



AGENDA
OMAK CITY COUNCIL MEETING
Monday, October 21, 2019 – 7:00 PM



ORIGINAL

- A. **CALL TO ORDER**
- B. **FLAG SALUTE**
- C. **CITIZEN COMMENTS**
- D. **CORRESPONDENCE AND MAYOR'S REPORT**
- E. **CONSENT AGENDA:**
 - 1. Approval of minutes from October 7, 2019
 - 2. Approval of Claims
- F. **PUBLIC HEARING:**
 - 1. 2019 Budget Revenue Sources – Consideration of 2019 Ad Valorem Revenue Taxes
- G. **NEW BUSINESS:**
 - 1. Res. 68-2019 Approve Award of Contract for Eastside Park Lift Station Project – Cates & Erb 
 - 2. Res. 69-2019 Approve Amendment No. 7 – G&O – Montvu Drive Water/Sewer Improvements 
 - 3. Ord. 1880 Authorize Ad Valorem Taxes for 2020 Fiscal and Calendar Year 
 - 4. Ord. 1881 - 1st Read – Amend 2019 Budget – Garbage Fund
- H. **OTHER BUSINESS:**
 - 1. Council Committee Reports
 - 2. Staff Reports

 **Action by City Council**

The Omak City Hall is accessible to persons with disabilities. Hearing or visually impaired persons requiring special accommodations should contact the City Clerk one week in advance of the meeting by calling 509-826-1170 or e-mail clerk@omakcity.com in order to be provided assistance.

MEMORANDUM

To: Omak City Council
Cindy Gagné, Mayor

From: Ken Mears, Public Works Director

Date: October 21st, 2019

Subject: **Resolution No. 68-2019** Award Eastside Park Lift Station Project.

The attached **Resolution 68-2019, A RESOLUTION OF THE OMAK CITY COUNCIL APPROVING AWARD OF THE CONTRACT FOR EASTSIDE PARK LIFT STATION PROJECT**, is forwarded for your consideration.

The Eastside Park Lift Station Project G&O #19002 was advertised for bids in the Daily Journal of Commerce on September 18th, and 25th of 2019, and bids were received until October 9th, 2019.

Bids were opened publicly on October 9th, 2019, at 2 pm in the Omak City Council Chambers. 4 bids were received, ranging from \$445,161.85 to \$596,793.33. Bids were reviewed for accuracy by Gray & Osborne, Inc. Eight corrections were made; however, these corrections did not change the position of the low bidder.

I Recommend the Award to Cates & Erb, Inc., as the lowest, responsible, and responsive bid in the amount of \$445,161.85.

I support this resolution and urge its adoption

RESOLUTION NO. 68-2019

A RESOLUTION OF THE OMAK CITY COUNCIL APPROVING AWARD OF THE CONTRACT FOR EASTSIDE PARK LIFT STATION PROJECT

WHEREAS, the Eastside Park Lift Station Project was advertised in the Daily Journal of Commerce on September 18th and the 25th, 2019 for bids; and

WHEREAS, bids were received until 2:00 pm on Wednesday, October 9th, 2019 and then opened and publicly read aloud; and

WHEREAS, a total of four bids were received; and

WHEREAS, the City's Consulting Engineers, Gray and Osborne Inc., have reviewed the submittals for correctness of extensions of prices per unit and total price, and it is their recommendation to award the contract to, Cates & Erb, Inc. of Omak Washington, as the low, responsive, responsible bidder for the contract work to be done.

NOW, THEREFORE BE IT RESOLVED by the Omak City Council, that the Contract for Eastside Park Lift Station Project, a copy of which is available for inspection in the Clerk's Office, be awarded to Cates & Erb, Inc., in the amount of \$445,161.85. The Mayor is authorized and directed to execute all necessary contract documents.

PASSED AND APPROVED BY THE OMAK CITY COUNCIL this _____ day of _____, 2019.

SIGNED:

Cindy Gagné, Mayor

ATTEST:

Connie Thomas, City Clerk

APPROVED AS TO FORM:

Michael Howe, City Attorney



October 15, 2019

Mr. Todd McDaniel
City Administrator
2 North Ash Street
Omak, Washington 98841

SUBJECT: REVIEW OF BIDS, EASTSIDE PARK LIFT STATION
CITY OF OMAK, OKANOGAN COUNTY, WASHINGTON
G&O #19002

Dear Mr. McDaniel:

On October 9, 2019, the City of Omak received four bids for the Eastside Park Lift Station project. The bids ranged from \$445,161.85 to \$596,793.33. The Engineer's Estimate was \$420,925.05. Each proposal was checked for correctness of extensions of the prices per unit and the total price. Eight corrections were made; however, these corrections did not change the position of the low bidder. We have provided a bid summary with this letter. The bidders and their respective bid amounts, including TERO fee and sales tax, where applicable, are as follows:

	Engineer's Estimate	\$420,925.05
1.	Cates & Erb, Inc. (Omak, Washington).....	\$445,161.85
2.	Selland Construction (Wenatchee, Washington).....	\$493,294.62
3.	POW Contracting (Pasco, Washington)	\$581,619.58
4.	DW Excavating (Davenport, Washington).....	\$596,793.33

The City is advised that the bid proposal submitted by Cates & Erb, Inc., included an amount for the TERO fee substantially lower than the 5% TERO fee indicated in the bid documents. Cates & Erb, Inc. provided additional documentation (attached) from the Tribal Employment Rights Office certifying that Cates & Erb, Inc. has meet all requirements to be recognized as a Certified Title 10 Corporation for the calendar year 2019 and is entitled to all rights of a preferred entity in good standing as determined by Title 10 Code and the Confederated Tribes of the Colville Reservation. As a certified firm, Cates & Erb, Inc. is exempt from TERO fees in accordance with Chapter 10-1 of the Colville Tribal Law and Order Code (attached).

The low responsive bidder, Cates & Erb, Inc., of Omak, Washington, is currently a Washington State registered and licensed contractor and appears to have the relevant



Mr. Todd McDaniel

October 15, 2019

Page 2

qualifications and experience to successfully perform the work the project will require. To our knowledge, the low bidder has not claimed bid error and no formal bidding protests have been recorded. In accordance with RCW 39.04, we have verified the low bidder, Cates & Erb, Inc., of Omak, Washington, has met the responsibility criteria. The Mandatory Bidder Responsibility Checklist is attached for the City's file. We have also reviewed the Supplemental Bidder Criteria information submitted by Cates & Erb, Inc., and they appear to meet the requirements of the Supplemental Bidder Responsibility Criteria.

Based on our evaluation, we recommend that the project be awarded to the lowest responsive, responsible bidder, Cates & Erb, Inc., P.O. Box 2027, Omak, Washington 98841.

Please contact us if you have any questions and/or require additional information.

Sincerely,


GRAY & OSBORNE, INC.

David G. Ellis, P.E.

DE/tlf

Encl.

cc: Mr. Ken Mears, Public Works Director, City of Omak, w/encl.

NO.	ITEM	QUANTITY	ENGINEER'S ESTIMATE		CATES & ERB INC.		SELL AND CONSTRUCTION		POW CONTRACTING		DW EXCAVATING	
			UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
BIDDER ADDRESS WASHINGTON STATE WORKMANS COMP. ACCT. NO. WASHINGTON STATE CONTRACTOR'S REG. NUMBER BID BOND OR OTHER GOOD FAITH TOKEN												
			PO BOX 2027		Omak, WA 98841		PO BOX 119		PO BOX 4772		215 Park St	
			542.086-01		Wenatchee, WA 98807		180.275-00		Pasco, WA 99302		Davenport, WA 99122	
			CATESEI066MQ		SELLAC*372N0		POWCO**037R4		945.922-00		600.166-00	
			5% BID BOND		5% BID BOND		5% BID BOND		5% BID BOND		DWEXCE1856QB	
			5% BID BOND		5% BID BOND		5% BID BOND		5% BID BOND		5% BID BOND	
1	Mobilization and Demobilization	1 LS	\$40,000	\$40,000.00	\$38,500.00	\$38,500.00	\$10,000.00	\$10,000.00	\$36,019.00	\$36,019.00	\$26,900.00	\$26,900.00
2	Trench Excavation Safety Systems	1 LS	\$5,000	\$5,000.00	\$2,500.00	\$2,500.00	\$4,000.00	\$4,000.00	\$1,200.00	\$1,200.00	\$27,300.00	\$27,300.00
3	Temporary Erosion Control	1 LS	\$2,000	\$2,000.00	\$3,500.00	\$3,500.00	\$500.00	\$500.00	\$3,500.00	\$3,500.00	\$2,200.00	\$2,200.00
4	SPCC Plan	1 LS	\$1,000	\$1,000.00	\$750.00	\$750.00	\$200.00	\$200.00	\$500.00	\$500.00	\$150.00	\$150.00
5	Minor Changes	1 LS	\$20,000	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00
6	Foundation Gravel	50 CY	\$50	\$2,500.00	\$28.00	\$1,400.00	\$50.00	\$2,500.00	\$150.00	\$7,500.00	\$74.00	\$3,700.00
7	Gravel Backfill for Walls	50 CY	\$50	\$2,500.00	\$28.00	\$1,400.00	\$120.00	\$6,000.00	\$150.00	\$7,500.00	\$74.00	\$3,700.00
8	Lift Station	1 LS	\$115,000	\$115,000.00	\$93,950.00	\$93,950.00	\$160,000.00	\$160,000.00	\$223,075.00	\$223,075.00	\$147,200.00	\$147,200.00
9	Electrical, Telemetry, and Instrumentation	1 LS	\$60,000	\$60,000.00	\$39,000.00	\$39,000.00	\$33,000.00	\$33,000.00	\$60,000.00	\$60,000.00	\$56,000.00	\$56,000.00
10	Crushed Surfacing Top Course	50 TN	\$50	\$2,500.00	\$22.00	\$1,100.00	\$195,000.00	\$195,000.00	\$136,400.00	\$136,400.00	\$228,800.00	\$228,800.00
11	Site Restoration and Rehabilitation	1 LS	\$10,000	\$10,000.00	\$7,500.00	\$7,500.00	\$500.00	\$500.00	\$15,000.00	\$15,000.00	\$7,500.00	\$7,500.00
Subtotal:				\$370,500.00		\$410,600.00		\$434,200.00		\$511,944.00		\$525,300.00
TERO Fee @ 5%				\$18,525.00	*see note below	\$825.00		\$21,710.00		\$25,597.20		\$26,265.00
Sales Tax @ 8.2%				\$31,900.05		\$33,736.85		\$37,384.62		\$44,078.38		\$45,228.33
TOTAL CONSTRUCTION COST				\$420,925.05		\$445,161.85		\$493,294.62		\$581,619.58		\$596,793.33
Sealed bids were opened at the City of Omak, 2 North Ash Street, Omak, Washington 98841 on Wednesday, October 9, 2019, at 2:00 p.m. (local time).												
I hereby certify that, to the best of my knowledge, the above tabulations are true and correct transcriptions of the unit prices and total amounts bid.												
												
DAVID G. ELLIS, P.E.												
DENOTES ALL MATHEMATICAL AND ROUNDING ERRORS												

*The Tribal Employment Rights Office has certified that Cates & Erb, Inc. has met all requirements to be recognized as a Certified Title 10 Corporation for the calendar year 2019 and is entitled to all rights of a preferred entity in good standing as determined by Title 10 Code and the Confederated Tribes of the Colville Reservation. As a certified firm, Cates & Erb, Inc. is exempt from TERO fees in accordance with Chapter 10-1 of the Colville Tribal Law and Order Code.

DATE: 10/20/19
 DRAWN: Hf
 CHECKED: DE
 APPROVED: DE

Page 1 of 1

CITY OF OMAK, WASHINGTON
 EASTSIDE PARK LIFT STATION
 GRAY & OSBORNE #19002

GRAY & OSBORNE, INC.
 CONSULTING ENGINEERS

TERO Title 10 Certification



Tribal Employment Rights Office hereby certifies that the following has submitted their annual update and met all requirements to be recognized as a Certified Title 10 Corporation for the calendar year 2019 and is entitled to all rights of a preferred entity in good standing as determined by Title 10 Code and the Confederated Tribes of the Colville Reservation:

Cates & Erb, Inc.



John MacClain
John MacClain, TERO Director

No 0002

(f) Tribal entities shall notify TERO within 24 hours of an imminent need and/or emergency repair or work. A compliance and utilization plan will be submitted to TERO within 24 hours of an imminent need and or emergency repair or work with the names and contact information of all contractors hired to conduct the imminent need and/or emergency repair or work.

(Added 3/6/14, Resolution 2014-114)(Certified 3/18/14)

10-1-28 Responsibility for Evaluating Technical Qualifications and Reasonable Price

(a) Technical Qualifications: The entity and its contractors and subcontractors shall have the discretion to determine technical qualifications. TERO shall be provided notice of any pre- construction meetings to assist in compliance. However, if the entity determines that there are no certified firms that are technically qualified, the Director may require the entity to provide to each certified firm it rejects a description, in writing, of areas in which it believes the firm is weak and steps it could take to upgrade its qualifications. If a certified firm that was disqualified on the grounds of technical qualifications believes that the disqualification was the result of an improper effort by an entity, contractor, or subcontractor, to circumvent its preference responsibilities under this Chapter, it may file a complaint with the TERO under the provisions of section 10-1-31.

(Amended 3/6/14, Resolution 2014-114)(Certified 3/18/14)

(b) Reasonable Price: An entity may use any process it so chooses for determining what constitutes a reasonable price including, but not limited to, competitive bidding (open or closed), or the establishment of a prototype cost ceiling before bidding commences. No entity may reject a certified firm and then contract with a non-certified firm at the same or higher price. Any contract modification in price that is justified is not a circumvention of this section. Any entity found to have violated this requirement by such circumvention shall be liable for treble damages for any losses suffered by a certified firm as a result of the entity's actions.

10-1-29 Operation of the Contract or Subcontract

Once an entity enters into a contract with a certified firm, the TERO will not intervene in any way in the relationship between the parties unless a certified firm demonstrates that action taken against it is intended primarily to circumvent the requirements of this Chapter.

10-1-30 Employment Rights Fee

An Employment Rights Fee, to help defer the cost of regulating and providing services under this Chapter, will be assessed on all covered employers, including all contractors, sub-contractors and reservation-based employers as follows:

(Amended 3/6/14, Resolution 2014-114)(Certified 3/18/14)

(a) Contract Fees: The TERO shall assess a Contract Fee equal to 5% of the total gross contract price, on all contracts in the sum of \$5,000.00 or more where the majority of the work under the contract is to be performed within the Reservation or lands owned by the Tribes. The Contract Fee shall be assessed on the entity receiving the contract award. Where a construction or other type of contract involves subcontracting, the entity acting as prime contractor or awarding the subcontracts shall be responsible for paying the Contract Fee, including those attributable to the subcontractors. The Contract Fee shall be due in full prior to commencement of any work under the contract. However, where good cause is shown, the Director may authorize a covered employer to pay the Contract Fee in installments over the course of the contract.

(Amended 9/18/08, Resolution 2008-719)

(Amended 5/10/10, Resolution 2010-303)

(Amended 3/6/14, Resolution 2014-114)(Certified 3/18/14)

(b) Reservation-Based Employer Fees: Every reservation-based employer shall pay a quarterly Reservation-Based Employer Fee (RBEF), of 1% of its employee's quarterly payroll which shall be paid within thirty (30) days after the end of each fiscal quarter. The RBEF shall apply only to the payroll employees that are assigned to work out of a Reservation location or that performed fifty-one (51%) of their work within the Reservation during the relevant quarter. On April 30, July 30, October 30, and January 30, the employer shall submit, on a form provided by the Director, information showing the total reservation-based payroll for the previous quarter, accompanied by a check for the total amount of the RBEF due under this section. If an employer operates on a different fiscal schedule, it may apply to TERO

for a different payment schedule.

(Amended 3/6/14, Resolution 2014-114)(Certified 3/18/14)

(c) Fee Exemptions; Adjustments; Waivers:

(1) The TERO fee shall not apply to 100% Colville Business Enterprises, Colville Business Enterprises, or Colville Family Business Enterprises, whether for profit or not, and their contractors, sub-contractors and suppliers, except for construction and infrastructure development projects funded by state and federal grants.

(Amended 3/6/14, Resolution 2014-114)(Certified 3/18/14)

(2) The TERO fee shall not apply to contracts let by educational, health, governmental, or non-profit employers and their contractors, sub-contractors and suppliers, except for construction and infrastructure development projects funded by state and federal grants.

(Amended 5/10/10, Resolution 2010-303)

(Amended 3/6/14, Resolution 2014-114)(Certified 3/18/14)

(3) All reservation-based employers whose total reservation-based workforce is at least 51% Indian preference eligible may apply to the TERO for a reduction in the amount of the RBEF. Upon receipt of sufficient documentation indicating the employer's workforce is at least fifty-one (51%) Indian preference eligible, TERO shall reduce the RBEF assessed to ½ of 1% of the employer's quarterly payroll.

(Amended 3/6/14, Resolution 2014-114)(Certified 3/18/14)

(4) Any contractor, contracting entity or reservation-based employer, or covered employer may apply in writing for a full or partial waiver of TERO fees to (a) The Director for fee waivers in amounts less than \$50,000.00; or (b) The Commission for fee waivers in amounts over \$50,000.00. The Director or Commission may grant a fee waiver upon a finding that the contractor, contracting entity or reservation-based employer meets one of the following criteria:

(Amended 9/18/08, Resolution 2008-719)

(Amended 3/6/14, Resolution 2014-114)(Certified 3/18/14)

(A) The contract is for a public project intended to benefit the reservation community and is funded in whole or in part by Tribal dollars;

(B) The amount of the TERO fee assessment will result in extreme economic hardship making the contract or reservation based business economically unfeasible; or

(C) The Colville Business Council has passed a resolution waiving all or part of the TERO fee.

(5) Employers who meet or maintain tribal employment above the expected amount of 51% may apply for a refund of the TERO Fee as follows

70% -74%. Tribal Employment = refund of 1% total TERO Fee
75% - 79% Tribal Employment = refund of 1.5% TERO Fee
80% -84% Tribal Employment = refund of 2% TERO Fee
85% -89% Tribal Employment = refund of 2.5% TERO Fee
90% - 95% Tribal Employment = refund of 3% TERO Fee
95% - 99% Tribal Employment = refund of 3.5% TERO Fee
100% Tribal Employment = refund of 4% of TERO Fee

To be eligible for the refund, Covered Employers must maintain the percentage of tribal employment for the duration of the contract or project, and the Covered Employer must apply for the refund from the TERO office within 90 days of completion of the project or expiration of the contract (whichever is earlier). As part of its application, Covered employers shall provide proof of tribal employment along with any required supporting documentation. The TERO Office shall

Mandatory Bidder Responsibility Checklist

The following checklist will be used in documenting that a Bidder meets the mandatory responsibility criteria. The Engineer should print a copy of documentation from the appropriate website to include with this checklist in the contract file.

General Information							
Owner/Project Name: City of Omak	Project Number: 19002						
Bidder's Business Name: Cates & Erb, Inc.	Bid Submittal Deadline: 10-9-19, 2:00 pm						
Contractor Registration https://secure.lni.wa.gov/verify/							
License Number: CATESEI066MQ	Status: Active: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>						
Effective Date (must be effective on or before Bid Submittal Deadline): 7-18-1994	Expiration Date: 6-14-2020						
Current UBI Number https://secure.lni.wa.gov/verify/							
UBI Number: 601 558 681	Account: Open <input checked="" type="checkbox"/> Closed <input type="checkbox"/>						
Industrial Insurance Coverage/Worker Compensation https://secure.lni.wa.gov/verify/							
Account Number: 542,086-01	Account Current: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>						
Employment Security Department Number							
Employment Security Department Number: 811116002							
<ul style="list-style-type: none"> • Has Bidder provided account number on the Bid Form? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> • And/or have you asked the Bidder for documentation from Employment Security Department on account number? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> 							
State Excise Tax Registration Number https://secure.lni.wa.gov/verify/							
Tax Registration Number: 604 558 681	Account: Open <input checked="" type="checkbox"/> Closed <input type="checkbox"/>						
Certification of Compliance with Wage Payment Statutes Clause Signed (See Proposal for Required Clause or Signed Certification Form) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>							
Not Disqualified from Bidding http://www.lni.wa.gov/TradesLicensing/PrevWage/AwardingAgencies/DebarredContractors/default.asp							
Is the Bidder listed on the "Contractors Not Allowed to Bid" list of the Department of Labor and Industries? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>							
Public Works Requirements Training https://secure.lni.wa.gov/verify/							
Contractor: <table style="display: inline-table; vertical-align: top; margin-left: 20px;"> <tr> <td>Is Exempt from this Requirement</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Has Completed Training</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Has Not Completed Training</td> <td><input type="checkbox"/></td> </tr> </table>		Is Exempt from this Requirement	<input checked="" type="checkbox"/>	Has Completed Training	<input type="checkbox"/>	Has Not Completed Training	<input type="checkbox"/>
Is Exempt from this Requirement	<input checked="" type="checkbox"/>						
Has Completed Training	<input type="checkbox"/>						
Has Not Completed Training	<input type="checkbox"/>						
Excluded Parties Listing System (Federal Funded Projects) https://www.sam.gov/							
Does the Bidder have an Active Exclusion? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>							
Checked by:							
Name: David Ellis, P.E.	Date: 10-10-19						

MEMORANDUM

To: Cindy Gagné, Mayor

From: Ken Mears, Public Works Director

Date: October 21st, 2019

Subject: **Resolution No. 69-2019** Approving Amendment No.7 with G&O for Montvu Drive Water and Sewer Improvements.

The Attached **Resolution: 69-2019, A Resolution of the Omak City Council Approving Amendment No. 7 to the Professional Engineering Services Agreement with Gray & Osborne, Inc. for Montvu Drive Water and Sewer Improvements,** is forwarded for your consideration.

The City's Engineering Consultant has written up the Scope of Work for the design engineering services, as explained in detail in Exhibit A & B. The project is to design water and sewer mains and side sewer connections in the area of Montvu Drive and Granite Street.

I support this resolution.

RESOLUTION NO. 69-2019

A RESOLUTION OF THE OMAK CITY COUNCIL APPROVING AMENDMENT NO. 7 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH GRAY & OSBORNE, INC. FOR MONTVU DRIVE WATER AND SEWER IMPROVEMENTS

WHEREAS, the City of Omak selected Gray & Osborne, Inc. to provide On-Call Engineering Services by approval of Resolution 24-2018; and

WHEREAS, it is necessary to secure professional engineer consulting services to assist in the additional work associated with City's Montvu Drive Water and Sewer System Improvements; and

WHEREAS, the scope of work and engineering cost for providing these services is \$33,000.00, as shown in the attached.

NOW, THEREFORE BE IT RESOLVED by the Omak City Council, that **Amendment No. 7 to the Contract for Professional Engineering Services** between the City of Omak and Gray & Osborne, Inc. a copy of which is attached hereto as Exhibit "A" is hereby approved, and the Mayor is authorized to execute this document on behalf of the City.

PASSED AND APPROVED this _____ day of _____, 2019.

SIGNED:

Cindy Gagné, Mayor

ATTEST:

Connie Thomas, City Clerk

APPROVED AS TO FORM:

Michael D. Howe, City Attorney

EXHIBIT A

**AMENDMENT NO. 7
TO
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES
G&O JOB NO. 20191.43**


THIS AMENDMENT, entered into this ____ day of _____ 2019, by and between the City of Omak, Washington, hereinafter referred to as the Agency, and Gray & Osborne, Inc., hereinafter referred to as the Engineer, hereby modifies the contract for engineering services dated (by Agency), April 2, 2018 for additional services related to the Agency's On-Call Engineering Services.

City of Omak – Montvu Drive Water and Sewer Improvements

IN WITNESS WHEREOF, the parties hereto have executed, or cause to be executed by their duly authorized officials, this AMENDMENT to the Contract for Engineering Services in duplicate on the respective dates indicated below.

GRAY & OSBORNE, INC.

CITY OF OMAK

By: 
(Signature)

By: _____
(Signature)

Name: Brian L. Sourwine, P.E., Principal
GRAY & OSBORNE, INC.

Name: _____
(Print)

Date: 10/16/19

Date: _____

"Equal Opportunity/Affirmative Action Employer"

EXHIBIT "A"

SCOPE OF WORK

CITY OF OMAK MONTVU DRIVE WATER AND SEWER IMPROVEMENTS

Based on our understanding of the project, this Scope of Work presents the professional engineering services requested by the City of Omak for design engineering services for water and sewer improvements on Montvu Drive. It is our understanding that the work will be funded through the City's water and sewer funds. Our understanding of the work follows:

SCHEDULE A – MONTVU DRIVE WATER IMPROVEMENTS

It is our understanding that the water system improvements consist of the installation of approximately 700 feet of water main pipe on Montvu Drive from Granite Street to the Montvu Drive booster pump station, and the replacement of approximately 600 feet of water service pipe and six water service connections.

SCHEDULE B – MONTVU DRIVE SEWER IMPROVEMENTS

It is our understanding that the sewer system improvements consist of the installation of approximately 700 feet of gravity sewer pipe on Montvu Drive, and the replacement of existing manholes and six side sewers.

Mapping for the water and sewer improvements will incorporate the City's color digital orthographic imagery with 2-foot contour intervals as developed at the initiation of the City's Sewer System Improvements – Phase 1 project. Control and topographic survey work for the City's Sewer System Improvements – Phase 2 project, performed circa 2012, will be utilized for the development of project plans. Through discussions with the City it is our understanding that no underground utility work has occurred within the project area since the 2012 topographic survey work was performed.

Plan and specifications prepared as part of this work will be incorporated into the City's Sewer System Improvements project that is currently in design.

More specifically, the work will include:

DESIGN ENGINEERING SERVICES

Project Management – This task will include the following:

- Incorporate overall project management as well as in-house quality assurance and quality control (QA/QC) reviews of all documents in order to address relevant issues that may affect the project.

Preliminary Design – The objective is to review City-provided information (described herein) to develop preliminary design concepts and construction drawings at preliminary design phase (35%). Design plans and specifications will be prepared in City-approved format. This task will include the following:

- Review City-provided building sewer information, dye test results, and video inspection records to aid in development of design plans for side sewer replacement.
- Prepare preliminary plans at a scale of 1"=20'. These Plans will provide a planimetric view of existing sewers and also incorporate City design standards, as applicable.
- Review and identify possible sewer location and alignment issues.
- Incorporate available utility record drawing information, plat map (property line) and rights-of-way information. If necessary, we will assist the City with obtaining any additional easements or rights-of-way, define legal descriptions, and provide exhibits.
- Prepare preliminary specifications, to include proposal, contract, and bonding requirements.
- Provide preliminary construction cost estimate.
- Determine and describe local, state, and federal permits, and licenses required for construction of the proposed improvements. Prepare and submit said permits and approval applications prior to completion of design. The City will pay any permit and approval review fees.
- Perform a quality assurance and quality control (QA/QC) review of all documents in order to address those relevant issues that may affect the project.
- Review plans, specifications, and cost estimates with the City.

Final Design Contract Documents – The objective is to provide final Contract Documents and cost estimate in City-approved format. This task will include the following:

- Prepare final plan designs and project specifications to and including final quantities, order of work, details associated with by-pass pumping, schedule, and cost estimates.
- Submit Contract Documents and cost estimate to the City, to include incorporation of all previous City comments.
- Conduct an on-site review with the City.
- Perform a quality assurance and quality control (QA/QC) review of all documents in order to address those relevant issues that may affect the project.

Information to be provided by the City – We will work with the City to ensure that all of the information needed to complete the design is obtained. Information that we will need from the City includes, but is not limited to, the following:

- Inspection records and dye testing results of the existing side sewers within the project area to support the design work.
- Horizontal and vertical location of each building sewer within the project area in sufficient detail to incorporate into the project design. It is our understanding that this will be accomplished through efforts by the City to contact each building owner within the project area to investigate each building sewer location.

Bid and Award Services – The objective is to assist the City in bid and award of the project. This task will include the following:

- Provide the City with the Call for Bids for advertisement for bids (City will pay all publishing costs) and the Contract Documents and construction cost estimate (in both hard copy and electronic formats).
- Provide access to Contract Documents to local plan centers, licensed contractors and material suppliers free-of-charge via Gray & Osborne Bid Document Distribution System website at <http://gobids.grayandosborne.com>.
- Answer questions from potential bidders and issue any addenda, as required.
- Attend the bid opening, review the bids, check bidder references, prepare the bid summary, and recommend award of the construction contract.

Construction administration services are not included in this Scope of Work. A separate Amendment for construction administration services will be prepared for City approval once the construction contract is awarded.

BUDGET

The maximum amount payable to the Engineer for completion of all work associated with this Scope of Work, including contingencies, salaries, overhead, direct non-salary costs and net fee shall be as shown in Exhibit "B." This amount shall not be exceeded without prior written authorization of the City.

EXHIBIT "B"

**ENGINEERING SERVICES
SCOPE AND ESTIMATED COST**

*City of Omak
Montvu Drive Water and Sewer Improvements*

Tasks	Principal Hours	Project Manager Hours	Project Engineer Hours	AutoCAD/ GIS Tech./ Eng. Intern Hours	Professional Land Surveyor Hours
SCHEDULE A - WATER					
Project Management		4			
Preliminary Design		8	8	16	2
Final Design		16	32	42	
QA/QC	4	4	4	2	
Plan Reviews (35%/90%)			4		
Bid and Award Services		4	4		
Hour Estimate:	4	36	52	60	2
Fully Burdened Billing Rate Range:*	\$129 to \$190	\$119 to \$190	\$113 to \$145	\$48 to \$126	\$113 to \$145
Estimated Fully Burdened Billing Rate:*	\$160	\$150	\$140	\$130	\$130
Fully Burdened Labor Cost:	\$640	\$5,400	\$7,280	\$7,800	\$260

Total Fully Burdened Labor Cost: \$ 21,380

Direct Non-Salary Cost:

Mileage & Expenses (Mileage @ current IRS rate) \$ 600

Printing \$ 20

TOTAL ESTIMATED COST: \$ 22,000

Tasks	Principal Hours	Project Manager Hours	Project Engineer Hours	AutoCAD/ GIS Tech./ Eng. Intern Hours	Professional Land Surveyor Hours
SCHEDULE B - SEWER					
Project Management		2			
Preliminary Design		4	8	8	2
Final Design		8	14	16	
QA/QC	2	2	2	2	
Plan Reviews (35%/90%)			2		
Bid and Award Services		2	2		
Hour Estimate:	2	18	28	26	2
Fully Burdened Billing Rate Range:*	\$129 to \$190	\$119 to \$190	\$113 to \$145	\$48 to \$126	\$113 to \$145
Estimated Fully Burdened Billing Rate:*	\$160	\$150	\$140	\$130	\$130
Fully Burdened Labor Cost:	\$320	\$2,700	\$3,920	\$3,380	\$260

Total Fully Burdened Labor Cost: \$ 10,580

Direct Non-Salary Cost:

Mileage & Expenses (Mileage @ current IRS rate) \$ 400

Printing \$ 20

TOTAL ESTIMATED COST: \$ 11,000

* Actual labor cost will be based on each employee's actual rate. Estimated rates are for determining total estimated cost only. Fully burdened billing rates include direct salary cost, overhead, and profit.

MEMORANDUM

To: Omak City Council
Cindy Gagnè, Mayor

From: Todd McDaniel

Date: October 21, 2019

Subject: Ordinance 1880 fixing 2018 Ad Valorem Taxes

The Attached Ordinance 1880- An Ordinance Fixing the Amount of the City of Omak's Financial Requirements to be Raised by ad Valorem Taxes Upon All Taxable Property, Both Real and Personal, Within the City of Omak, Okanogan County, Washington, for the Ensuing Fiscal and Calendar Year 2020, is forwarded for your consideration.

Ordinance 1880 establishes the amount of property taxes to be collected for the fiscal year 2020. This Ordinance increases the levied amount, by the max allowable increase of 1%.

Actual levy rate for 2019 was \$884,264. In 2020 we have requested an additional \$8,422 to be collected.

The new levy, with the addition of recent construction and utility tax has been confirmed with the assessor's office to be \$856,984.71. Historically, this revenue has been equally split between Current Expense and Street funds.

Preliminary 2020 budget estimates, identify a short fall in the Current Expense revenues. Services provided by the Library, Cemetery, and Airport Funds are reliant on the Current expense revenues. Although this increase seems small to the overall revenue stream, these increases compounded over time, have provide our citizens with many of the services they now enjoy.

I support this ordinance and recommends it adoption

ORDINANCE NO. 1880

AN ORDINANCE FIXING THE AMOUNT OF THE CITY OF OMAK'S FINANCIAL REQUIREMENTS TO BE RAISED BY AD VALOREM TAXES UPON ALL TAXABLE PROPERTY, BOTH REAL AND PERSONAL, WITHIN THE CITY OF OMAK, OKANOGAN COUNTY, WASHINGTON, FOR THE ENSUING FISCAL AND CALENDAR YEAR 2020

WHEREAS, the City Council of the CITY OF OMAK, has properly given notice of the public hearing held October 21, 2019 to consider the City of Omak's budget for the 2020 calendar year, pursuant to RCW 84.55.120; and

WHEREAS, the City Council of the CITY OF OMAK, after hearing, and after duly considering all relevant evidence and testimony presented, has determined that the City of Omak requires an increase in property tax revenue from the previous year in order to discharge the expected expenses and obligations of the City of Omak and in its best interest; and

WHEREAS, the City of Omak's actual levy amount from 2018 was \$842,264; and

WHEREAS, the population of the City of Omak is less than 10,000

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OMAK DOES ORDAIN AS FOLLOWS:

Section 1. An increase in the regular property tax levy, in addition to any amount resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property, is hereby authorized for the 2020 levy in the amount of \$ 850,686.64, which is a 1 percent increase of the previous year's tax levy or a total increase of \$8,422.64 This increase is exclusive of additional revenue resulting from the addition of new construction and improvement to property and any increase in the value of state assessed property, and any additional amounts resulting from any annexations that occurred and refunds made.

Section 2. This ordinance must be approved by a majority of the members of the Omak City Council and upon adoption of this ordinance fixing the amount of property taxes to be levied, the City Administrator shall certify the same to the Board of County Commissioners as required by statute.

Section 3. Upon adoption of this ordinance fixing the amount of ad valorem taxes to be levied, the City Administrator shall certify the same to the County Assessor of Okanogan County, Washington for the purpose of having said taxes extended on the tax rolls as provided by law and said Assessor is hereby authorized to extend said taxes accordingly.

Section 4. This ordinance shall be in full force and effect on and after the date of its passage, approval by the Mayor and publication as required by law.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF OMAK, this _____ day of _____, 2019.

APPROVED:

Cindy Gagné, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Thomas, City Clerk

Michael D. Howe, City Attorney

Filed with City Clerk: _____

Passed by City Council: _____

Date Published: _____

Date Effective: _____

SUMMARY OF ORDINANCE NO. 1880 OF THE City of Omak, Washington.

On the _____ of _____, 2019, the City Council of the City of Omak, passed Ordinance No. 1880.

A summary of the content of said ordinance provides as follows:

AN ORDINANCE fixing the amount of the CITY OF OMAK'S financial requirements to be raised by ad valorem taxes upon all taxable property, both real and personal, within the CITY OF OMAK, OKANOGAN COUNTY, WASHINGTON, for the ensuing Fiscal and Calendar Year 2020. An increase in the regular property tax levy exclusive to any amount resulting from the addition of new construction and improvements to property and any increase in the value of state assessed property is hereby authorized for the 2020 levy in the amount of \$842,264.00, which is a 1 percent increase of the previous year's levy or \$8,422.64.

The full text of this ordinance will be mailed upon request.

Dated this _____ day of October, 2019.

Connie Thomas, City Clerk

LEVY CERTIFICATION

In accordance with RCW 84.52.020, I, Todd McDaniel, City Administrator for the City of Omak, do hereby certify to Okanogan County legislative authority that the City Council of the City of Omak requests that the following levy amounts be collected in 2020 as provided in the City's budget, which was adopted following a public hearing held on October 21, 2019.

Regular Levy: \$ 856,984.71

Excess Levy: \$ None

Refund Levy: \$ None

Signature: _____

Date: _____

MEMORANDUM

To: Omak City Council
Cindy Gagnè, Mayor

From: Todd McDaniel

Date: October 21, 2019

Subject: Ordinance 1881 Amending Budget- Garbage Fund

The Attached Ordinance 1873- Amending the 2019 Budget for the City of Omak, Recognizing Additional Revenue and Appropriating Additional Expenditure in the Garbage Fund, is forwarded for your consideration.

This Ordinance recognizes additional garbage receipt revenues and appropriates additional expenditure for contract collections. Last year I brought a similar amendment that was approved in late December 2018, and I failed to update the 2019 budget estimates. The 2019, year end revenues and expenditures will only be up slightly above the 2018 year.

I approve this Ordinance and urge it Adoption

ORDINANCE NO. 1881

**AN ORDINANCE AMENDING THE 2019 BUDGET FOR THE CITY OF OMAK,
RECOGNIZING ADDITIONAL REVENUE AND APPROPRIATING ADDITIONAL
EXPENDITURE IN THE GARBAGE FUND**

WHEREAS, the City of Omak adopted the 2019 Budget by passage of Ordinance No. 1871 on December 3, 2018; and

WHEREAS, the contract with Sunrise disposal for garbage collection and disposal, is based on per unit pricing; and

WHEREAS, the service volume for garbage is exceeding 2019 estimates; and

WHEREAS, the associated revenues and expenditure for garbage collection and disposal are anticipated to exceed the 2019 budget estimates; and

WHEREAS, the City of Omak is desirous of amending its budget pursuant to RCW 35A.33.090.

THE CITY COUNCIL OF THE CITY OF OMAK DO ORDAIN AS FOLLOWS:

Section 1. Ordinance No. 1871 adopting the 2019 Budget, shall be amended to include changes to the budget as shown in Attachment 'A' of this ordinance.

Section 2. This ordinance shall become effective from and after the date of its passage by Council by a vote of one more than the majority of all Councilmembers, approval by the Mayor and publication as required by law.

PASSED by the City Council of the City of Omak, this _____ day _____, 2019.

APPROVED:

Cindy Gagné, Mayor

ATTEST:

Connie Thomas, City Clerk

APPROVED AS TO FORM:

Michael Howe, City Attorney

Filed with City Clerk: _____
Passed by City Council: 1ST Reading _____
2nd Reading _____
Date Published: _____
Date Effective: _____

On the _____ day of _____, 2019, the City Council of the City of Omak passed Ordinance No. 1881.

DATED this ___ day of _____ 2019

Connie Thomas, City Clerk

2019 BUDGET AMENDMENT ORDINANCE NO. 1881 ATTACHMENT 'A'

Description	2019 Budget As Amended	Revenue	Expenditure	Revised Budget
<u>Garbage Fund (#403)</u>				
<u>Garbage Utility Receipts</u>				
403.343.70.00.00	\$1,025,000.00	\$ 50,000.00		\$ 1,075,000.00
Estimated Ending Fund Balance				
403.508.80.00.00	\$ 150,817.31	\$ 50,000.00	\$50,000.00	\$ 150,817.31
<u>Collection and Disposal Contract</u>				
403.537.60.47.00	\$ 947,750.00		\$ 50,000.00	\$ 997,750.00
403 Expenditure Total	\$ 1,158,826.00		\$50,000.00	\$1,208,826.00
403 Fund Total	\$ 1,309,643.31	\$50,000.00		\$1,359,643.31

Garbage Fund

This Ordinance recognizes \$50,000 in additional revenue and appropriates an additional \$50,000.00 in expenditure for the Collection & Disposal Contract.

LETTER OF TRANSMITTAL

Date: October 8, 2019
To: Mayor Gagné
Omak City Council
From: Omak Park Board
Re: Recommendations – Julia Maley Park & The Old Landfill Property

Dear Council Members;

The Omak Park Board, in regular session October 8, 2019, made two motions of recommendation to City Council. The draft minutes and proposed sign language are attached.

The Park Board made the following motions:

“Member Thorn moved, seconded by Member Clark to support the approval of the proposed budget line for rebuilding Julia Maley Park during 2020. Motion carried.”

“Member Thorn moved, seconded by Member Clark to support the name of River Overlook Trail and creation of a trailhead with sign at the old landfill property. Motion carried.”

The Park Board appreciates Council’s consideration of the recommendations.

Sincerely,

Omak Park Board Members/cjt

Attachments

Omak Park Board Meeting Minutes

Date: October 8, 2019

Members present:

Sarah Spence
Todd Thorn
Bob Clark

Absent:

Joe LaGrou

City staff present:

Ken Mears, Public Works
Todd McDaniel, City Administer
Amber Scott, Deputy Clerk

Meeting begins @ 6:12

Motion: Approval of minutes from Board meeting on 6-11-19

By: Todd Thorn

Second: Sarah Spence

Motion carried.

Skate Park: No funding is available in current budget for skate park. Design was completed. By Grindline Skateparks City will apply to the Washington State Recreation and Conservation Office (RCO) in next grant cycle (2021) for construction funding. Eugene Richter is submitting a grant proposal to Tony Hawk Foundation.

Julia Maley Park Restoration: The proposed City budget for 2020 includes funding to rebuild the park in the area not enclosed for the new City well. No full design has been developed but the intention is to install new playground equipment and maybe a 4' fence along the road to separate kids from the street. The Maley family was not notified before the water facility construction in the park. Sarah Spence recommends doing so in the future when a family has donated land for a park.

Motion: That the Park Board supports approval of the proposed budget line for rebuilding Julia Maley Park during 2020.

By Todd Thorn.

Second: Bob Clark

Motion carried.

Tennis Court Crack Sealing: Sarah Spence contacted company about sealing. A complete repair was suggested but before a quote could be developed the cracks were mostly filled by Public Works. Sarah feels this fix to be temporary at best. Ken Mears said a complete repair was not feasible due to lack of funding but there was

an immediate need to mitigate the safety hazard posed by the cracking pavement quickly. Ken said Sarah was welcome to pursue more information or a quote and to pass it along to him.

Re-election of Chairs: The Board has five seats. Sarah Grooms, immediate past Board Chair, has resigned. Todd Thorn, current Board Secretary, anticipates moving from Omak in the next few months. There is a need to recruit individuals to refill these seats so the Board has a full set of members. There can also be up to 14 advisory members (reps for different groups).

Trail at Old Landfill Property: The City's Old Landfill property is located on the Omak River Road just east of the Shady Creek Nursery. A 0.8 mile loop trail was approved by the City in 2016 after trail enthusiasts and Public Works conducted a cleanup event. Creation of a trailhead with a couple parking spots and trailhead sign is feasible according to Ken Mears. Todd Thorn provided a draft layout/text for the sign, attached at end of these minutes. Approximately 30 trail markers will be needed as well for the trail.

Motion: That the Park Board supports the name of River Overlook Trail and creation of a trailhead with sign at the old landfill property. See attached proposed sign language (next page).

By Todd Thorn

Second: Bob Clark

Motion passes.

Park Survey Distribution update: The survey is in effect now until the end of October. The survey format is online, through SurveyMonkey.com. Ken Mears had relayed to Todd Thorn that the school district has been given the link and students invited to submit their input. The survey takes 10 minutes to complete. 700 or more responses are the goal to form a strong basis for development of the next park comprehensive plan, critical for the City to receive grant funding for the parks. The internet link for the survey is:

<https://www.surveymonkey.com/r/OmakParkSurvey2019>

Board Purpose and Functions Discussion: Goal of Board is to provide citizen input on parks and recreation to the City. Active participation by Board members is required. Chair responsibilities need definition, as well as other positions (secretary and other seats). In the distant past, the Board developed the City's annual park budget. The City is considering updating the City code (Title 13 Public Places Chapter 13.04 Park Code) pertaining to the Board. Most pressing need currently is an update of the six-year park comp plan and getting the better part of 1,000 survey responses on which to base the plan.

Action Items:

- Todd Thorn will contact WVC office, Tree Board to give survey link.
- Bob Clark will contact Chronicle and provide a press release.

- Todd McDaniel will check with Kurt Danison on a different time for meetings which would allow attendance by the City Planner.
- Todd McDaniel will look into a different school district representative to serve on the Park Board.
- Todd McDaniel will ask Jolene in City Hall to put together list of groups, contact names and info and provide to Park Board. This will help with recruiting new Park Board members and with the Park survey distribution.

Meeting ends @ 7:32 PM

Notes by: Todd Thorn, Board Secretary _____

Text for Trailhead Sign at Old Landfill Property:

River Overlook Trail

Welcome to the River Overlook Trail. This 0.8 mile loop trail leads across this sandy flat to the crest of the bluff overlooking the Okanogan River and its confluence with Omak Creek. Please stay on the trail. Dogs must be leashed and dog waste collected by owners. Open daylight hours only. Enjoy this view of the river!

City of Omak (logo)