
AGENDA
OMAK CITY COUNCIL MEETING
Monday, August 7, 2023 – 7:00 PM

A. CALL TO ORDER

B. FLAG SALUTE

C. CITIZEN COMMENTS

D. MAYOR'S REPORT

1. Affirm Appointments to Library Board

E. CONSENT AGENDA

1. Approval of Minutes from July 17, 2023
2. Approval of 2023 Claims and July '23 Payroll

F. NEW BUSINESS

1. Ord. 1926 – 2nd Read – Approve Budget Amendment – Various Funds
2. Ord. 1927 – Amend Chapter 14.28 OMC, Floodplain Management
3. Res. 65-2023 – Accept 5th Avenue Sidewalk Improvements as Complete

G. OTHER BUSINESS

1. Council Committee Reports
2. Staff Reports



Action by City Council

Our Council Meetings are conducted in person in addition to Zoom Meetings. Meeting information is located on our website at omakcity.com. If you need support or accommodations, contact the City Clerk in advance by phone at 509-826-1170 or by e-mail clerk@omakcity.com for assistance.

ORDINANCE NO. 1926

**AN ORDINANCE AMENDING THE 2023 BUDGET FOR THE CITY OF OMAK
VARIOUS FUNDS**

WHEREAS, the City of Omak adopted the 2023 Budget by passage of Ordinance No. 1920 on December 5, 2022; and

WHEREAS, actual 2023 Beginning Fund Balances are now known, and

WHEREAS, additional appropriations are needed for the continued delivery of services, and

WHEREAS, said expenditures are not one of the emergencies specifically enumerated in RCW 35A.33.080; 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. 1920 adopting the 2023 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 of _____, 2023.

APPROVED:

Cindy Gagne, 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 _____, 2023, the City Council of the City of Omak passed Ordinance No. 1926.

DATED this _____ day of _____, 2023.

Connie Thomas, City Clerk

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Attachment "A"

Ordinance 1926

Current Expense Fund #001

Revised Description	2023 Budget	Revenue	Expenditure	Revised Budget
				\$0.00
Beginning Fund Balance				
001-308-51-00-10	\$725.00	\$0.00	\$0.00	\$725.00
001-308-51-00-20	\$500.00	\$0.00	\$0.00	\$500.00
001-308-91-00-00	\$2,766,814.75	\$423,892.42	\$0.00	\$3,190,707.17
Total	\$2,768,039.75	\$423,892.42	\$0.00	\$3,191,932.17
Insurance Recoveries				
001-395-20-00-00	\$0.00	\$238,000.00	\$0.00	\$238,000.00
Total Revenue	\$5,265,451.36	\$238,000.00	\$0.00	\$5,503,451.36
Total Fund	\$8,033,491.11	\$661,892.42	\$0.00	\$8,695,383.53
Ending Fund Balance				
001-508-51-00-10	\$725.00	\$0.00	\$0.00	\$725.00
001-508-51-00-20	\$500.00	\$0.00	\$0.00	\$500.00
001-508-91-00-00	\$1,277,465.25	\$0.00	\$1,367,892.42	\$2,645,357.67
	\$1,278,690.25	\$0.00	\$1,367,892.42	\$2,646,582.67
Repairs & Maintenance				
001-518-30-48-00	\$7,850.00	\$0.00	\$240,000.00	\$247,850.00
Inmate Medical Expenses				
001-523-60-41-20	\$26,000.00	\$0.00	\$24,000.00	\$50,000.00
Security Camera's				
001-594-21-64-21	\$0.00	\$0.00	\$30,000.00	\$30,000.00
Transfer TO Water				
001-597-20-00-00	\$1,000,000.00	\$0.00	\$ (1,000,000.00)	\$0.00
Total Expenditures	\$6,754,800.87	\$0.00	\$ (706,000.00)	\$6,048,800.87
Current Expense Fund Total	\$8,033,491.12	\$0.00	\$661,892.42	\$8,695,383.54

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Current Expense Fund- This amendment recognizes an increase of \$423,892.42 in Actual Beginning Fund Balance, a \$238,000 increase in revenue, and a \$706,000 decrease in fund expenditure, resulting in a \$1,367,892.42 Increase to Ending Fund Balance.

Street Fund #102

Revised Description	2023 Budget	Revenue	Expenditure	Revised Budget
Beginning Fund Balance				
102-308-51-00-00	\$382,718.76	-\$36,067.09	\$0.00	\$346,651.67
Engh Road/Hwy 97 Project-STP Funds				
102-333-20-14-02	\$100,000.00	\$155,000.00	\$0.00	\$255,000.00
TIB Engh Road Match				
102-334-03-83-72	\$8,500.00	\$30,000.00	\$0.00	\$38,500.00
TIB Grant - 5th Ave, Benton to US 97-Sidewalks				
102-334-03-83-75	\$217,075.00	\$47,500.00	\$0.00	\$264,575.00
TIB Ross Canyon Sidewalks				
102-334-03-83-78	\$712,500.00	-\$712,500.00	\$0.00	\$0.00
TIB Central St. Reconstruction Ph 2				
102-334-03-83-79	\$807,500.00	-\$807,500.00	\$0.00	\$0.00
TIB 2023 Interlocal Crack Seal				
102-334-03-83-82	\$0.00	\$237,500.00	\$0.00	\$237,500.00
Total Revenue		-		
	\$2,773,777.00	\$1,050,000.00	\$0.00	\$1,723,777.00
Total Fund		-		
	\$3,156,495.76	\$1,086,067.09	\$0.00	\$2,070,428.67
Ending Fund Balance				
102-508-51-00-00	\$45,304.04	\$0.00	\$83,932.90	\$129,236.94
Engh Road/Hwy 97 Project Construction Costs				
102-595-30-63-14	\$100,000.00	\$0.00	\$130,000.00	\$230,000.00

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TIB Sidewalk - 5th Ave, Benton to US 97				
102-595-30-63-40	\$230,000.00	\$0.00	\$50,000.00	\$280,000.00
TIB Ross Canyon Sidewalks				
102-595-30-63-47	\$750,000.00	\$0.00	-\$750,000.00	\$0.00
TIB Interlocal Crack Seal				
102-595-30-63-13	\$0.00	\$0.00	\$250,000.00	\$250,000.00
TIB Central St Reconstruction Ph 2				
102-595-30-63-48	\$850,000.00	\$0.00	-\$850,000.00	\$0.00
Total Expenditures	\$3,111,191.73	\$0.00	-\$1,170,000.00	\$1,941,191.73
Street Fund Total	\$3,156,495.77	\$0.00	-\$1,086,067.10	\$2,070,428.67

Street Fund- This amendment recognizes a reduction of \$36,067.09 in Actual Beginning Fund Balance, a \$1,050,000 reduction in revenue, and a \$1,170,000 reduction in expenditure, resulting in a \$83,932.90 increase to Ending Fund Balance.

Water Fund #401

Revised Description	2023 Budget	Revenue	Expenditure	Revised Budget
Airport Water Infr. -WA Commerce				
401-334-04-20-00	\$0.00	\$4,250,000.00	\$0.00	\$4,250,000.00
Airport Water Reservoir-WA DNR				
401-334-04-20-10	\$4,250,000.00	\$2,750,000.00	\$0.00	\$1,500,000.00
Ending Fund Balance				
401-508-51-00-00	\$314,410.16	\$0.00	\$1,500,000.00	\$1,814,410.16
Total Expenditures	\$10,074,630.28	\$0.00	\$0.00	\$10,074,630.28
Water Fund Total	\$10,398,040.44	\$1,500,000.00	\$0.00	\$11,898,040.44

Water Fund- This amendment recognizes a \$1,500,000 increase in revenue from the DNR for the Airport Reservoir project, increasing the Ending Fund Balance by a like amount.

Sewer Fund #402

Revised Description	2023 Budget	Revenue	Expenditure	Revised Budget
Beginning Fund Balance				
402-308-51-00-00	\$500,422.47	\$918,102.84	\$0.00	\$1,418,525.31
Total Revenue	\$2,952,454.00	\$0.00	\$0.00	\$2,952,454.00
Total Fund	\$3,452,876.47	\$918,102.84	\$0.00	\$4,370,979.31
Ending Fund Balance				
402-508-51-00-00	\$671,094.55	\$0.00	\$615,061.58	\$1,286,156.13
Clarifier Upgrade #1				
402-594-35-64-24	\$0.00	\$0.00	\$30,000.00	\$30,000.00
Sewer System Imprv. Hemlock St - Construction				
402-594-35-64-27	\$0.00	\$0.00	\$273,041.26	\$273,041.26
Total Expenditures	\$2,781,781.93	\$0.00	\$303,041.26	\$3,084,823.19
Sewer Expense Fund Total	\$3,452,876.48	\$0.00	\$918,102.84	\$4,370,979.32

Sewer Fund- This amendment recognizes an increase of \$918,102.84 in Actual Beginning Fund Balance and a \$2,73,041.26 increase in expenditure, resulting in a \$615,061.58 increase to Ending Fund Balance.

Airport Fund #406

Revised Description	2023 Budget	Revenue	Expenditure	Revised Budget
Beginning Fund Balance				
406-308-51-00-00	\$431,728.30	-\$44,349.75	\$0.00	\$387,378.55
FAA Coronavirus Response Grant				
406-331-20-10-21	\$0.00	\$9,000.00	\$0.00	\$9,000.00
FAA American Recovery Grant				
406-331-20-10-22	\$0.00	\$22,000.00	\$0.00	\$22,000.00

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FAA Grant- Airport Layout Plan				
406-331-20-10-25	\$0.00	\$171,000.00	\$0.00	\$171,000.00
FAA Grant-Taxi Design 3-53-00741-12-2023				
406-331-20-10-26	\$0.00	\$116,000.00	\$0.00	\$116,000.00
Total Revenue	\$373,435.00	\$318,000.00	\$0.00	\$691,435.00
Airport Fund Total	\$805,163.30	\$273,650.25	\$0.00	\$1,078,813.55
Ending Fund Balance				
406-508-51-00-00	\$106,265.77	\$0.00	-\$45,349.75	\$60,916.02
Airport Taxiway Design 3-53-00742-15-2023				
406-594-46-63-01	\$0.00	\$0.00	\$129,000.00	\$129,000.00
Airport Layout Plan				
406-594-46-63-09	\$0.00	\$0.00	\$190,000.00	\$190,000.00
Total Expenditures	\$698,897.53	\$0.00	\$319,000.00	\$1,017,897.53
Airport Fund Total	\$805,163.30	\$0.00	\$273,650.25	\$1,078,813.55

Airport Fund- This amendment recognizes a \$44,349.75 decrease in Actual Beginning Fund Balance, a \$318,000 increase in revenue, and a \$319,000 increase in expenditure, resulting in a \$45,349.75 decrease to Ending Fund Balance.

Equipment Rental Fund #501

Revised				
Description	2023 Budget	Revenue	Expenditure	Revised Budget
Beginning Fund Balance				
501-308-51-00-00	\$8,815.61	\$60,772.82	\$0.00	\$69,588.43
Total Revenue	\$965,321.00	\$0.00	\$0.00	\$965,321.00
Equipment Rental Fund Total	\$974,136.61	\$60,772.82	\$0.00	\$1,034,909.43
Ending Fund Balance				
501-508-51-00-00	\$16,282.99	\$0.00	\$50,772.82	\$67,055.81
501-548-65-48-00				
Repairs and Maintenance	\$10,000.00	\$0.00	\$10,000.00	\$20,000.00

Total Expenditure	\$957,853.32	\$0.00	\$10,000.00	\$967,853.32
Equipment Rental Fund Total	\$974,136.31	\$0.00	\$60,772.82	\$1,034,909.13

Equipment Rental Fund- This amendment recognizes an increase of \$60,772.82 in Actual Beginning Fund Balance and a \$10,000 increase in expenditure, resulting in a \$50,722.82 increase to Ending Fund Balance.

Equipment Rental Replacement Fund #508

Revised Description	2023 Budget	Revenue	Expenditure	Revised Budget
Ending Fund Balance				
508-508-51-00-00	\$215,993.33	\$0.00	\$50,000.00	\$265,993.33
1 Ton Dump Truck - Cab Chassis/Dump Body				
508-594-48-64-68	\$0.00	\$0.00	\$20,000.00	\$20,000.00
3/4 Ton Truck-Replace #284				
508-594-48-64-74	\$70,000.00	\$0.00	-\$70,000.00	\$0.00
Total Expenditures	\$1,234,180.00	\$0.00	-\$50,000.00	\$1,184,180.00
Equipment Rental Replacement Fund Total	\$1,450,173.33	\$0.00	\$0.00	\$1,450,173.33

Equipment Rental Replacement Fund- This amendment recognizes a \$50,000 decrease in expenditure, increasing Ending Fund by a like amount.

LETTER OF TRANSMITTAL 7/6/2023

To: Honorable Mayor & Council
From: Anne Potter, Omak Planning Commission
Subject: Planning Commission Recommendation on Proposed Amendments to Chapter 14.28 OMC Floodplain Management
Date: 7/12/2023
Cc: Project File

The Omak Planning Commission has completed its review of the Department of Ecology's comments on Chapter 14.28 OMC Floodplain Management, proposed amendments to the code and held a public hearing on the amendments on July 5, 2023. The hearing concluded a 30-day public review process with no comments received and no public testimony was taken.

At the conclusion of the hearing the following motion was made and passed.

Motion:

Commissioner Hansen moved to recommend the City Council approve the amendments to chapter 14.28 OMC subject to the finding of facts & conclusions contained in the staff report and move forward with the formal public review and approval process. Motion was seconded by Commissioner Schneider, and carried unanimously.



Anne Potter, Chair

Attachments: Staff Report
Strike-out the Chapter 14.28

CITY OF OMAK
ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF OMAK, WASHINGTON
AMENDING CHAPTER 14.28 OF THE OMAK MUNICIPAL CODE;
ADOPTING AMENDMENTS TO FLOOD DAMAGE PREVENTION
REGULATIONS FOR THE CITY; CONTAINING A
SEVERABILITY PROVISION AND SETTING AN EFFECTIVE
DATE.**

WHEREAS, the CITY of OMAK has an adopted Floodplain Management Code in accordance with Chapter 86.16 RCW and Chapter 173-158 WAC; and

WHEREAS, the Federal Emergency Management Agency and the state Department of Ecology promulgate and enforce requirements that local governments must adopt and implement floodplain management regulations in order to maintain eligibility for participation in the Federal Flood Insurance Program; and

WHEREAS, in 2023, the CITY participated in a Community Assistance Consultation with the Department of Ecology wherein required and recommended amendments to Chapter 14.28 OMC were provided to the CITY for its consideration; and

WHEREAS, the City Council directed the CITY Planning Commission to review the required and recommended changes provide by Ecology and return a recommendation to the City Council; and

WHEREAS, the Planning Commission reviewed the required and recommended amendments during public meetings during the winter and spring of 2023; and

WHEREAS, the Planning Commission accepted a DRAFT amended Chapter 14.28 and released for a 30 day public and agency review which ended in a Public Hearing on July 5, 2023; and

WHEREAS, at conclusion of the Public Hearing, the Planning Commission passed a motion to recommend acceptance of the amended code to the City Council and initiation of the formal 60-day review process through the Department of Commerce required for amendments to Critical Areas regulations; and

WHEREAS, the Council accepted and initiated the formal review process on August 7, 2023; and

WHEREAS, the formal review process will end on October 7, 2023; and NOW THEREFORE,

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

Section 1. That the CITY Council hereby adopts updated Floodplain Management regulations (Chapter 14.28 OMC) as set forth in the strikeout document contained in Exhibit “A” to this Ordinance which by this reference is made a part herein as if set forth in full.

Section 2. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or the constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. This Ordinance shall take effect and be in full force five (5) days after this Ordinance or a summary thereof consisting of the title is published.

APPROVED:

Cindy Gagné, MAYOR

ATTEST/AUTHENTICATED:

Connie Thomas, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

BY: _____
MICHAEL D. HOWE

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

Staff Report

DATE: July 5, 2023

TO: City of Omak Planning Commission

FROM: Kurt Danison, Planner

Re: **Amendment – City of Omak Flood Damage Prevention Code Chapter 14.28 OMC Floodplain Management**

* * * * *

BACKGROUND

The Federal Government, through the Federal Emergency Management Agency (FEMA) provides a program that provides subsidized flood insurance for community's that comply with certain requirements for development in identified flood hazard areas. The twin cornerstones of the program are the Federal Flood Insurance Rate Maps (FIRM) created by FEMA and regulations adopted and enforced by local governments to regulate development in those areas identified on FIRM as flood hazard areas.

The scope of the regulations adopted by local governments is established by FEMA, and in the case of Washington, are enforced by the Department of Ecology. Ecology's role is to work with local governments to ensure that local floodplain regulations are consistent with and comply with the requirements established by FEMA. Compliance is required for the City and its landowners to remain eligible for federally subsidized flood insurance.

The current amendment process was initiated when the Department of Ecology approached the City in early 2023 with a notice that changes were needed to maintain compliance with current federal and state floodplain management regulations. As noted, compliance is required to maintain eligibility for federal flood insurance. Ecology provided a strike-out copy of the City's current Chapter 14.28 with both required and recommended changes.

The Planning Commission had the proposed amendments to Chapter 14.28 on the agenda at 3 meetings during the winter and spring of 2023 where Ecology's comments were reviewed and discussed. At its May 3, 2023 meeting the Commission approved a strike-out version showing all proposed amendments for release to the public for review and set a public hearing for July 5, 2023.

LAND USE DESIGNATIONS AND ZONING

The proposed amendments affect the land use designations and zoning districts that lie within the 100-year floodplain

SEPA

SEPA review has been completed, no appeals or comments received.

60-DAY REVIEW

The required 60-day Department of Commerce review process has not been initiated

COMMENTS

No comments received.

PROPOSAL

A strike-out copy of the proposed amendments to the Chapter 14.28 OMC is attached hereto.

PROCESS

The Planning Commission will hold a Public Hearing on July 5, 2023 following which they will make a decision to recommend approval of the amendments as submitted by staff, modify the amendments or direct staff to address specific concerns and bring a revised draft for consideration.

After a Planning Commission decision is made, the City Council will consider the Commission's recommendation at their next regular Council meeting. The Council, will set a public hearing at least 60-days in the future and initiate the formal 60-day review process with the Department of Commerce. After the end of the comment period, the Council will hold a public hearing and then may accept, modify, remand back to the Commission for further work, reject some or all of the proposed amendments as recommended by the Planning Commission. Regardless, the City Council will have to pass ordinance adopting amendments to Chapter 14.28 OMC before the amendments can be included in the Municipal Code.

ACTIONS ON OTHER RELEVANT PERMITS

There are no relevant permit applications on file with the City that depend on the code revisions.

FINDING OF FACT

1. Chapter 35A.63 of the Revised Code of Washington establishes the City of Omak as the authority with jurisdiction on local land use decisions.
2. The amendment process was undertaken in order to maintain the City's eligibility for the Federal Flood Insurance Program.
3. No comments were received during the preliminary review process.
4. A SEPA Determination of Non-Significance was issued on May 4, 2023.
5. The proposed amendments to Chapter 14.28 OMC are consistent with the intent, goals and policies of the Omak Comprehensive Plan.
6. Public Notice requirements regarding the July 5, 2023 public hearing on said amendments have been completed. The affidavit of publication for said notice is attached

and incorporated herein.

11. The File of Record, Staff Report, and exhibits were received, admitted into the record and considered by the Planning Commission (hearing body).
12. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated herein as such by this reference.

CONCLUSIONS

1. The Planning Commission has authority to make a recommendation to the City Council on amendments to the Omak Municipal Code.
2. The site of the subject amendments is in the Omak city limits located on property within primarily residential, public use and industrial zones. As described, the proposal is consistent with the City's Comprehensive Plan.
3. Any Finding of Fact that is more correctly a Conclusion of Law is incorporated herein as such by this reference.

RECOMMENDATION

If the Commission is satisfied that the proposed amendments, as submitted by staff, should be recommended to the City Council for adoption, Staff recommends the following motion:

“I MOVE TO RECOMMEND THE CITY COUNCIL APPROVE THE AMENDMENTS TO CHAPTER 14.28 OMC SUBJECT TO THE FINDING OF FACTS & CONCLUSIONS CONTAINED IN THE STAFF REPORT AND MOVE FORWARD WITH THE FORMAL PUBLIC REVIEW AND APPROVAL PROCESS”

Chapter 14.28

FLOOD DAMAGE PREVENTION

Sections:

- 14.28.010 Statutory authorization.
- 14.28.020 Findings of fact.
- 14.28.030 Purpose.
- 14.28.040 Methods of reducing flood losses.
- 14.28.050 Definitions.
- 14.28.060 Applicability.
- 14.28.070 Basis for establishing the areas of special flood hazard.
- 14.28.080 Interpretation.
- 14.28.090 Development permit—Required.
- 14.28.100 Development permit—Application.
- 14.28.110 City clerk—Duties and responsibilities.
- 14.28.120 Permit review.
- 14.28.130 Use of other base flood data.
- 14.28.140 Recordkeeping.
- 14.28.150 Alteration of watercourses—Notification.
- 14.28.160 Interpretation of FIRM boundaries.
- 14.28.170 Appeals board.
- 14.28.180 Conditions for variances.
- 14.28.190 Special flood hazards—General standards.
- 14.28.200 Anchoring.
- 14.28.210 Construction materials and methods.
- 14.28.220 Utilities.
- 14.28.230 Subdivision proposals.
- 14.28.240 Review of building permits.
- 14.28.250 Special flood hazards—Specific standards.
- 14.28.260 Residential construction.
- 14.28.270 Nonresidential construction.
- 14.28.280 Manufactured homes.
- 14.28.290 Floodways.
- 14.28.300 Standards for shallow flooding areas (AO zones).
- 14.28.310 Abrogation and greater restrictions.
- 14.28.320 Warning and disclaimer of liability.
- 14.28.330 Penalties for noncompliance.

14.28.010 Statutory authorization.

The legislature of the state of Washington has, in RCW 86.16, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. (Ord. 1014 § 1, 1987).

14.28.020 Findings of fact.

(a) The flood hazard areas of the city of Omak are subject to periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood height and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss. (Ord. 1014 § 2, 1987).

14.28.030 Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (a) To protect human life and health;
- (b) To minimize expenditure of public money and costly flood control projects;
- (c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) To minimize prolonged business interruptions;
- (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- (f) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (g) To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (h) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; ~~and~~ (Ord. 1014 § 3, 1987).
- (i) To participate in and maintain eligibility for flood insurance and disaster relief.

14.28.040 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- (a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- (d) Controlling filling, grading, dredging, and other development which may increase flood damage; and
- (e) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or may increase flood hazards in other areas. (Ord. 1014 § 4, 1987).

14.28.050 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“Accessory Structure” means a structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

“Alteration of watercourse” mans any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

- (a) "Appeal" means a request for a review of the ~~city clerk's~~ interpretation of any provision of this chapter or a request for a variance.

(b) "Area of shallow flooding" means a designated AO, ~~or AH~~, AR/AO or AR/AH (or VO) on a community's zone on the Flood Insurance Map (FIRM) with a one percent or greater annual chance of flooding to an. ~~The base flood average depths range from of~~ one to three feet; where a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

(c) "Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on the Flood Insurance Rate Maps (FIRM) always includes the letters A or V is shown as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."

"ASCE 24" is the most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.

(d) "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "one hundred-year flood." ~~Designation on maps always includes the letters A or V.~~

"Base Flood Elevation (BFE)" means the elevation to which floodwater is anticipated to rise during the base flood.

"Basement" means any area of building having its floor sub-grade (below ground level) on all sides.

"Building" see "Structure."

"Building Code" means the currently effective versions of the International Building Code and the International Residential Code adopted by the State of Washington Building Code Council.

"Critical Facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

(e) "Development" means any manmade change in improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"Elevation Certificate" is an administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

"Elevated Building" for insurance purposes, means a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

"Essential Facility" this term has the same meaning as "Essential Facility" defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Farmhouse" means a single-family dwelling located on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.

(f) "Flood" or "flooding" means

1) a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (4i) The overflow of inland or tidal waters, and/or
- (2ii) The unusual and rapid accumulation of runoff of surface waters from any source.

(iii) Mudslides (i.e. mudflows) which are proximately caused by flooding as defined in paragraph (1)(ii) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(i) of this definition.

“Flood elevation study” means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

(g) “Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

(h) “Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary floodway map, and the water surface elevation of the base flood. See “Flood Elevation Study.”

“Floodplain or flood-prone area” means any land area susceptible to being inundated by water from any source. See “Flood or flooding.”

“Floodplain administrator” means the community official designated by title to administer and enforce the floodplain management regulations.

“Floodplain management regulations” means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Floodproofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

(i) “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot a designated height. Also referred to as “Regulatory Floodway.”

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

“Highest adjacent grade” means the highest natural elevation of the ground surface elevation prior to construction next to the proposed walls of a structure.

“Historic structure” means any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a) By an approved state program as determined by the Secretary of the Interior, or
 - b) Directly by the Secretary of the Interior in states without approved programs.

(j) "Lowest floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter found at Section 14.28.260.

(k) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailer, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

(l) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Mean Sea Level” means, for purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community’s Flood Insurance Rate Map are referenced.

(m) "New construction" means for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes subsequent improvements to such structures. For floodplain management purposes, “new construction” means-structures for which the start of construction commenced on or after the effective date of this chapter and includes any subsequent improvements to such structures.

“New Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations adopted by the community.

“One-hundred-year flood or 100-year flood” see “Base flood.”

“Reasonably Safe from Flooding” means development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available, and cannot be obtained

by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.

“Recreational Vehicle” means a vehicle.

- 1) Built on a single chassis;
- 2) 400 square feet or less when measured at the largest horizontal projection;
- 3) Designed to be self-propelled or permanently towable by a light duty truck; and
- 4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(n) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

(o) "Structure" means a walled and roofed building including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

“Substantial Damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(p) "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. ~~either:~~

(1) — Before the improvement or repair is started; or

(2) — If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure;

The term does not, however, include either:

(1) Any project for improvement of a structure to correct previously identified existing conditions ~~comply-~~with existing of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and ~~which~~ are the minimum~~solely~~ necessary to assure safe living conditions; or

(2) Any alteration of a “historic structure” listed on the National Register of Historic Places or a State-Inventory of Historic Places-provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

(q) "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter. (Ord. 1014 § 5, 1987).

“Water surface elevation” means the height, in relation to the vertical datum utilized in the applicable flood insurance study of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“Water Dependent” means a structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

14.28.060 Applicability.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city of Omak. (Ord. 1014 § 6, 1987).

14.28.070 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard areas ~~as~~ identified by the Federal Insurance Administrator in a scientific and engineering report entitled “The Flood Insurance Study (FIS) for City of Omak, Washington” dated November 16, 1982, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) dated November 16, 1982, and any revisions thereto, which are hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study ~~and FIRM is~~ are on file at the Omak City Hall, 2 North Ash Street, Omak, Washington 98841. (Ord. 1139 § 1, 1990; Ord. 1014 § 7, 1987). The best available information for flood hazard area identification as outlined in Section 14.28.130 shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 14.28.130.

14.28.075 Compliance

All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.

14.28.080 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body;
- (c) Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 1014 § 10, 1987).

14.28.085 Severability.

This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

14.28.090 Development permit—Required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 14.28.070. The permit shall be for all structures including manufactured homes, as set forth in Section 14.28.070, and for all development including fill and other activities, also as set forth in Section 14.28.070. (Ord. 1014 § 12, 1987).

14.28.100 Development permit—Application.

Application for a development permit shall be made on forms furnished by the ~~city clerk~~ Building Official and may include but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (a) Elevation in relation to mean sea level of the lowest floor including basement of all structures;
- (b) Elevation in relation to mean sea level to which any structure has been floodproofed;
- (c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 14.28.270;

(d) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development. (Ord. 1014 § 13, 1987).

(e) Where a development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and

(f) Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

14.28.105 Designation of the Floodplain Administrator.

The ~~City Clerk~~ **Building Official** is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

14.28.110 ~~City clerk~~—Duties and responsibilities of the Floodplain Administrator.

Duties of the (insert position or state “Floodplain Administrator”) shall include, but not be limited to:

~~(a) The city clerk is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.~~

~~(b) Duties of the city clerk shall include, but not be limited to the duties set forth in Sections 14.28.120, 14.28.130, 14.28.140, 14.28.150 and 14.28.160. (Ord. 1014 §§ 14, 15, 1987).~~

14.28.120 Permit review.

The ~~city clerk~~ Floodplain Administrator shall:

(a) Review all development permits to determine that the permit requirements of this chapter have been satisfied;

(b) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required;

(c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 14.28.290 are met. (Ord. 1014 § 16, 1987).

(d) Review all development permits to determine that the site is reasonably safe from flooding;

(e) Notify FEMA when annexations occur in the Special Flood Hazard Area.

(f) Notify FEMA of changes of the base flood elevation within six months of when technical information of such changes becomes available. Such notification shall include technical or scientific information.

14.28.130 Use of other base flood data.

When base flood elevation data has not been provided (in A or V zones) in accordance with Section 14.28.070, the ~~city clerk~~ Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 14.28.250 and 14.28.290. (Ord. 1014 § 17, 1987).

14.28.140 ~~Recordkeeping~~ Information to be Obtained and Maintained.

~~The city clerk shall:~~

(a) Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in Section 14.28.130, obtain and maintain ~~and record~~ the actual (as-built) elevation in relation to mean sea level of the lowest floor including basement of all new or substantially improved structures, and whether or not the structure contains a basement;

(b) For all new or substantially improved nonresidential floodproofed structures where base flood elevation data is provided through the FIS, FIRM, or as required in Section 14.28.130:

(1) ~~Verify Obtain~~ and maintain a record of the actual elevation in relation to mean sea level to which the structure was floodproofed, and

(2) Maintain the floodproofing certifications required in Section 14.28.100;

(c) Maintain for public inspection all records pertaining to the provisions of this chapter. (Ord. 1014 § 18, 1987).

(d) Certification required by Section 14.28.290(a) (floodway encroachments).

(e) Records of all variance actions, including justification for their issuance.

14.28.150 Alteration of watercourses—Notification.

Whenever a watercourse is to be altered or relocated:

~~The city clerk shall:~~

(a) Notify adjacent communities and the State Department of Ecology and the State Department of Fish and Game prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator ~~or~~ through appropriate notification means, and;

~~(b) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished. Assure that the flood carrying capacity of the altered or relocated watercourse is maintained.~~ (Ord. 1014 § 19, 1987).

14.28.160 Interpretation of FIRM boundaries.

The ~~city clerk~~ Floodplain Administrator make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 14.28.170. (Ord. 1014 § 20, 1987).

14.28.170 Appeals board.

(a) The city council as established by the city of Omak shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) The city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the city clerk in the enforcement or administration of this chapter.

(c) Those aggrieved by the decision of the city council, or any taxpayer, may appeal such decision to the Okanogan County superior court.

(d) In passing upon such applications, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity to the facility of a waterfront location, where applicable;

(6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

- (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and effects of wave action, if applicable, expected at the site; and
 - (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (e) Upon consideration of the factors of this section and the purposes of this chapter, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- (f) The city clerk shall maintain the records of appeal actions and report any variances to the Federal Insurance Administration upon request. (Ord. 1014 § 21, 1987).

14.28.180 Conditions for variances.

- (a) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (d)(1)-(11) in Section 14.28.170 have been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.
- (b) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.
- (c) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- (d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (e) Variances shall only be issued upon:
- (1) Showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 14.28.170, or conflict with existing local laws or ordinances.
- (f) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
- (g) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except Section 14.28.170, and otherwise complies with Sections 14.28.200 and 14.28.210 of the general standards provisions set out in Sections 14.28.200, 14.28.210, 14.28.220, 14.28.230 and 14.28.240.

(h) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 1014 § 22, 1987).

14.28.190 Special flood hazards—General standards.

In all areas of special flood hazards, the standards set forth in Section 14.28.200, 14.28.210, 14.28.220, 14.28.230, ~~and~~ 14.28.240, and 14.28.245 are required. (Ord. 1014 § 23, 1987).

14.28.200 Anchoring.

(a) All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effect of buoyancy.

(b) All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques). (Ord. 1014 § 24, 1987).

14.28.210 Construction materials and methods.

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding. (Ord. 1014 § 25, 1987).

14.28.220 Utilities.

(a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; ~~and~~

(c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; ~~and~~. (Ord. 1014 § 26, 1987).

(d) Water wells shall be located on high ground that is not in the floodway.

14.28.230 Development and Subdivision proposals.

(a) All development and subdivision proposals shall be consistent with the need to minimize flood damage.

(b) All development and subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;

(c) All development and subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(d) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty lots or five acres (whichever is less). (Ord. 1014 § 27, 1987).

14.28.240 Review of building permits.

Where elevation data is not available either through the Flood Insurance Study, Flood Insurance Rate Map, or from another authoritative source (Section 14.28.130), applications for building permits/floodplain development shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a

local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in those zones may result in higher insurance rates. (Ord. 1014 § 28, 1987).

14.28.245 Storage of Materials and Equipment

- 1) The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.
- 2) Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

14.28.250 Special flood hazards—Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 14.28.070, or Section 14.28.130, the provisions of Sections 14.28.260, 14.28.270, 14.28.275, 14.28.276, 14.28.280, 14.28.285, and 14.28.290, 14.28.293, 14.28.295, and 14.28.297 are required. (Ord. 1014 § 29, 1987).

14.28.260 Residential construction.

(a) In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, ~~elevated to or one foot or more~~ above the ~~base~~ base flood elevation (BFE). Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE.

(b) New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

(c) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- (1) A minimum of two openings, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding, shall be provided;
- (2) The bottom of all openings shall be no higher than one foot above grade;
- (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. (Ord. 1014 § 30, 1987).

(4) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.

(d) New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in Section 14.28.300.

14.28.270 Nonresidential construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure ~~shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:~~

(1) Meet the standards in section 14.28.260; or

(2) If the requirements in section 14.28.260 are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:

_____ (a) Be dry floodproofed so that below one foot or more above the regulatory flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater;

_____ (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

_____ (c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 14.28.140;

(d) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 14.28.260;

(e) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to one foot above the base flood level will be rated as one foot below the level). (Ord. 1139 §§ 2, 3, 1990; Ord. 1014 § 31, 1987).

14.28.275 Enclosed Area Below the Lowest Floor.

If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

14.28.276 Detached Accessory Structures (Detached Garages & Small Storage Structures)

- 1) Detached accessory structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:
 - a. In special flood hazard areas other than coastal high hazard areas (Zones A, AE, AH, AO, and A1-30), the structure is not larger than a one-story two-car garage;
 - b. The portions of the structure located below the BFE must be built using flood resistant materials;
 - c. The structure must be adequately anchored to prevent flotation, collapse, and lateral movement;
 - d. Any machinery or equipment servicing the structure must be elevated or floodproofed to or above the BFE;
 - e. The structure must comply with floodway encroachment provisions in Section 14.28.290(a);
 - f. The structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 14.28.260(c);
 - g. The structure shall have low damage potential;
 - h. If the structure is converted to another use, it must be brought into full compliance with the standards governing such use; and
 - i. The structure shall not be used for human habitation.
- 2) Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 14.28.260.
- 3) Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

14.28.280 Manufactured homes.

All manufactured homes to be placed or substantially improved ~~within zones A1-30, AH, AE-~~ on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home elevated one foot or more ~~at or~~ above the base flood elevation and is securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 14.28.200 to resist flotation, collapse and lateral movement. (Ord. 1014 § 32, 1987).

14.28.285 AE and A1-30 Zones with Base Flood Elevations but No Floodways

In areas with BFEs (when a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

14.28.290 Floodways.

Located within areas of special flood hazard established in Section 14.28.070 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply.

- (a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer ~~or architect~~ is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed that encroachments ~~shall~~ would not result in any increase in flood levels during the occurrence of the base flood discharge.
- (b) If Section 14.28.290 is satisfied or construction is allowed pursuant to Section 14.28.293, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 14.28.190, 14.28.200, 14.28.210, 14.28.220, 14.28.230, 14.28.240, 14.28.250, 14.28.260, 14.28.270, 14.28.280, 14.28.290 and 14.28.300. (Ord. 1014 § 33, 1987).

14.28.293 Residential Construction in Floodways

Construction or reconstruction of residential structures is prohibited within designated floodways*, except for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (A) before the repair, or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.

14.28.295 Recreational Vehicles

Recreational vehicles placed on sites are required to either:

- 1) Be on the site for fewer than 180 days, or
- 2) Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
- 3) Meet the requirements of section 14.28.280, above.

14.28.297 Critical Facility

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the BFE shall be provided to all critical facilities to the extent possible.

Livestock Sanctuary Areas

~~Elevated areas for the for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated sufficiently to protect livestock. Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of this chapter.~~

14.28.300 Standards for shallow flooding areas (AO zones).

Shallow flooding areas appear on FIRM's as AO zones with depth designations. The base flood depths in these zones range from one to three feet where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In [addition to other provisions in this code](#)~~these areas~~, the following provisions apply.

- (a) New construction and substantial improvements of residential structures [and manufactured homes](#) within AO zones shall have the lowest floor, including basement, elevated above the highest adjacent grade of the building site, ~~to one foot~~ [or more](#) above the depth number specified on the FIRM (at least two feet if no depth number is specified).
- (b) New construction and substantial improvements of nonresidential structures within AO zones shall either:
 - (1) Have the lowest floor, including basement, elevated above the highest adjacent grade of the building site, ~~to one foot~~ [or more](#) above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
 - (2) Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in Section 14.28.270.
- (c) Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures. (Ord. 1014 § 34, 1987).

(d) Recreational vehicles placed on sites within AO zones on the community's FIRM either:

- (i) Be on the site for fewer than 180 consecutive days, or
- (ii) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- (iii) Meet the requirements of subsections (a) and (c) above and the anchoring and requirements for manufactured homes (Section 14.28.280).

14.28.310 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 1014 § 9, 1987).

14.28.320 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city of Omak, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. 1014 § 11, 1987).

14.28.330 Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor and shall be punishable as set forth in Chapter 7.102 of this code. Nothing contained in this chapter shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 1014 § 8, 1987).

RESOLUTION NO. 65-2023

A RESOLUTION OF THE OMAK CITY COUNCIL ACCEPTING THE CONTRACT FOR THE 5TH AVENUE SIDEWALK IMPROVEMENTS PROJECT G&O#20856.00 AS COMPLETE

WHEREAS, the City of Omak awarded a contract for the construction of the 5th Avenue Sidewalk Improvements Project to Rudnick and Sons, LLC by the passage of Resolution No. 28-2023; and

WHEREAS, the project was determined to be physically complete on July 26, 2023; and

WHEREAS, the project has been completed satisfactorily in accordance with the contract, plans, specifications; and

WHEREAS, the City's consultant Gray & Osborne, Inc., and the Public Works Director have reviewed all work, all required tests, and certifications and recommend that the City accept the project as complete.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Omak that the 5th Avenue Sidewalk Improvements Project with Rudnick and Sons, LLC is hereby accepted as complete, and the Mayor is authorized to take all necessary actions to close out the project.

PASSED AND APPROVED this _____ day of _____, 2023.

SIGNED:

Cindy Gagné, Mayor

ATTEST:

Connie Thomas, City Clerk

APPROVED AS TO FORM:

Michael Howe, City Attorney

MEMORANDUM

To: Omak City Council
Cindy Gagné, Mayor

From: Wayne Beetchenow
Public Works Director

Date: August 7, 2023

Subject: Res. 65-2023 Accepting the 5th Avenue Sidewalk Improvements Project as complete.

The attached Resolution **A RESOLUTION OF THE OMAK CITY COUNCIL ACCEPTING THE CONTRACT FOR THE 5TH AVENUE SIDEWALK IMPROVEMENTS PROJECT G&O #20856.00 AS COMPLETE,** is forwarded for your consideration.

The 5th Avenue Sidewalk Improvements Project was awarded March 6, 2023, by Resolution 28-2023.

Rudnick & Sons, LLC has finished the project and it has been functioning as designed.

Gray & Osborne, Inc. has reviewed and recommends the city accept the project as complete and finalize closeout of the project.

I support this Resolution and recommend its approval.



August 2, 2023

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

**SUBJECT: FINAL PROGRESS ESTIMATE 2, PROJECT ACCEPTANCE, AND
RELEASE OF RETAINAGE, 5TH AVENUE SIDEWALK
IMPROVEMENTS
CITY OF OMAK, OKANOGAN COUNTY, WASHINGTON
G&O #20856.00**

Dear Mr. McDaniel:

This letter provides the City with guidance regarding the final progress estimate, accepting the project as complete, and release of the retainage.

1. FINAL PROGRESS ESTIMATE

We have attached the signed Final Contract Voucher and Progress Estimate 2, which is the final progress estimate for this project. The City should place the progress estimate in its files and forward a copy of the progress estimate to the contractor with the payment.

The amount due the contractor and the amount to be deposited in the retainage account are as follows:

<u>Payment to Contractor</u>	<u>Amount to be Deposited in Retainage Account</u>	<u>Total Amount Earned this Period</u>
\$129,562.33	\$6,478.12	\$136,040.45

2. PROJECT COMPLETION ACCEPTANCE

The project has been completed in compliance with the Contract, with the exception of the contractor submitting Affidavits of Wages Paid for all subcontractors on the project. After the contractor has submitted documentation that all required Affidavits of Wages Paid forms have been submitted to the Department of Labor and Industries, we recommend the City accept the project as complete and submit the “Notice of

Completion of Public Works Contract” form online via the Awarding Agency Portal (<https://lni.wa.gov/licensing-permits/public-works-projects/awarding-agencies/awarding-agency-portal>).

Note that the form will not be available if the prime contractor has not filed their affidavit or if it is still pending approval by the Department of Labor and Industries. The following data is provided to assist with the form submittal:

		Date Work Completed July 26, 2023	Date Work Accepted Click to enter date.
Is this a Federally Funded Transportation Project?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, attach the Contract Bond Statement
Have Subcontractors been used?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If yes, complete Addendum A
<input checked="" type="checkbox"/> Contract/Payment Bond	Waived?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Retainage Bond Waived? <input type="checkbox"/> Yes <input type="checkbox"/> No
Detailed Description of Work Completed			
Installation of sidewalk, curb and gutter, storm drainage facilities, surface restoration, utility adjustments along 5th Ave from Benton Street to US 97.			
DOR Tax Information			
Contract Amount	\$258,823.95	Liquidated Damages	\$0
Additions (+)	\$0	Amount Disbursed	\$238,981.73
Reductions (-)	\$7,893.13	Amount Retained	\$11,949.09
Subtotal	\$250,930.82	Other	0
Sales Tax Amount	0	Sales Tax Rate	0
Total	\$250,930.82	Total	\$250,930.82
Both totals must be equal – If multiple sales tax rates, attach a list			

After the City has accepted the project, please sign the attached “Final Contract Voucher” and forward a copy to the contractor and Gray & Osborne, Inc.

3. RELEASE OF RETAINAGE

We have also attached the release of retainage progress estimate for this project. The City should place this estimate in its files and forward a copy of the release of retainage progress estimate to the contractor with the payment. The retainage should be released to the contractor contingent upon the following requirements being fulfilled:

1. Sixty days have elapsed since the Contract Completion Date.
2. The City receives the Washington State Department of Revenue “Certificate of Payment of State Excise Taxes by Public Works Contractor” (RCW 60.28).
3. The City receives the “Certificate of Payment of Contribution Penalties and Interest on Public Works Contract” from the Washington State Employment Security Department.

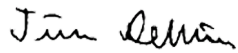
Mr. Todd McDaniel
August 2, 2023
Page 3

4. There are no claims or liens filed for labor and materials furnished on this Contract.
5. The City receives notification from the Washington State Department of Labor and Industries that the contractor and their subcontractors are current with payments of industrial insurance and medical aid premiums.

Please contact me if you have any questions or concerns regarding these matters.

Sincerely,

GRAY & OSBORNE, INC.



Tim DeVries, P.E.

TDV/cah
Encl.
By email

cc: Mr. Brandon Rudnick, Rudnick and Sons, LLC

FINAL PROGRESS ESTIMATE 2

JULY 27, 2023

CITY OF OMAK
OKANOGAN COUNTY
WASHINGTON

PROGRESS ESTIMATE PERIOD
MAY 27, 2023 TO JULY 26, 2023

PROJECT:
CITY OF OMAK
5TH AVENUE SIDEWALK
G&O JOB NUMBER #20856

CONTRACTOR:
RUDNICK & SONS, LLC
61 EAST DRY COULEE ROAD
OKANOGAN, WA 98846

BID ITEMS				QUANTITIES		PROJECT COSTS		PERCENT OF CONTRACT QUANTITY
NO.	DESCRIPTION	QUANTITY UNIT	UNIT PRICE	TOTAL THIS PERIOD	TOTAL TO DATE	AMOUNT THIS PERIOD	AMOUNT TO DATE	
1	Mobilization, Cleanup, and Demobilization	1 LS	\$5,071.00	30.00%	100.00%	\$1,521.30	\$5,071.00	100%
2	Project Temporary Traffic Control	1 LS	\$9,266.00	25.00%	100.00%	\$2,316.50	\$9,266.00	100%
3	Excavation, Embankment and Grading, Incl. Haul	260 CY	\$35.00	60.00	260.00	\$2,100.00	\$9,100.00	100%
4	Gravel Borrow, Incl. Haul	100 TN	\$29.00	50.00	100.00	\$1,450.00	\$2,900.00	100%
5	Controlled Density Fill	10 CY	\$200.00	0.00	0.00	\$0.00	\$0.00	0%
6	Locate Existing Utility	3 EA	\$422.00	0.00	3.00	\$0.00	\$1,266.00	100%
7	Crushed Surfacing Repair	490 SY	\$21.00	490.00	490.00	\$10,290.00	\$10,290.00	100%
8	Commercial HMA Pavement Repair (Curb)	160 SY	\$175.00	157.11	157.11	\$27,494.25	\$27,494.25	98%
9	Commercial HMA Pavement Repair (Driveway)	110 SY	\$144.00	84.56	84.56	\$12,176.64	\$12,176.64	77%
10	Storm Sewer Pipe, 12-In. Diam. (Incl. Bedding)	50 LF	\$172.00	0.00	44.60	\$0.00	\$7,671.20	89%
11	Catch Basin, Type 1	3 EA	\$2,483.00	0.00	3.00	\$0.00	\$7,449.00	100%
12	Catch Basin, Type2, 48-In. Diam.	3 EA	\$4,328.00	0.00	3.00	\$0.00	\$12,984.00	100%
13	Infiltration Trench	60 LF	\$212.00	0.00	60.00	\$0.00	\$12,720.00	100%
14	Trench Excavation Safety Systems	1 LS	\$241.00	0.00%	100.00%	\$0.00	\$241.00	100%
15	Erosion Control and Water Pollution Prevention	1 LS	\$2,387.00	50.00%	100.00%	\$1,193.50	\$2,387.00	100%
16	Cement Conc. Traffic Curb and Gutter	720 LF	\$62.00	23.27	707.27	\$1,442.74	\$43,850.74	98%
17	Cement Conc. Driveway Entrance	110 SY	\$165.00	101.94	129.44	\$16,820.10	\$21,357.60	118%
18	Cement Conc. Sidewalk	420 SY	\$120.00	392.42	392.42	\$47,090.40	\$47,090.40	93%
19	Cement Conc. Curb Ramp	1 EA	\$3,525.00	1.00	1.00	\$3,525.00	\$3,525.00	
20	Mailbox Support, Type 2	1 EA	\$500.00	1.00	1.00	\$500.00	\$500.00	100%
21	Permanent Signing	1 LF	\$400.00	1.00	1.00	\$400.00	\$400.00	100%
22	Painted Curb	70 LF	\$11.00	112.90	112.90	\$1,241.90	\$1,241.90	161%

FINAL PROGRESS ESTIMATE 2

JULY 27, 2023

CITY OF OMAK
OKANOGAN COUNTY
WASHINGTON

PROGRESS ESTIMATE PERIOD
MAY 27, 2023 TO JULY 26, 2023

PROJECT:
CITY OF OMAK
5TH AVENUE SIDEWALK
G&O JOB NUMBER #20856

CONTRACTOR:
RUDNICK & SONS, LLC
61 EAST DRY COULEE ROAD
OKANOGAN, WA 98846

	PROJECT COSTS	
	AMOUNT THIS PERIOD	AMOUNT TO DATE
SUBTOTAL EARNED TO DATE	\$129,562.33	\$238,981.73
SALES TAX 0% (PER W.S. REVENUE RULE 171)	0.00%	\$0.00
TERO TAX 5%	5.00%	\$6,478.12
MATERIALS ON HAND		\$0.00
TOTAL	\$136,040.45	\$250,930.82
LESS 5% RETAINED (BEFORE TAX)		\$6,478.12
TOTAL EARNED TO DATE LESS RETAINAGE		\$238,981.73
<u>LESS AMOUNTS PREVIOUSLY PAID</u>		
PROGRESS ESTIMATE 1		\$109,419.40
TOTAL PAYMENT NOW DUE:	\$129,562.33	\$129,562.33
ORIGINAL CONTRACT AMOUNT (WITHOUT TAX)	\$246,449.00	
CONTRACT PERCENTAGE TO DATE	97%	

FINAL PROGRESS ESTIMATE 2
JULY 27, 2023

CITY OF OMAK
 OKANOGAN COUNTY
 WASHINGTON

PROGRESS ESTIMATE PERIOD
 MAY 27, 2023 TO JULY 26, 2023

PROJECT:
 CITY OF OMAK
 5TH AVENUE SIDEWALK
 G&O JOB NUMBER #20856

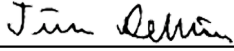
CONTRACTOR:
 RUDNICK & SONS, LLC
 61 EAST DRY COULEE ROAD
 OKANOGAN, WA 98846

I HEREBY CERTIFY THE ABOVE ESTIMATE IS A TRUE AND CORRECT STATEMENT OF THE WORK PERFORMED UNDER THIS CONTRACT.

I HEREBY CERTIFY THAT THE WAGES HAVE BEEN PAID IN ACCORDANCE WITH RCW 39.12 (PREVAILING WAGES).

GRAY & OSBORNE, INC.

RUDNICK & SONS, LLC



 TIM DEVRIES, P.E.



 CONTRACTOR'S REPRESENTATIVE

SUMMARY AND DISTRIBUTION OF PAYMENTS

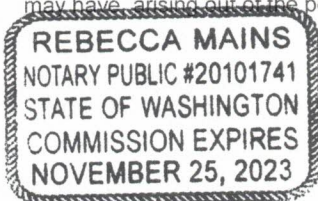
PAY EST NO.	PROGRESS ESTIMATE PERIOD DATES	TOTAL		SALES			TOTAL PAYMENT
		EARNED PER PERIOD	SALES TAX RATE	TAX AMOUNT	TERO TAX (5%)	RETAINAGE (5%)	
1	FROM MAY 1, 2023 TO MAY 26, 2023	\$109,419.40	0.00%	\$0.00	\$5,470.97	\$5,470.97	\$109,419.40
2	MAY 27, 2023 TO JULY 26, 2023	\$129,562.33	0.00%	\$0.00	\$6,478.12	\$6,478.12	\$129,562.33
TOTAL:		\$238,981.73		\$0.00	\$11,949.09	\$11,949.09	\$238,981.73

Final Contract Voucher Certificate

Contractor Rudnick and Sons, LLC			
Street Address 61 East Dry Coulee Rd			
City Okanogan	State WA	Zip 98840	Date July 26, 2023
Project Number (Owner) 20856			
Job Description (Title) 5th Avenue Sidewalk Improvements			
Date Work Physically Completed July 26, 2023		Final Amount (including Sales Tax) \$250,930.82	

Contractor's Certification

I, The undersigned, having first been duly sworn, certify that I am authorized to sign for the claimant; that in connection with the work performed and to the best of my knowledge no loan, gratuity or gift in any form whatsoever has been extended to any employee of the City of Omak nor have I rented or purchased any equipment or materials from any employee of the City of Omak; I further certify that the attached final estimate is a true and correct statement showing all the monies due me from the City of Omak for work performed and material furnished under this Contract; that I have carefully examined said final estimate and understand the same; have paid all labor, material, and other costs for this project; and that I hereby release the City of Omak from any and all claims of whatsoever nature which I may have, arising out of the performance of said contract, which are not set forth in said estimate.



x *[Signature]*
Contractor Authorized Signature Required

^{pm} *De Ceinwyn Rudnick*
Type Signature Name

Subscribed and sworn to before me this 27 day of July 2023

x *Rebecca Mains* Notary Public in and for the State of Washington

Residing at Douglas County

City of Omak Certification

I, certify the attached final estimate to be based upon actual measurements, and to be true and correct. Approved Date _____

x *Jim DeMan*
Project Engineer

x _____
City of Omak

This Final Contract Voucher Certification is to be prepared by the Engineer and the original forwarded to the City of Omak for acceptance and payment.

Contractors Claims, if any, must be included and the Contractors Certification must be labeled indicating a claim attached.

Memorandum

To: Cindy Gagne, Mayor / Omak City Council
From: Tyler Wells, Building Official / Permit Administrator
Date: August 1, 2023
Subject: Building Department Report

- Several business/field inspections.
- Planning Commission meeting on July 5th. (absent)
- City of Omak Hearing Examiner issued approval with conditions for Conditional Use Permit for new assisted living facility at 715 Locust St. (Rose Garden).
- Working on abatement at 218 Lime St.
Hearing with staff held on July 19th.
- New owner has purchased the duplex at 510-512 S. Main St. (House fire in 2021). Clean up activities and restoration should be beginning soon.
- Working on several commercial plan reviews.
- Conversations with developer on possible annexation.
- 1 week of vacation.
- 6 permits issued in July 2023.
- \$2,767.75 collected in permit/land use fees in July 2023.

MEMORANDUM

To: Cindy Gagne, Mayor
Omak City Council

From: Jeremy Patrick, Omak Fire Chief

Date: August 1, 2023

Subject: Departmental Report for July 2023

- Attended fire district 3 commissioners meeting.
- Patrolled City Limits and Eastside Park during the 4th of July Fireworks Event. Crews suppressed 29 Garbage can fires, and 3 vegetation fires, all from fireworks.
- Performed Business/Fire, Life, and Safety inspections.
- Attended Omak Stampede Security Meeting
- Attended LEOFF Board Meeting
- SCBA Flow and Fit Test Completed
- Attended Vol. FF's Board Meeting, 2 New Firefighters.
- Attended Okanogan Co. Fire Advisory Committee Meeting

Below is a breakdown of addresses, type of calls, equipment responding, time on scene, number of firefighters responding and total man-hours per call.

Location of Call (inside City)	Type of Incident	Equipment responding	Time on Call	# of firefighters responding	Man Hours
S Ash St. & W 2 nd Ave.	Vehicle accident	C51	7 min	13	1.5
21 S Elm St.	Wildland Fire	C51 B352	7 min	12	1.4
6 S Columbia St.	Trash Can Fire	C51 B351 B352	2 min	11	.3
6 S Columbia St.	Trash Can Fire	C51 B351 B352	3 min	9	.4
409 E Stampede Dr	Trash Can Fire	C51 B352	7 min	7	.8
Eastside Park	Trash Can Fire	C51 B351 B352	360 min	11	66
123 Fir St.	Fire Alarm	C51	4 min	7	.4
20 S Cedar St.	Fire Alarm	C51	3 min	11	.5
902 Engh Rd	Vehicle Fire	C51 B352 E51	30 min	10	5
601 Okoma Dr. #33	Medical Assist	C51 B352 R51	66 min	10	11
620 Pine St.	Fire Alarm	C51	8 min	9	1.2
114 E Bartlett Ave	Medical Assist	C51 R51 B352	22 min	7	2.5
607 Omache Dr.	Vehicle Accident	C51 B352	7 min	9	1

Inside City Cont.					
903 Apple Ln. #B208	Structure Fire	C51 E51 L51	167 min	15	41.7
325 Asotin St.	Fire Alarm	C51 E51 L51	1 min	15	.2
615 Oak St.	Fire Alarm	C51	6 min	8	.8
605 Omache Dr. #A	Fire Alarm	C51	4 min	5	.3
615 Oak St.	Fire Alarm	C51	9 min	9	1.3
1 S. Fir St.	Structure Fire	C51 E51 R51	161 min	9	24.1
			Average Duration 46 min	Average # of firefighters 10	Total man hrs city 160.4
Outside City					
600 Omak-Riverside Eastside Rd.	Fire Other	C51	10 min	5	.8
29 Black Rd.	Wildland Fire	C51 B351 B352 T351	39 min	12	7.8
312 Omak-Riverside Eastside Rd.	Vehicle Fire/ Wildland Fire	C51 E351 T351	60 min	10	10
175 Columbia river Rd.	Wildland Fire	C51 E351 T351 B352 T352	75 min	12	15
300 Salmon Cr. Rd.	Wildland Fire	C51 T352 E351 T351 B352	134 min	12	26.8
6100 Hwy 155	Vehicle Accident	C51 B352 R51	21 min	9	3.1
6000 Hwy 155	Vehicle Accident	C51 B352	23 min	8	3
2800 FS Rd 37	Vehicle Accident	C51	68 min	7	7.9
301 Main St. Riverside	Wildland Fire	C51 B352	50 min	7	5.8
270 Old Riverside Hwy	Fire Other	C51 E351 B352	32 min	8	4.2
189 Nichols Rd.	Fire Alarm	C51	1 min	6	.1
29078 Hwy 97	Fire Other	C51 E51	21 min	8	2.8
7500 Hwy 155	Vehicle Accident	C51 B352 R51	41 min	8	5.4
4 Sand Dust Rd.	Fire Other	C51 E351	23 min	8	3
Mill Pond Fire	Wildland Fire	C51 B351 B352 B353 T351	98 min	12	19.6
30037 Hwy 97	Vehicle Accident	C51 B352 R51	14 min	9	2.1
6300 Hwy 155	Vehicle Accident	C51 B352 R51	36 min	7	4.2
285 Omak River Rd.	Controlled Burn	C51 E351 T351	32 min	10	5.3
708 Monroe St.	Structure Fire	C51 E51 R51	109 min	10	18.1
239 Eagles Bluff	Wildland Fire	B351	990 min	9	55.5

Outside City Cont. 29078 Hwy 97	Vehicle accident	C51	8 min	7	.9
			Average Duration 89.76 min	Average # of firefighters 9	Total man hrs dist. 201.4

Explanation of equipment numbers and ownership:

- C 51 – Chiefs rig - city
- E 51 – Engine 51 – city
- L 51 – Ladder 51 – city
- R 51 – Rescue 51 – city
- E 351 – Engine 351 – district 3
- T 351 – Tender 351 – district 3
- T 352 – Tender 352 – district 3
- B 351 – Brush 351 – district 3
- B 352 – Brush 352 – district 3
- B 353 – Brush 353 – district 3

193 man hours training
 Estimated Dollar loss inside city \$114,000.00
 Estimated Dollar loss outside city \$500.00