will end and the wine and beer garden will close at 5:30 p.m. The Chamber is fully insured and can present the City with that coverage if that is required.

We appreciate your time and consideration on this matter.

Grandview Chamber Of Commerce

Kathy Viereck
President

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YAKIMA VALLEY FAIR & RODEO

P.O. Box 27, GRANDVIEW, WA 98930

509.882.1197

June 23, 2016

Grandview City Council,
Beer and wine garden permit

The board of directors of the Yakima Valley Fair and Rodeo would like to add one night onto our beer and wine garden permit for the 2016 fair. Jeff Anderson, who was an avid fair and rodeo supporter, died from cancer in 2015. In his memory his family would like to add an event to our existing rodeo. That event would be a calf branding contest. A team of four would have to catch with a certain number and get to a brand site. Then the calf would be "branded" with a "paint" brand. The event would be timed. This is primarily an event for local cowboys to participate in. It has proven very successful at other local venues.

We would add this event to our Thursday night events including the "Kids" cowboy events including "muttin bustin" and cornstalk races. We are working hard at expanding our fair and rodeo and with your help and being able to add more events we are being very successful.

Thank You,



Bob Fay, vice president
YVFR Board of Directors

ORDINANCE NO. 2016-9

**AN ORDINANCE OF THE CITY OF GRANDVIEW, WASHINGTON,
AMENDING GRANDVIEW MUNICIPAL CODE SECTION 5.22.020 PERMISSION FOR
ALCOHOLIC BEVERAGES IN COUNTRY PARK TO EXPAND THE DURATION
OF TIME DURING WHICH BEER AND/OR WINE MAY BE SERVED AT
COUNTRY PARK EVENT CENTER**

WHEREAS, the City Council received requests from the Grandview Chamber of Commerce and the Yakima Valley Fair & Rodeo to amend Grandview Municipal Code Section 5.22.020 Permission for alcoholic beverages in Country Park; and,

WHEREAS, the Grandview Chamber of Commerce requested that the Council amend the time allowed for serving of beer and/or wine; and

WHEREAS, the Yakima Valley Fair & Rodeo requested that the Council amend the duration of an event from two days to three days; and

WHEREAS, the City Council finds and determines amending Grandview Municipal Code Section 5.22.020 Permission for alcoholic beverages in Country Park is the best interest of the residents of the City of Grandview and will benefit the general health, safety and welfare,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANDVIEW, as follows:

Section 1. Grandview Municipal Code Section 5.22.020 Permission for alcoholic beverages in Country Park, which reads as follows:

5.22.020 Permission for alcoholic beverages in Country Park.

Any organization seeking permission to conduct an activity in Country Park or any buildings in Country Park involving the consumption of wine or beer of any kind shall first complete an application which can be obtained at the parks and recreation department. Said application shall then be reviewed and approved, denied, or approved with additional conditions by the parks and recreation director and the police chief.

Provided, however, that an applicant whose application has been denied may appeal to the city council by notice to the city clerk within 10 days of such denial. Upon receipt of an appeal, the city clerk shall place the matter on the next council's agenda. The city council's decision on appeal shall be final.

Approval of such activity shall be conditional upon the following requirements:

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A. The applicants must have a valid permit from the Washington State Liquor Control Board appropriate for the type of activity to be conducted and may not have more than two events per year involving consumption of wine or beer.

B. The consumption of liquor, as defined by RCW 66.04.101(6), shall be limited solely to wine or beer in Country Park only and shall be confined to 10 events per year. An "event" may not be longer than two days in duration.

C. Approved applicants may serve beer or wine only during those times as approved by the police chief, but in no event shall alcohol be served before 2:00 p.m. nor later than 11:30 p.m. regardless of the time of the beginning or completion of the event.

D. Entities or organizations eligible to conduct an activity in Country Park or buildings located in Country Park involving the consumption of wine or beer, as described in subsection B of this section, shall be limited to responsible groups or organizations as determined by the police chief.

E. All beer or wine served at approved events must be served either:

1. In an enclosed building; or
2. In a defined, fenced-off area as designated in the application and approved by the police chief.

Any such serving area must have a single ingress and egress where all persons entering such designated area can be identified as being over the age of 21 years. The approved organization shall provide security as is designated by the police chief, or his designee, and shall ensure that no one under the age of 21 is allowed into the designated area and that no one is allowed to overindulge while in the area and that no alcoholic beverages leave the designated area. All security personnel used shall be licensed and bonded.

F. All applications for permission to serve alcoholic beverages under this section must be reviewed by the police chief or his designee, and he shall assess the application and impose those security regulations that in his opinion are necessary to ensure that the intent of this section is carried out.

In addition to any requirements of the police chief, all such organizations approved and, as a condition of approval, shall have, at a minimum, one person who has undergone mandatory alcohol server training (MAST) on duty at the event at all times during its operation. Servers shall receive such training as is approved by the police chief and shall be conducted by an individual who has undergone the mandatory alcohol server training.

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G. All organizations granted permission to serve or consume wine and/or beer must comply with all federal, state and city rules, regulations and ordinances dealing with liquor and with the use of Country Park and the city facilities located therein.

H. The city may require a deposit to ensure that no damage or expense is borne by the city for such activity, and may set any other reasonable conditions to the use of city facilities.

I. The police chief may, upon good cause, cause the permit granted herewith to be withdrawn and, upon notification thereof, said applicant or organization shall discontinue such activity.

is hereby amended to read as follows:

5.22.020 Permission for alcoholic beverages in Country Park Events Center.

Any Non-profit organizations seeking permission to conduct an activity in Country Park Events Center or any buildings in Country Park Events Center involving the consumption of wine and/or beer of any kind shall first complete an application which can be obtained at the Parks and Recreation Department. Said application shall then be reviewed and approved, denied, or approved with additional conditions by the Parks and Recreation Director and the Police Chief.

Provided, however, that an applicant whose application has been denied may appeal to the City Council by notice to the City Clerk within 10 days of such denial. Upon receipt of an appeal, the City Clerk shall place the matter on the next council's agenda. The City Council's decision on appeal shall be final.

Approval of such activity shall be conditional upon the following requirements:

A. The applicants must have a valid permit from the Washington State Liquor Control Board appropriate for the type of activity to be conducted and may not have more than two events per year involving consumption of wine and/or beer.

B. The consumption of liquor, as defined by RCW 66.04.101(6) 010(10), shall be limited solely to wine and/or beer in Country Park Events Center only and shall be confined to 10 events per year. An "event" may not be longer than ~~two~~ three (3) days in duration.

C. Approved applicants may serve wine and/or beer only during those times as approved by the Police Chief, but in no event shall alcohol be served before 12:00 ~~2:00~~ p.m. nor later than 11:30 p.m. regardless of the time of the beginning or completion of the event.

D. Entities or organizations eligible to conduct an activity in Country Park

Events Center or buildings located in Country Park Events Center involving the consumption of wine and/or beer, as described in subsection B of this section, shall be limited to responsible groups or organizations as determined by the Police Chief.

- E. All wine and/or beer served at approved events must be served either:
1. In an enclosed building; or
 2. In a defined, fenced-off area as designated in the application and approved by the Police Chief.

Any such serving area must have a single ingress and egress where all persons entering such designated area can be identified as being over the age of 21 years. The approved organization shall provide security as is designated by the Police Chief, or his designee, and shall ensure that no one under the age of 21 is allowed into the designated area and that no one is allowed to overindulge while in the area and that no alcoholic beverages leave the designated area. All security personnel used shall be licensed and bonded.

F. All applications for permission to serve alcoholic beverages under this section must be reviewed by the Police Chief or his designee, and he shall assess the application and impose those security regulations that in his opinion are necessary to ensure that the intent of this section is carried out.

In addition to any requirements of the Police Chief, all such organizations approved and, as a condition of approval, shall have, at a minimum, one person who has undergone mandatory alcohol server training (MAST) on duty at the event at all times during its operation. Servers shall receive such training as is approved by the Police Chief and shall be conducted by an individual who has undergone the mandatory alcohol server training.

G. All organizations granted permission to serve or consume wine and/or beer must comply with all federal, state and city rules, regulations and ordinances dealing with liquor and with the use of Country Park Events Center and the City facilities located therein.

H. The City may require a deposit to ensure that no damage or expense is borne by the City for such activity, and may set any other reasonable conditions to the use of City facilities.

I. The Police Chief may, upon good cause, cause the permit granted herewith to be withdrawn and, upon notification thereof, said applicant or organization shall discontinue such activity.

Section 2. This Ordinance shall be in full force and effect five (5) day after its passage and publication as required by law.

PASSED by the **CITY COUNCIL** and **APPROVED** by the **MAYOR** at its regular meeting on July 12, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLICATION: 07/13/16

EFFECTIVE: 07/18/16

**CITY OF GRANDVIEW
AGENDA ITEM HISTORY/COMMENTARY
COMMITTEE-OF-THE-WHOLE MEETING**

ITEM TITLE

Ordinance adopting a new Chapter 5.25 of the Grandview Municipal Code establishing a Special Event Permit

AGENDA NO.: New Business (B)

AGENDA DATE: July 12, 2016

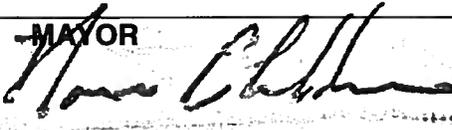
FUNDING CERTIFICATION (City Treasurer)
(If applicable)

DEPARTMENT DIRECTOR REVIEW

City Administrator/Public Works Director

CITY ADMINISTRATOR



MAYOR


ITEM HISTORY (Previous council reviews, action related to this item, and other pertinent history)

At the May 10, 2016 regular meeting, Council approved a street closure request for a car and bike show. Staff noted that the City did not have regulations establishing procedures and criteria governing the review of requests to hold special events. Council requested staff draft an ordinance establishing a special event permit.

ITEM COMMENTARY (Background, discussion, key points, recommendations, etc.) Please identify any or all impacts this proposed action would have on the City budget, personnel resources, and/or residents.

Attached is an ordinance adopting a new Chapter 5.25 of the Grandview Municipal Code establishing a Special Event Permit.

ACTION PROPOSED

Move ordinance adopting a new Chapter 5.25 of the Grandview Municipal Code establishing a Special Event Permit to a regular Council meeting agenda for consideration.

ORDINANCE NO. 2016-___

**AN ORDINANCE OF THE CITY OF GRANDVIEW, WASHINGTON,
ADOPTING A NEW CHAPTER 5.25 OF THE GRANDVIEW MUNICIPAL
CODE ESTABLISHING A SPECIAL EVENT PERMIT**

WHEREAS, the City of Grandview from time to time receives inquiries and requests by private and public entities to hold special events within the City limits; and

WHEREAS, the City has not adopted regulations establishing procedures and criteria governing the review of requests by public and private entities to hold special events, nor has the City adopted or regulations governing special events themselves; and

WHEREAS, activities that may be regulated as special events may affect public safety and other matters affecting the public health and welfare of the City's residents as well as the financial resources of the City; and

WHEREAS, the City Council of the City of Grandview finds and determines that regulating special events within the City is in the best interest of the City, its residents, and will promote the general health, safety and welfare of the City and its residents; and

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

Section 1. A new Grandview Municipal Code Chapter 5.25 "Special Event Permits" is adopted to read as follows:

5.25.010 Definitions.

A. "Block party" means a limited street closure within a residentially zoned area for the purposes of holding a gathering involving the immediately surrounding residents and those invitees.

B. "City Administrator," for permits which require City Council approval and for solely Sections 5.25.050 and 5.25.060, means, in addition to its normal meaning, the City Council.

C. "Funeral procession" means a single direct movement from a mortuary or church to the place of burial of a human body, under direction of an authorized funeral director.

D. "Parade" means a march or procession of any kind.

E. "Person" means any individual, corporation, partnership or association, or other entity and the agents, employees, servants and legal successors thereof; or agency of state, county or municipal government; or agency of the federal government which is subject to the jurisdiction of the state of Washington.

F. "Special event" means a temporary activity, carnival, parade, assembly, procession, block party, fun-run, roadway foot races, community-sponsored activity, car or motor vehicle shows, art and craft fairs or other similar function that is conducted

wholly or partly on public property or any event on private property that involves an open invitation to the public. An “open invitation to the public” includes, but is not limited to, events for which admission requires a ticket.

G. “Temporary” means, for the purposes of this chapter only, no more than four (4) consecutive days during any calendar year.

5.25.020 Special event permit required.

A special event permit shall be required prior to conducting a special event unless specifically exempted. Any and all other state, federal, and/or local permits required to operate the special event must be obtained prior to operation. Any person who holds more than one special event during the course of the year may combine multiple special events into one application for processing in accordance with this chapter.

5.25.030 Exemptions.

The following activities are exempt from the permit requirements for special events:

- A. Events conducted by the City of Grandview;
- B. Funeral processions;
- C. Events conducted within a building designed for that purpose, including, but not limited to, churches, event centers, schools, and wineries; and
- D. Events in City parks for which a permit has been sought and obtained pursuant to Section 12.20.140 of this code.

5.25.040 Application.

An application for a special event shall be made at least forty-five (45) days prior to the event; provided, that applications submitted less than forty-five (45) days prior to the event may be accepted if the City Administrator, or his designee, finds that there is adequate time to properly process the request, that all requirements of the permit can be met without undue strain on City resources and the date and venue are available for use. Applications shall include the following information:

- A. A completed application form provided by the City Administrator or his designee;
- B. The applicant and contact person’s names, phone numbers, and addresses, including phone number available during operation of the special event;
- C. A narrative including a detailed description, location, time frame and purpose of special event;
- D. A site plan of the special event site indicating the location of any features used during the event. The site plan should be neatly drawn and include the following information:
 - 1. The boundaries of the event site;
 - 2. The location of event features, including but not limited to booths, ride areas, and equipment;
 - 3. Any parking areas to be used by the event visitors or staff;
 - 4. Location of restrooms, waste facilities, and trash receptacles;
- E. The location and map of any proposed street use and/or closure and necessary detours;

F. Events including a parade or procession along City streets shall include the following additional information:

1. Timing of the parade or procession;
2. The location of all aspects of the parade or procession including staging area, route, disbanding area;
3. The number and type of vehicles to be used;
4. The maximum length and travel speeds; and
5. The number and location of monitors or traffic control;

G. Any additional information deemed necessary by the City Administrator or designee to properly review the application.

5.25.050 Minimum requirements for special event permit.

The following standards are the minimum necessary to receive a permit. The City Administrator, or his or her designee, may impose additional reasonable conditions in order to protect the public's health, safety and general welfare.

A. The location, size and features are suitable for the proposed event and will not be harmful to the health, safety and welfare of the community.

B. Appropriate provisions are made for parking, waste management, restroom facilities, traffic control and circulation, security, noise generated by the event, health and safety, and access.

C. Closures of public streets and/or access ways will not result in a serious inconvenience to the general public and appropriate provisions for emergency vehicle access is provided.

D. Prior to commencing operation, the event site shall be inspected by City officials, which may include the Police Department, Fire Department, and any other official deemed appropriate by the City Administrator, or his or her designee, to ensure the protection of the public health, safety, and welfare.

E. For special events involving the use of City facilities, parks or public right-of-way, proof of liability insurance with coverage in the amount of one million dollars per occurrence, unless an additional amount is required for the activity per the City Administrator. The City Administrator may allow a lower amount or waive this requirement when the event is not open to the general public and the risks presented by the request justify a lower amount. Said insurance shall be provided by an insurance carrier approved by the City and in a form approved by the City, shall name the City of Grandview as an additional insured, and shall provide that the insurance shall not be cancelled without thirty (30) days' prior written notice to the City. Insurance provisions are not required for block party events. In addition, the applicant shall execute an agreement to indemnify, defend, and hold harmless the City, its officials, employees and volunteers from and against any and all claims, suits, actions, or liabilities associated with the operation of the special event.

F. If the special event is to be on City-owned property, the applicant shall provide a layout of the event site and, based on the event, may be required to also provide a waste management and restoration plan to the City Administrator, or his or her designee. The City may require a damage deposit or a bond to pay for any repairs and/or replacement of park property that may arise from the special event. The amount of the deposit or bond shall be determined by the City Administrator, or his or her

designee, based upon the size of the event and the likelihood that it might result in damage to the City-owned property.

G. A health permit shall be posted on site for any use that provides beverage and/or food service that requires such a permit.

H. Where a permit will result in the closure of a City property or right-of-way to use by the general public the applicant may be required to post notice of the closure at least forty-eight hours in advance of the event. Failure by the event organizer to fulfill this requirement as part of the permit application and approval process may result in the event being cancelled and the permit revoked.

I. A copy of the approved special events permit shall be maintained at the location of the special event throughout the duration of the event.

J. The City Administrator, or his or her designee, shall provide public notice of the application not less than ten (10) calendar days before he approves or denies the application by posting the application on the City's website. The City Administrator, or his or her designee, may provide additional notice, at his discretion. The City Administrator, or his or her designee, shall consider any comments when approving or denying the application.

5.25.060 Grounds for denial.

Approval of a special event permit may be denied or revoked if the City Administrator or his designee reasonably determines that:

A. The proposed event is not consistent with the standards of this chapter.

B. The proposed event would endanger public health or safety.

C. The proposed event would seriously inconvenience or impair the general public's use of public property, services, or facilities.

D. The proposed event interferes with another event for which a permit has previously been granted.

E. The proposed event would interfere with any construction or maintenance work scheduled to take place upon public property or right-of-way.

F. The purpose of the event is to incite crime or the overthrow of the government by force.

5.25.070 Fees.

The applicant shall pay a nonrefundable processing fee at the time of filing the application in the amount of \$50.00.

5.25.080 Appeals.

Any person who submitted comments on the application, and the applicant, may appeal the City Administrator's, or his designee's, decision to issue or not to issue a special event permit to the City Council and shall pay a nonrefundable appeal fee established by resolution or ordinance of the City Council. A written appeal must be received by the City Clerk within five (5) days after a written decision. A hearing shall be held not more than fourteen (14) business days after the receipt of the request for a hearing. The applicant and any person who submitted comments on the application shall have the right to attend said hearing and present evidence. Any hearing under this chapter shall be conducted at a City Council meeting, on an informal basis. A record of the hearing,

including the date of hearing, who was present, and the findings made as to whether or not the decision was consistent with the approval criteria shall be made in writing. The written finding shall be filed with the City Administrator or his designee. Any party who could have appealed the decision shall be provided notice of the hearing, not less than five (5) business days before the hearing.

5.25.090 Approval of permit by City Council—Exception.

Notwithstanding anything to the contrary in this chapter, only the City Council may approve a permit for an event reasonably expected to draw more than five hundred (500) persons to one location in any one-hour period. The decision of the City Council shall be final.

5.25.100 Penalty for violation.

Violating or failing to comply with any provisions of this chapter shall be a civil infraction and may be punishable by a fine of not less than \$100.00 per day for any such violation of this chapter.

5.25.110 Revocation.

A. A special events permit issued under this chapter shall be temporary, shall vest no permanent rights in the applicant, and may be immediately revoked or suspended by the City Administrator or his designee if:

1. The applicant has made a misstatement of material fact in the information supplied; the applicant has failed to fulfill a term or condition of the permit in a timely manner; or the check submitted by the applicant in payment of the fee for a permit has been dishonored;
2. The applicant requests the cancellation of the permit or cancels the event;
3. The activity endangers or threatens persons or property, or otherwise jeopardizes the health, safety, or welfare of persons or property;
4. The activity conducted is in violation of any of the terms or conditions of the special events permit;
5. An emergency or supervening occurrence requires the cancellation or termination of the event in order to protect the public health or safety;
6. The applicant fails to prepay any required expenses.

B. The City shall refund the permit fee in the event of a revocation caused by an emergency or supervening occurrence.

5.25.120 Severability.

If any section, subsection, sentence, clause, paragraph, phrase, or word of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, paragraph, phrase or word of this chapter.

Section 2. This ordinance shall be in full force and effect five days after its passage and publication as required by law.

PASSED by the **CITY COUNCIL** and approved by the **MAYOR** at its regular meeting on _____.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLICATION:
EFFECTIVE:

**CITY OF GRANDVIEW
AGENDA ITEM HISTORY/COMMENTARY
COMMITTEE-OF-THE-WHOLE MEETING**

ITEM TITLE

AGENDA NO.: New Business (C)

Ordinance adopting a new Chapter 17.94 of the Grandview Municipal Code establishing a reasonable accommodation process in the City's land use ordinance to accommodate statutory rights of the disabled

AGENDA DATE: July 12, 2016

FUNDING CERTIFICATION (City Treasurer)
(If applicable)

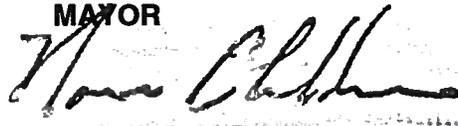
DEPARTMENT DIRECTOR REVIEW

City Administrator/Public Works Director Cus Arteaga

CITY ADMINISTRATOR



MAYOR



ITEM HISTORY (Previous council reviews, action related to this item, and other pertinent history)

The City recently received a request from a resident to construct a fence along the perimeter of his yard that exceeded the height and setback requirements of the municipal code. The resident was the primary caregiver of an adult child with a disability and wanted to erect the fence in order to provide for the safety of the adult child with a disability.

In consultation with legal counsel, staff considered the request to be a request for a reasonable accommodation under the Americans with Disabilities Act (ADA) and Fair Housing Act (FHA). The City provided a reasonable accommodation with respect to the enforcement of its development regulations in order to facilitate the care of the adult child and his full and safe enjoyment of their property.

Staff recommends Council consider establishing a reasonable accommodation process in the City's land use ordinance to accommodate statutory rights of the disabled.

ITEM COMMENTARY (Background, discussion, key points, recommendations, etc.) Please identify any or all impacts this proposed action would have on the City budget, personnel resources, and/or residents.

City Attorney Plant drafted three versions of an ordinance adopting a new Chapter 17.94 of the Grandview Municipal Code establishing a reasonable accommodation process in the City's land use ordinance to accommodate statutory rights of the disabled for Council consideration. The first version provides for no appeal process. The second version provides for an appeal to the Hearing Examiner. The third version provides for an appeal to the Council. The City Attorney recommends either the first or second versions. He does not recommend that appeals be made to the Council. Administrative decisions should be appealed, if at all, to the Hearing Examiner. The Council should avoid weighing in on administrative decisions.

ACTION PROPOSED

Move ordinance adopting a new Chapter 17.94 of the Grandview Municipal Code establishing a reasonable accommodation process in the City's land use ordinance to accommodate statutory rights of the disabled to a regular Council meeting agenda for consideration.

ORDINANCE NO. 2016-___

**AN ORDINANCE OF THE CITY OF GRANDVIEW, WASHINGTON,
ADOPTING A NEW CHAPTER 17.94 OF THE GRANDVIEW MUNICIPAL
CODE ESTABLISHING A REASONABLE ACCOMMODATION PROCESS
IN THE CITY'S LAND USE ORDINANCE TO ACCOMMODATE
STATUTORY RIGHTS OF THE DISABLED**

WHEREAS, the City Council of the City of Grandview finds and determines that adopting an ordinance establishing a reasonable accommodation process in the City's land use ordinance is in the best interest of the City, its residents, and will promote the general health, safety and welfare of the City and its residents; and

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

Section 1. A new Grandview Municipal Code Chapter 17.94 "Reasonable Accommodation Process" is adopted to read as follows:

17.94.010 Purpose.

This chapter has been enacted to authorize the City Administrator or his designee to waive or vary provisions of the Grandview Municipal Code ("GMC") when necessary to reasonably accommodate the statutory rights of the disabled under the Americans with Disabilities Act (ADA), the Fair Housing Act (FHA) or the Washington Law Against Discrimination (WLAD). This process shall be interpreted and administered in order to ensure the full exercise and enjoyment of a disabled person's right to the residential housing of his or her choosing. The provisions of this chapter shall not apply to commercial activities or zones; provided, however, that nothing herein shall be interpreted to limit the exercise of a disabled person's rights by or through a residential care provider. In the event of any conflict or if an interpretation of this chapter is required, it shall be implemented and interpreted in accordance with the provisions of the ADA, FHA and WLAD.

17.94.020 Reasonable accommodations.

A. Upon the application of a disabled person or individual or entity providing services to the disabled in a residential facility or other group living arrangement, the City Administrator or his designee is hereby authorized to vary, modify, or waive the provisions of the GMC, including the provisions of GMC Title 17 and Title 15, in order to provide a reasonable accommodation as necessary to provide to a disabled person's or care provider to the disabled person's full enjoyment of a residence.

B. The City's duty to accommodate is an affirmative one, and the City Administrator is thereby authorized to provide accommodations in a thoughtful and proactive manner.

C. The City Administrator shall provide written notice of the accommodation to the applicant and property owners within 300 feet of the subject site.

D. When applying this reasonable accommodation process to the Grandview Municipal Code, including the International Building Code and other codes adopted

pursuant to GMC Title 15, the City and its staff shall avoid stereotypical assumptions regarding the disabled and shall attempt to ascertain the actual physical and/or mental limitation of the disabled individual in order to craft an accommodation which best suits the exercise of that individual's rights.

17.94.030 Waiver of building code requirements.

No reasonable accommodation shall be provided by a waiver or variance of the provisions of the codes adopted pursuant to GMC Title 15 which does not substantially accomplish the purposes of those chapters or which would reduce the fire safety of any structure. Modifications, waivers or variances of the provisions of International Building Code, International Fire Code and the other codes adopted pursuant to GMC Title 15 shall provide at least the same level of safety required by the respective code. The applicant shall have the burden of establishing that the proposed modification, waiver or variance accomplishes substantially the same purpose without reduction of fire safety.

17.94.040 Accommodations personal to the applicant.

The accommodation provided shall be personal to the applicant and shall not run with the land; provided, however, that a change in a residential structure necessary to accommodate the operation of a residential care provider to the disabled may be continued by future operations of similar facilities at the site who establish the same use within six months of the date the prior use by disabled person or residential care provider ceases. The City Administrator may therefore direct that any physical change in the structure which would otherwise be illegal under the use or bulk requirements of the City's land use ordinances be brought into compliance six months after the date of sale or transfer of a residential structure to a person or entity not qualifying for the protections of the ADA, FHA and WLAD.

17.94.050 Appeal.

There shall be no appeal from the decision of the City Administrator within the City. Interested persons, that is persons located within 300 feet of the building site, may appeal the reasonable accommodation by filing a petition for review with Yakima County Superior Court within 10 days of the date of mailing of the written notice of decision.

Section 2. This ordinance shall be in full force and effect five days after its passage and publication as required by law.

PASSED by the **CITY COUNCIL** and **APPROVED** by the **MAYOR** at its regular meeting on _____, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLICATION:

EFFECTIVE:

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D. When applying this reasonable accommodation process to the Grandview Municipal Code, including the International Building Code and other codes adopted

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17.94.050 Appeal.

A decision of the City Administrator under this chapter may be appealed to Hearing Examiner within 10 days of the date of mailing the written notice of decision pursuant to section 17.94.029(C). Only persons residing within 300 feet of the building site may file an appeal pursuant to this section. An appeal must be accompanied by an appeal fee in the amount of \$250. The appeal will be processed in accordance with GMC Chapter 2.50. The decision of the City Administrator shall be overturned or modified only if the Hearing Examiner finds that the decision does not comply with applicable law.

Section 2. This ordinance shall be in full force and effect five days after its passage and publication as required by law.

PASSED by the **CITY COUNCIL** and **APPROVED** by the **MAYOR** at its regular meeting on _____, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLICATION:

EFFECTIVE:

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Section 2. This ordinance shall be in full force and effect five days after its passage and publication as required by law.

PASSED by the **CITY COUNCIL** and **APPROVED** by the **MAYOR** at its regular meeting on _____, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLICATION:

EFFECTIVE:

27

CLASS B BITUMINOUS SURFACE TREATMENT (BST) PROGRAM RECOMMENDATIONS



MAINTENANCE: THE WORK OF KEEPING SOMETHING IN PROPER CONDITION



- **At the June 14th COW Meeting, staff was directed to present and/or implement a street seal-coating maintenance program.**



**Currently the City has approximately
50-miles of streets which are as follows:**

- **8.58 miles of Arterial sections**
- **7.05 miles of Major Collectors**
- **34.5 miles of local access roads**

Arterial streets are high traffic generators and a seven-year rotation is an appropriate recommendation.

Collectors could be scheduled on a 12-year rotation.

Local access streets could be scheduled at 15-years.

**A one mile Class B BST treatment is
estimated at \$100,000.**



City of Cranichew
207 West 2nd Street
Cranichew, WA 99077

June 21, 2016
H.A. Project No: 19007
5,210 linear feet

40' wide Overlay with 2' Vertical Asphalt

Item No.	Description	Unit	Contract Quantity	Unit Price	Amount
1	Modularization	LS	1	\$4,000.00	\$4,000.00
2	Project Temporary Traffic Control	LF	1,000	\$1,000.00	\$1,000.00
3	Crest Sealing	LF	1,000	\$1,000.00	\$1,000.00
4	HMA for Patching 3/8 in. PG 64-28	TN	5	\$150.00	\$750.00
5	Asphalt Emulsion CRS2-P	TN	33	\$950.00	\$31,350.00
6	Fill and Place Material Aggregate 3/8"-10	TN	209	\$60.00	\$12,540.00
7	Fill and Place Material Aggregate 1 1/2"-10	TN	10	\$100.00	\$1,000.00
8	Pavement Markings (paint only)	LS	1	\$10,000.00	\$10,000.00
9	Minor Changes	FA	EST	\$5,000.00	\$5,000.00
				SUBTOTAL	\$64,680.00
				10% Contingency	\$6,468.00
				Construction Total	\$71,148.00
				25% P.E. & C.C.	\$17,787.00
				Project Total	\$88,935.00

Cost per Linear Foot: \$18.84
Cost per Mile: \$94,319.56

NOTE: Construction costs have been estimated on the basis of bid received in 2016. If these estimates are used in later years, costs should be adjusted to reflect inflation and the bidding climate.

City of Cranichew
207 West 2nd Street
Cranichew, WA 99077

June 21, 2016
H.A. Project No: 19007
5,200 linear feet

40' wide Overlay with 2' Vertical Asphalt

Item No.	Description	Unit	Contract Quantity	Unit Price	Amount
1	Modularization	LS	1	\$20,000.00	\$20,000.00
2	Project Temporary Traffic Control	LF	1,000	\$10,000.00	\$10,000.00
3	Crest Sealing	LF	1,000	\$10,000.00	\$10,000.00
4	HMA Base 1 1/2 in. PG 64-28	TN	2,900	\$65.00	\$188,500.00
5	Asphalt Emulsion	EA	16	\$900.00	\$14,400.00
6	Fill and Place Material Aggregate 3/8"-10	TN	48	\$900.00	\$43,200.00
7	Pavement Markings	LS	1	\$15,000.00	\$15,000.00
8	Handicap Ramps	FA	64	\$1,500.00	\$96,000.00
9	Minor Changes	FA	EST	\$15,000.00	\$15,000.00
				SUBTOTAL	\$464,500.00
				10% Contingency	\$46,450.00
				Construction Total	\$510,950.00
				25% P.E. & C.C.	\$127,737.50
				Project Total	\$638,687.50

Cost per Linear Foot: \$126.13
Cost per Mile: \$645,981.25

NOTE: Construction costs have been estimated on the basis of bid received in 2016. If these estimates are used in later years, costs should be adjusted to reflect inflation and the bidding climate.

City of Cranichew
207 West 2nd Street
Cranichew, WA 99077

June 21, 2016
H.A. Project No: 19007
5,200 linear feet

30' wide asphalt street - Orndorff curb lines and overlay with 2'

Item No.	Description	Unit	Contract Quantity	Unit Price	Amount
1	Modularization	LS	1	\$15,000.00	\$15,000.00
2	Project Temporary Traffic Control	LF	1	\$15,000.00	\$15,000.00
3	Painting Brooming Pavement	SY	8,500	\$2.50	\$21,250.00
4	HMA C1 1 1/2 in. PG 64-28	TN	2,200	\$46.00	\$101,200.00
5	Asphalt Markings	EA	16	\$900.00	\$14,400.00
6	Adjust Valve Box	EA	48	\$800.00	\$38,400.00
7	Pavement Markings	LS	1	\$15,000.00	\$15,000.00
8	Handicap Ramps	FA	64	\$1,500.00	\$96,000.00
9	Minor Changes	FA	EST	\$15,000.00	\$15,000.00
				SUBTOTAL	\$421,850.00
				10% Contingency	\$42,185.00
				Construction Total	\$464,035.00
				25% P.E. & C.C.	\$116,008.75
				Project Total	\$580,043.75

Cost per Linear Foot: \$119.80
Cost per Mile: \$589,043.75

NOTE: Construction costs have been estimated on the basis of bid received in 2016. If these estimates are used in later years, costs should be adjusted to reflect inflation and the bidding climate.



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The City of Grandview has approximately 50-miles of paved streets which would require approximately \$5,000,000 in order to complete a BST treatment to our entire street inventory.



In preparing this report we considered the following options for implementing an annual sealcoat program:

- **Continue contracting with Yakima County.**
- **Advertising for construction bids each spring.**
- **Using our inter-local agreement with the City of Sunnyside.**



We could also purchase our own equipment which would require adding additional full time employees (FTE's) in order to complete our mandatory daily maintenance tasks.



EQUIPMENT & EMPLOYEES NEEDED

1.	Oil Truck	\$100,000/ea.
2.	Dump truck with rock box	\$100,000/ea.
3.	Tire roller	\$120,000/ea.
4.	Front-end Loader	\$80,000/ea.
5.	Street Sweeper	\$100,000/ea.
6.	Water Truck	\$70,000/ea.
7.	8-Employees for 3 weeks per year at an approximate cost of \$22,000.	





Tire Roller



Rock Distributor Box



Rock Distributor Box



Rock Distributor Box





Tire Roller



Tire Roller



Oil Truck

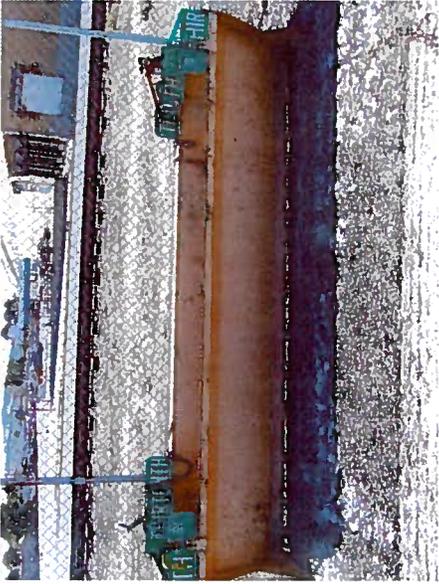


Asphalt Box

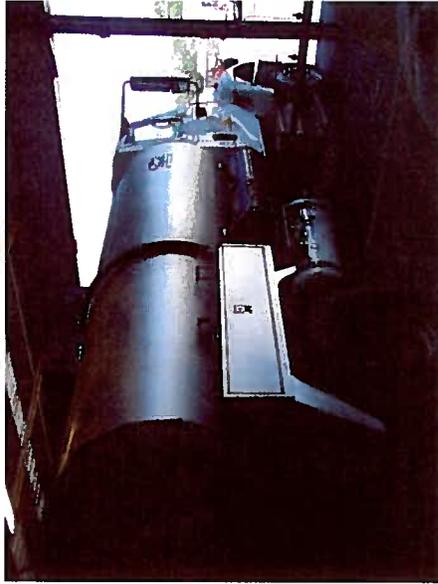




Rock Box



Tire Roller



Oil Truck



We can consider implementing any of the following options:

- **A seven-year rotation plan would require that we budget approximately \$700,000 per year.**
- **A 12-year plan would require approximately \$400,000 per year.**
- **A 15-year plan would require approximately \$300,000 per year.**



Our current street budget cannot support a seven-year and/or a 12-year rotation plan.

Even a 15-year plan would deplete our ending fund balance down to zero.

This also takes into consideration the \$160,000 from the TBD.



We will need to generate new funding into our street budget in order to implement an ongoing rotation BST maintenance program. Keep in mind, that this new rotation program could also be using all of the funding resources that we have been using to leverage grant funds for street improvements. In addition, an annual transfer increase to the street budget from the Current Expense Fund will also jeopardize the Current Expense Ending Fund balance.

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The following increase funding options are available for Council's consideration:

- Increase the annual transfer from the Current Expense Fund to the Street Budget.
- Consider a Councilmanic Bond for street maintenance.
- Increase the \$20 TBD to the new state limit of \$40.
- Work within the current \$160,000 generated from the \$20 TBD.



As part of this report, I recommend that we continue to work within the current TBD budget revenues of \$160,000 per year.

I would also strongly recommend that we continue to leverage grant funds as they become available and to budget for at least one-mile of BST annually.



POTENTIAL BST PROJECTS

E. 3RD STREET – facing east



BIRCH STREET – facing north



POTENTIAL BST PROJECTS

**W. WINE COUNTRY ROAD -
Eastbound**



**W. WINE COUNTRY ROAD -
Eastbound**



POTENTIAL BST PROJECTS

EUCLID ROAD – Northbound



EUCLID ROAD – Southbound



POTENTIAL BST PROJECTS

W. 2ND STREET – facing west



W. 2ND STREET – facing east



POTENTIAL BST PROJECTS

HILLCREST – facing north



VELMA – facing north



POTENTIAL BST PROJECTS

W. 5TH STREET – Eastbound side



W. 5TH STREET – Westbound side



SIX-YEAR BST (SEALCOAT) RECOMMENDATION



YEAR ONE:

- Wine Country Road from East Stover Road to Euclid Road (5,143 feet).

Estimate for Year One for 5,143 feet is \$97,408



YEAR TWO:

- **Fir Avenue from WCR south to East 4th Street (1,286 feet).**
- **East 2nd Street from Elm east to Fir Avenue (1,052 feet).**
- **East 3rd Street from Elm east to Fir Avenue (1,298 feet).**
- **East 4th Street from Elm east to Fir Avenue (1,302 feet).**

Estimate for Year Two for 4,938 feet is \$93,525.



Fir Avenue



East 2nd Street



East 3rd Street



East 4th Street



YEAR THREE:

- West 5th Street from Euclid west to Appleway (5,260 feet).

Estimate for Year Three for 5,260 feet is \$99,624.



YEAR FOUR:

- **Stassen Way from Euclid to Hillcrest (1,312 feet).**
- **Zorada from Stassen Way to Rainier (419 feet)**
- **Powell from Stassen Way to Hickory (893 feet).**
- **West 5th Street from Euclid to Grandridge (2,601 feet).**

Estimate for Year Four for 5,225 feet is \$98,961.



Stassen Way



Zorada



Powell



West 5th Street



YEAR FIVE:

- North 4th from Euclid to Wilson (2,680 feet).
- North 3rd from WCR to Opal (1,040 feet).
- Davie from North 3rd to North 4th (442 feet).
- Nealy from North 3rd to North 4th (442 feet).

Estimate for Year Five for 4,604 feet is \$87,238.



North 4th Street



North 3rd Street



Davie



Nealy



YEAR SIX:

- **Butternut from West 5th Street to Pecan (1,895 feet).**
- **Hill Drive from Butternut to Appleway (1,515 feet)**
- **West Briar from Butternut to end of road (893 feet).**

Estimate for Year Six for 3,928 feet is \$74,396.



Butternut



West Briar



Hill Drive



QUESTIONS / RECOMMENDATIONS



**GRANDVIEW CITY COUNCIL
REGULAR MEETING MINUTES EXCERPT
MAY 24, 2016**

9. MAYOR & COUNCILMEMBER MEETING REPORT

City Council Procedures Manual – Councilmember Souders suggested that the Council revisit the wording of Section 3.18(a) in the City Council Procedures Manual.

On motion by Councilmember Souders, second by Councilmember Rodriguez, the Council agreed to revisit the wording of 3.18(a) in the City Council Procedures Manual at the June 21st C.O.W. meeting.

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SECTION 3. RULES OF ORDER:

3.18 Procedure of Presenting Matters to Council:

(a) All matters coming before the City Council shall first be referred to the Committee-of-the-Whole. Therefore, all new matters shall be placed on the Council agenda as new business for referral to the Committee-of-the-Whole.

(b) At the next Council meeting, after such referral to the Committee-of-the-Whole, the Committee-of-the-Whole will report their recommendation to the Council. If the Committee-of-the-Whole feels that it is something that should be referred to the Mayor for disposition as an administrative matter, then the Committee-of-the-Whole will report that back to the Council at the next Council meeting. Otherwise, the matter will come back to the Council for their action.

(c) If a matter is of an urgent or time sensitive nature, the Council can vote to suspend the rules pursuant to Section 3.15 of this manual and dispose of an item immediately.