



Agenda

City Council Regular Meeting

Tuesday, November 2, 2021

[Zoom](#) - Public Telephone Access: (206) 337-9723 or (253) 215-8782

Meeting ID No. 505 625 7380

City of Richland Resolution No. 100-20 temporarily designates virtual locations for all municipal meetings. This meeting will be conducted remotely via Zoom and broadcast live on CityView Channel 192, on the City's website, and on the City's YouTube Channel. If you wish to provide testimony for a Public Hearing item(s) or provide comments for the Public Comments portion of the Council meeting, please register [here](#) by 4:00 p.m. on the day of the meeting. Only those who register by the deadline will be permitted to speak during the meeting.

City Council Regular Meeting - 6:00 p.m. via Zoom

Welcome and Roll Call

Pledge of Allegiance

Approval of Agenda: (Approved by Motion)

Presentations:

- I. New Hires & Retirements
 - Lacey Paulsen, Human Resources Manager

Public Hearing: Please limit public hearing comments to 3 minutes. Comments must speak only to the item for which the hearing is convened. Records intended for Council consideration must be given to the City Clerk by 4:00 p.m. the day of the meeting for distribution.

2. Proposed Relinquishment of a Utility Easement for Westcliffe Heights - Phase 4, Resolution No. 130-21
 - Pete Rogalsky, Public Works Director
3. Proposed 2022 Budget and 2022-2027 Capital Improvement Plan, Ordinance No. 39-21
 - Brandon Allen, Finance Director
4. Proposed Amendments to the 2021 Budget in the General Fund, Medical Services Fund, and Equipment Replacement Fund, Ordinance No. 40-21
 - Brandon Allen, Finance Director

Public Comments: Please limit public comments to 2 minutes. The public comment period is not an opportunity for dialogue with councilmembers, or for posing questions with the expectation of an immediate answer. Many questions require an opportunity for information-gathering and deliberation. For this reason, Council will accept comments, but will not directly respond to comments, questions or concerns during public comment. Records intended for Council consideration must be given to the City Clerk by 4:00 p.m. the day of the meeting for distribution.

Consent Calendar: Items on the Consent Calendar have been distributed to City Council in advance for review, and are considered to be routine, and will be approved by a single motion. Approved by single vote; Councilmembers may transfer individual items to Items of Business for deliberation before voting.

Minutes:

5. Approval of the October 19, 2021 City Council Regular Meeting Minutes, the October 26, 2021 City Council Regular Workshop Meeting Minutes, and the October 27, 2021 City Council Special Meeting Minutes
 - Heather Kintzley, City Attorney

Ordinances - First Reading:

6. Ordinance No. 37-21, Amending Title 11 of the Richland Municipal Code to add Chapter 11.15 entitled Wheeled All-Terrain Vehicles
 - Heather Kintzley, City Attorney
7. Ordinance No. 39-21, Approving the 2022 Budget and the 2022-2027 Capital Improvement Plan
 - Brandon Allen, Finance Director
8. Ordinance No. 40-21, Amending the 2021 Budget in the General Fund, Medical Services Fund, and Equipment Replacement Fund
 - Brandon Allen, Finance Director

Ordinances - Second Reading & Passage:

9. Ordinance No. 34-21, Approving the 2022 Ad Valorem Tax and Property Tax Levies
 - Brandon Allen, Finance Director
10. Ordinance No. 35-21, Approving a Change to the 2022 Ad Valorem Tax over the Prior Year
 - Brandon Allen, Finance Director
11. Ordinance No. 36-21, Approving Amendments to the 2021 Budget
 - Brandon Allen, Finance Director

Resolutions - Adoption:

12. Resolution No. 128-21, Setting a Public Hearing Date regarding the Proposed Vacation of a Portion of Keene Court Right-of-Way
 - Pete Rogalsky, Public Works Director
13. Resolution No. 129-21, Approving a Purchase and Sale Agreement with Richland Players, Inc. for a Portion of 606 Jadwin Avenue
 - Kerwin Jensen, Development Services Director
14. Resolution No. 130-21, Relinquishing a Utility Easement for Westcliffe Heights - Phase 4
 - Pete Rogalsky, Public Works Director
15. Resolution No. 131-21, Approving the 2022 Tri-City Regional Hotel-Motel Commission Budget and Marketing Plan
 - Jon Amundson, Interim City Manager

Items - Approval:

16. Appointment to the Tri-City Regional Hotel-Motel Commission: Linda Hendricks
 - Heather Kintzley, City Attorney
17. Appointment to the Richland Public Facilities District Board: Kristin Lerch

- Heather Kintzley, City Attorney

Items of Business:**Reports and Comments:**

1. City Manager
2. City Council
3. Mayor

Executive Session:

18. Executive Session Per RCW 42.30.110(1)(g): Evaluate an Applicant for Public Employment or Review Performance of a Public Employee (45 minutes)
 - Ryan Lukson, Mayor

Adjournment

City Council meetings are broadcast live on CityView Channel 192 and online at ci.richland.wa.us

Richland City Hall is ADA accessible. Requests for sign interpreters, audio equipment, and/or other special services must be received 48 hours prior to the meeting by calling the City Clerk's Office at 509-942-7389.



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/2/2021

Agenda Category: Presentations

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

New Hires & Retirements

Department:

Human Resources

Ordinance/Resolution Number:

Document Type:

Presentation

Recommended Motion:

None.

Summary:

Newly hired employees and those retiring are invited to attend the first meeting each month to be introduced to Council.

Fiscal Impact:

None.

Attachments:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/2/2021

Agenda Category: Public Hearing

Core Focus Area 2 - Manage & Maintain Infrastructure & Facilities

Subject:

Proposed Relinquishment of a Utility Easement for Westcliffe Heights - Phase 4, Resolution No. 130-21

Department:
Public Works

Ordinance/Resolution Number:

Document Type:
Public Hearing Item

Recommended Motion:
None.

Summary:

State law requires that a public hearing be held before property acquired for utility purposes is dispositioned through sale or conveyance.

Resolution No. 130-21 concerns the proposed relinquishment of a utility easement recorded under Auditor File No. 2013-025185 that is no longer needed for municipal purposes. This public hearing will satisfy the City's obligation under state law.

For additional information, please see the staff report accompanying Resolution No. 130-21.

Fiscal Impact: None.

Attachments:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/2/2021

Agenda Category: Public Hearing

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Proposed 2022 Budget and 2022-2027 Capital Improvement Plan, Ordinance No. 39-21

Department:
Administrative Services

Ordinance/Resolution Number:

Document Type:
Presentation

Recommended Motion:
None.

Summary:

RCW 35.33 requires the City to hold budget hearings prior to adoption of the 2022 Budget ordinance. Hearings were held on October 19, 2021 with an additional hearing on November 2, 2021.

Council received the City Manager's Proposed 2022 Budget and the 2022-2027 Preliminary Capital Improvement Plan on October 1, 2021. The City Manager presented the 2022 Budget message at the October 5, 2021 Council meeting, which was followed by a public hearing on revenue sources on October 19, 2021. A budget video presentation was uploaded to the City's website on October 26, 2021.

The first reading of the 2022 Budget ordinance is scheduled to occur at tonight's meeting. The second reading and passage is scheduled for November 16, 2021.

Fiscal Impact: The proposed budget for 2022 reflects an appropriation of \$321,633,329.

Attachments:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/2/2021

Agenda Category: Public Hearing

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Proposed Amendments to the 2021 Budget in the General Fund, Medical Services Fund, and Equipment Replacement Fund, Ordinance No. 40-21

Department:

Administrative Services

Ordinance/Resolution Number:

Document Type:

Public Hearing Item

Recommended Motion:

None.

Summary:

State law requires a public agency to hold a public hearing prior to appropriating undesignated fund balance.

For more information, please see the staff report accompanying Ordinance No. 40-21 on tonight's agenda.

Fiscal Impact:

None.

Attachments:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/2/2021

Agenda Category: Minutes

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Approval of the October 19, 2021 City Council Regular Meeting Minutes, the October 26, 2021 City Council Regular Workshop Meeting Minutes, and the October 27, 2021 City Council Special Meeting Minutes

Department:
City Attorney

Ordinance/Resolution Number:

Document Type:
Minutes

Recommended Motion:

Approve the minutes of the City Council meetings held on October 19, 2021, October 26, 2021, and October 27, 2021 as presented.

Summary:

Draft minutes from the October 19, 2021 City Council Regular Meeting, the October 26, 2021 City Council Regular Workshop Meeting, and the October 27, 2021 City Council Special Meeting are presented for Council's consideration and approval.

Fiscal Impact: None.

Attachments:

1. Draft October 19, 2021 City Council Regular Meeting Minutes
2. Draft October 26, 2021 City Council Regular Workshop Meeting Minutes
3. Draft October 27, 2021 City Council Special Meeting Minutes



MINUTES

RICHLAND CITY COUNCIL REGULAR MEETING

Tuesday, October 19, 2021

Zoom - Public Telephone Access: (206) 337-9723 or (253) 215-8782

Meeting ID No. 505 625 7380

City Council Regular Meeting - 6:00 p.m.

Mayor Lukson called the remote Council meeting to order at 6:00 p.m.

Welcome and Roll Call

Mayor Lukson welcomed those attending the remote meeting and expressed appreciation for their attendance.

Attendance: Mayor Lukson, Mayor Pro Tem Kent, and Councilmembers Alvarez, Boring, Christensen, Lemley and Thompson were present.

Also remotely present were Interim City Manager Amundson, City Attorney Kintzley, Fire Chief Huntington, Chief of Police Bruce, Public Works Director Rogalsky, Parks & Public Facilities Director Schiessl, Development Services Director Jensen, Energy Services Director Whitney, Interim Administrative Services Director Florence, Finance Director Allen, Human Resources Manager Paulsen, and City Clerk Rogers.

Pledge of Allegiance

Members of Girl Scout Troop No. 2032 led the Council and audience in the recitation of the Pledge of Allegiance.

Brian Newberry, Chief Executive Officer of the Girl Scouts of Eastern Washington and Northern Idaho, thanked City Council for allowing Troop No. 2032 to lead the pledge of allegiance, and announced that Troop No. 2032 ranked second in the country for cookie sales. Mr. Newberry thanked the City for its support of the Girl Scouts.

Approval of Agenda

COUNCILMEMBER CHRISTENSEN MOVED AND COUNCILMEMBER BORING SECONDED THE MOTION TO APPROVE THE AGENDA AS PUBLISHED. MOTION CARRIED 7-0.

Presentations

1. Proclamation Recognizing Extra Mile Day

Mayor Lukson read aloud a proclamation declaring November 1, 2021 to be *Extra Mile Day* in the City of Richland.

2. Tri-Cities Regional Hotel-Motel Commission Annual Budget and Marketing Plan

With the aid of a PowerPoint presentation, Michael Novakovich, Visit Tri-Cities President & CEO, presented the 2022 Tri-Cities Regional Hotel-Motel Commission (TCRHMC) Annual Budget and Marketing Plan. Details of the presentation are available in the materials provided by Mr. Novakovich.

Councilmember Lemley thanked Mr. Novakovich and Karl Dye, President & CEO of Tri-City Development Council (TRIDEC), for hosting a recent event at Brookwaller Winery.

Mayor Lukson shared that he had recently met tourists from New York at a local winery as a result of the Visit Tri-Cities marketing plan efforts.

Public Hearing

City Clerk Rogers read the public hearing and public comment procedures.

3. Proposed 2022 Revenue Sources Including Property Tax, Ordinance Nos. 34-21 and 35-21

Finance Director Allen presented on the proposed 2022 revenue sources, including property tax, as outlined in Ordinance Nos. 34-21 and 35-21.

Mayor Lukson opened and closed the public hearing at 6:36 p.m. No public testimony was offered.

4. Approving Amendments to the 2021 Budget, Ordinance No. 36-21

Finance Director Allen presented on proposed amendments to the 2021 Budget as outlined in Ordinance No. 36-21.

Mayor Lukson opened and closed the public hearing at 6:38 p.m. No testimony was offered.

5. Proposed Surplus of Property and Equipment, Resolution No. 124-21

Interim Administrative Services Director Florence presented a list of items surplus to the City's needs as outlined in Resolution No. 124-21. Council engaged in a question and answer session with staff.

Mayor Lukson opened and closed the public hearing at 6:41 p.m. No public testimony was offered.

Public Comments

None.

Consent Calendar

City Clerk Rogers read the Consent Calendar.

COUNCILMEMBER CHRISTENSEN MOVED AND COUNCILMEMBER ALVAREZ SECONDED THE MOTION TO APPROVE THE CONSENT CALENDAR AS PUBLISHED. THOSE IN FAVOR: MAYOR LUKSON AND COUNCILMEMBERS ALVAREZ, BORING, CHRISTENSEN, LEMLEY AND THOMPSON. THOSE OPPOSED: NONE. MOTION CARRIED 7-0.

Minutes

6. Approval of the October 5, 2021 City Council Regular Meeting Minutes

Ordinances - First Reading

7. Ordinance No. 34-21, Approving the 2022 Ad Valorem Tax and Property Tax Levies
8. Ordinance No. 35-21, Approving a Change to the 2022 Ad Valorem Tax over the Prior Year
9. Ordinance No. 36-21, Approving Amendments to the 2021 Budget

Ordinances - Second Reading & Passage

10. Ordinance No. 29-21, Approving the Links Residence at Horn Rapids Planned Unit Development
11. Ordinance No. 30-21, Providing for the Sale of 2021 Electric Revenue Bonds
12. Ordinance No. 31-21, Amending Chapter 2.24 RMC related to Bonds for Officers and Employees
13. Ordinance No. 32-21, Amending Richland Municipal Code Title 23 and the Official Zoning Map to Rezone 260 and 230 Bradley Boulevard
14. Ordinance No. 33-21, Authorizing a Franchise Agreement with USCOC of Richland, Inc. d/b/a U.S. Cellular

Resolutions – Adoption

15. Resolution No. 116-21, Restating Retirement Health Savings Plan No. 800205 and Affirming Prior Actions for Plan Nos. 800196 and 800205
16. Resolution No. 123-21, Adopting the 2022 Clean Energy Implementation Plan, Conservation Potential Assessment and Demand Response Potential Assessment

17. Resolution No. 124-21, Approving the Sale of Surplus Property and Equipment
18. Resolution No. 125-21, Authorizing Amendment No. 5 to the Consultant Agreement with RLR Cultural Resources, LLC for the Columbia Park Trail East Improvements Project
19. Resolution No. 126-21, Authorizing the Use of American Rescue Plan Act (ARPA) Funds
20. Resolution No. 127-21, Authorizing a Consultant Agreement with Critical Insight, Inc for Cybersecurity Assessment Services

Items - Approval

None.

Expenditures - Approval

21. Expenditures from September 1, 2021 to September 30, 2021 for \$36,130,314.30 including Travel Check Nos. 20015-20041, Accounts Payable Check Nos. 293071-294092, Accounts Payable Wire Nos. 8720- 8759, Payroll Wires & ACH Nos. 12285-12356, Payroll Direct Deposit & Check Nos. 183254-184918 and Pension Check Nos. 5942-5968.

Items of Business

None.

Reports and Comments

City Manager

Interim City Manager Amundson provided an overview of the October 27, 2021 City Council workshop agenda, and announced that Recreation staff will host a *Ghouls at the Pool* haunted house event at George Prout Pool on October 22-23, 2021 from 6:00-9:00 p.m.

City Council

Councilmember Alvarez stated that the Richland Police Department will utilize body-worn cameras beginning January 2022, and suggested that the policy and procedures be provided to staff ahead of implementation.

Councilmember Thompson's comments were inaudible due to technical difficulties.

No comments were offered by other councilmembers.

Mayor

Mayor Lukson had no comments.

AT 6:52 P.M., MAYOR LUKSON ANNOUNCED A THREE (3) MINUTE BREAK BEFORE CONVENING IN EXECUTIVE SESSION.

Executive Session

Executive Session Per RCW 42.30.010(l)(g): To evaluate the Qualifications of an Applicant for Public Employment or to Review the Performance of a Public Employee (60 Minutes)

AT 6:55 P.M., COUNCIL ENTERED INTO EXECUTIVE SESSION TO EVALUATE THE QUALIFICATIONS OF AN APPLICANT FOR PUBLIC EMPLOYMENT OR TO REVIEW THE PERFORMANCE OF A PUBLIC EMPLOYEE.

Individuals virtually present for the executive session included Mayor Lukson, Mayor Pro Tem Kent, and Councilmembers Alvarez, Boring, Christensen, Lemley and Thompson, and consultant Marsha Fraser. Interim City Manager Amundson entered and exited the executive session as directed by Mayor Lukson.

AT 7:55 P.M., MAYOR LUKSON EXTENDED THE EXECUTIVE SESSION FOR AN ADDITIONAL FORTY-FIVE (45) MINUTES.

COUNCIL EXITED EXECUTIVE SESSION AT 8:50 P.M.

Adjournment

Mayor Lukson adjourned the meeting at 8:50 p.m.

APPROVED:

Ryan Lukson, Mayor

ATTEST:

Jennifer Rogers, City Clerk

DATE APPROVED:

DATE PUBLISHED:



MINUTES

RICHLAND CITY COUNCIL REGULAR WORKSHOP MEETING

Tuesday, October 26, 2021

Zoom - Public Telephone Access: (206) 337-9723 or (253) 215-8782

Meeting ID No. 505 625 7380

City Council Regular Workshop - 6:00 p.m.

Mayor Lukson called the virtual City Council workshop meeting to order at 6:00 p.m.

Attendance: Mayor Lukson, Mayor Pro Tem Kent, and Councilmembers Alvarez, Boring, Christensen, Lemley and Thompson were present.

Also attending remotely were Interim City Manager Amundson, Fire Chief Huntington, City Attorney Kintzley, Interim Administrative Services Director Florence, Parks & Public Facilities Director Schiessl, Energy Services Director Whitney, Public Works Director Rogalsky, Finance Director Allen, Chief of Police Bruce, Development Services Director Jensen, Human Resources Manager Paulsen, Transportation & Development Manager D'Alessandro, and City Clerk Rogers.

Agenda Items

1. 2022 Budget Presentation

Interim City Manager Amundson introduced the 2022 Budget presentation, which is a 17-minute video also available on the City's website.

2. 2022 Legislative Priorities

Using PowerPoint, Interim City Manager Amundson presented the City's proposed 2022 legislative priorities. Council engaged in a question and answer session with staff.

Councilmember Thompson shared personal observations regarding the City's role in representing citizens impacted by Governor Inslee's unilateral mandates and decisions.

Mayor Lukson proposed the idea that the City of Richland collaborate with neighboring cities and counties to support limiting the Governor's powers to maintain and extend the state of emergency declaration.

Councilmember Thompson shared additional statements regarding encroaching limitations on freedom.

3. Americans with Disabilities Act Transition Plan

Public Works Director Rogalsky introduced Transportation & Development Manager D'Allesandro to present on the topic. Staff's presentation described the reason behind the updated ADA Transition Plan, and described a public input process to be launched by

Public Works before finalization of the updated plan. Following the presentation, Council engaged in a question and answer session with staff.

4. Transportation Planning Progress

Public Works Director Rogalsky provided an update on the transportation planning and briefly highlighted the following projects:

- SR-240/Aaron Drive Overpass and Roundabout Concept
- Island View to Vista Field Trail System
- South George Washington Way Intersection Improvements

Staff has established an outreach plan to showcase the results of each project study. At the close of staff's presentation, Council engaged in a question and answer session with staff.

Executive Session

Executive Session Per RCW 42.30.110(1)(b): Discuss Lease or Purchase of Real Estate if Disclosure Would Increase Price (30 Minutes)

AT 7:20 P.M., CITY COUNCIL ENTERED INTO EXECUTIVE SESSION TO DISCUSS THE POTENTIAL PURCHASE OF REAL ESTATE, INCLUDING THE SETTING OF A PRICE, FOR UP TO 30 MINUTES.

Individuals virtually present for the executive session included Mayor Lukson, Mayor Pro Tem Kent, and Councilmembers Alvarez, Boring, Christensen, Lemley and Thompson, Interim City Manager Amundson, City Attorney Kintzley, and Parks & Public Facilities Director Schiessl.

AT 8:50 P.M., MAYOR LUKSON EXTENDED THE EXECUTIVE SESSION FOR ANOTHER 30 MINUTES.

CITY COUNCIL EXITED EXECUTIVE SESSION AT 8:17 P.M.

Adjournment

Mayor Lukson adjourned the meeting at 8:17 p.m.

APPROVED:

ATTEST:

Ryan Lukson, Mayor

Jennifer Rogers, City Clerk

DATE APPROVED:

DATE PUBLISHED:



MINUTES

RICHLAND CITY COUNCIL SPECIAL MEETING

Wednesday, October 27, 2021

Zoom - Public Telephone Access: (206) 337-9723 or (253) 215-8782

Meeting ID No. 505 625 7380

City Council Special Meeting - 2:00 p.m.

Mayor Lukson called the Council meeting to order at 2:00 p.m.

Attendance: Mayor Lukson, Mayor Pro Tem Kent, and Councilmembers Alvarez, Boring, and Lemley. Councilmembers Christensen and Thompson were absent.

Also attending remotely were Interim City Manager Amundson, City Attorney Kintzley, Parks & Public Facilities Director Schiessl, and City Clerk Rogers.

Executive Session:

1. Executive Session Per RCW 42.30.110(1)(b): Discuss Lease or Purchase of Real Estate if Disclosure Would Increase Price (30 minutes)

COUNCIL ENTERED INTO EXECUTIVE SESSION TO DISCUSS THE LEASE OR PURCHASE OF REAL ESTATE, INCLUDING SETTING A PRICE, FOR UP TO 30 MINUTES.

Individuals virtually present for the executive session included Mayor Lukson, Mayor Pro Tem Kent, and Councilmembers Alvarez, Boring, and Lemley, Interim City Manager Amundson, City Attorney Kintzley, and Parks & Public Facilities Director Schiessl.

COUNCIL EXITED EXECUTIVE SESSION AT 2:21 P.M.

Items of Business:

2. Resolution No. 132-21, Authorizing Purchase of Real Property through Auction in Richland, Washington

COUNCILMEMBER BORING MOVED AND COUNCILMEMBER ALVAREZ SECONDED THE MOTION TO ADOPT RESOLUTION NO. 132-21, AUTHORIZING THE PURCHASE OF REAL PROPERTY THROUGH AUCTION IN RICHLAND, WASHINGTON. MOTION CARRIED 5-0.

Adjournment

Mayor Lukson adjourned the meeting at 2:22 p.m.

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APPROVED:

Ryan Lukson, Mayor

ATTEST:

Jennifer Rogers, City Clerk

DATE APPROVED:

DATE PUBLISHED:

DRAFT



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/2/2021

Agenda Category: Ordinances - First Reading

None.

Subject:

Ordinance No. 37-21, Amending Title 11 of the Richland Municipal Code to add Chapter 11.15 entitled Wheeled All-Terrain Vehicles

Department:
City Attorney

Ordinance/Resolution Number:
37-21

Document Type:
Ordinance

Recommended Motion:

Give first reading, by title only, to Ordinance No. 37-21, amending Title 11 of the Richland Municipal Code to add Chapter 11.15 entitled Wheeled All-Terrain Vehicles.

Summary:

Revised Code of Washington (RCW) Section 46.09.455, passed in 2013, allows citizens to drive wheeled all-terrain vehicles (WATVs) on city roadways with a speed limit of 35 miles per hour or less if the city's legislative authority adopts an ordinance allowing such use. Except for state-regulated registration requirements, cities are permitted to adopt unique regulations for WATVs so long as the regulations are not less stringent than state law requirements. After two (2) workshop discussions on WATVs and a public survey, the Richland City Council asked staff to bring forward an ordinance for consideration.

Ordinance No. 37-21 proposes to add Chapter 11.15 entitled Wheeled All-Terrain Vehicles to the Richland Municipal Code. The proposed ordinance restricts allowed WATVs to vehicles known as "side-by-sides" which have bucket-type seating and a steering wheel. The regulations found in Ordinance No. 37-21 essentially mirror state law requirements for WATVs with respect to equipment (lights, horn, brakes, mirrors, turn signals, seatbelts, etc.), the requirement that the operator possess a valid driver's license, and the minimum age limit for passengers (5 years of age). The proposed ordinance differs from state law in that it would require drivers of WATVs to be 18 years of age or older, and would require car seats and automobile liability insurance as required by sections of state law applicable to motor vehicles. WATV operators are required by state law and Ordinance No. 37-21 to wear helmets.

Ordinance No. 37-21 identifies a number of streets in Richland where WATVs will be prohibited, regardless of the fact that the posted speed limit is 35 miles per hour. Those streets include: Gage Boulevard from Leslie Road to Keene Road; George Washington Way from SR-240 to University Drive; Jadwin Avenue from George Washington Way to SR-240; Leslie Road from Gage Boulevard to Canyon Avenue; Steptoe Street from the city limits 185 feet south of Canon Street to Columbia Park Trail; and Stevens Drive from Jadwin Avenue to Snyder Street.

If Ordinance No. 37-21 is approved, a map of streets open to WATVs will be prominently published on the City's website as required by state law.

Fiscal Impact:

None.

Attachments:

1. Ordinance No. 37-21

ORDINANCE NO. 37-21

AN ORDINANCE of the City of Richland amending Richland Municipal Code Title 11: Traffic, adding Chapter 11.15 entitled Wheeled All-Terrain Vehicles.

WHEREAS, Chapter 46.09 RCW allows cities to authorize the operation of wheeled all-terrain vehicles (WATVs) on public roadways within their jurisdiction through legislative action; and

WHEREAS, Richland City Council intends to authorize the operation of wheeled all-terrain vehicles on all Richland city streets where the speed limit is 35 miles per hour or less, excluding certain city streets, subject to the limitations, conditions and requirements set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. Title 11 of the Richland Municipal Code is hereby amended to add a new Chapter 11.15 entitled Wheeled All-Terrain Vehicles.

Title 11 TRAFFIC

Chapters:

11.01 State Provisions Adopted – Penalty for Violations

11.04 Enforcement and Obedience to Traffic Regulations

11.06 Engine Brakes

11.08 Speed Regulations

11.12 One-Way Streets and Alleys

11.15 Wheeled All-Terrain Vehicles

11.30 Stopping, Standing, or Parking Restricted or Prohibited on Certain Streets and in Municipal Parking Lots

11.31 Removal of Unauthorized Vehicles

11.33 Storage and Parking of Boats, Campers (Pickup), Large Vehicles, Motor Homes, Recreational Vehicles, Snowmobiles, Utility Trailers or Storage Containers

11.34 Impound of Vehicles

11.40 Schedules of Designated Streets Referred to in Ordinance

11.42 Operation of Vehicles on City Property

11.50 Skateboards/Skating

Chapter 11.15 WHEELED ALL-TERRAIN VEHICLES

Sections

11.15.010 Definitions.

11.15.020 Use of Wheeled All-Terrain Vehicle on City Streets.
11.15.030 Restrictions on Use of Wheeled All-Terrain Vehicle on City Streets.
11.15.040 Equipment Requirements of a Wheeled All-Terrain Vehicle.
11.15.050 Registration Requirements of a Wheeled All-Terrain Vehicle.
11.15.060 Duty to Obey Traffic-Control Devices and Rules of the Road.
11.15.070 Prohibited Uses.
11.15.080 Prohibited Areas.
11.15.090 Violation - Penalty.
11.15.100 Severability.

11.15.010 Definitions.

When used in this chapter, the City defines the words and phrases listed below as follows:

A. "City" means the City of Richland, its elected officials, its employees, and its agents.

B. "City Street" means every way, lane, road, street, boulevard, and every way or place in the City open as a matter of right to public vehicular traffic inside the city limits.

C. "Motorcycle Helmet" has the same meaning as provided in RCW 46.37.530.

D. "Rules of the Road" means all the rules that apply to vehicle or pedestrian traffic as set forth in state statute, rule or regulation.

E. "Sidewalk" means that property between the curb lines or the lateral lines of a city street and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a city street and dedicated to use by pedestrians.

F. "Wheeled All-Terrain Vehicle" or "WATV" means:

1. A utility-type vehicle designed for and capable of travel over designated roads that travels on four or more low-pressure tires of 20 psi or less, has a maximum width less than 74 inches, has a maximum weight less than 2,000 pounds, has a wheelbase of 110 inches or less, and satisfies at least one of the following:
 - a. Has a minimum width of 50 inches;
 - b. Has a minimum weight of at least 900 pounds; or
 - c. Has a wheelbase of over 61 inches;
 - d. Has a steering wheel for steering control; and
 - e. Has nonstraddle seating with the operator and passenger sitting side by side in the vehicle manufactured primarily for recreational nonhighway all-terrain use.

11.15.020 Use of Wheeled All-Terrain Vehicle on City Streets.

Subject to the restrictions and requirements set forth in this chapter, a person who has attained the age of eighteen (18) years and who has a valid driver's license issued by the state of the person's residence may operate a wheeled all-terrain vehicle upon a city

street having a speed limit of 35 miles per hour or less, except for those streets identified in RMC 11.15.080.

11.15.030 Restrictions on Use of Wheeled All-Terrain Vehicle on City Streets.

A. Any person who operates or rides as a passenger in a wheeled all-terrain vehicle must wear a securely fastened motorcycle helmet while the WATV is in motion, unless the WATV is equipped with roll bars or an enclosed passenger compartment.

B. Any person who operates or rides as a passenger in a wheeled all-terrain vehicle must wear a securely fastened seat belt as required in RCW 46.61.688(3). Passengers less than sixteen (16) years of age are required to be restrained as defined in RCW 46.61.687.

C. No passengers under the age of five (5) years of age may be transported in a wheeled all-terrain vehicle.

D. A person may not operate a wheeled all-terrain vehicle upon a city street with a speed limit in excess of 35 miles per hour; provided, however, that a person may cross a city street with a speed limit in excess of 35 miles per hour at a controlled intersection if the crossing begins and ends on a city street with a speed limit of 35 miles per hour or less and occurs at an intersection of approximately 90 degrees.

E. A person may operate a wheeled all-terrain vehicle upon any city street while being used under the authority or direction of an appropriate agency that engages in emergency management, as defined in RCW 46.09.310, or search and rescue, as defined in RCW 38.52.010, or a law enforcement agency, as defined in RCW 16.52.011, within the scope of the agency's official duties.

F. Wheeled all-terrain vehicles are subject to Chapter 46.55 RCW.

G. No person may operate a wheeled all-terrain vehicle upon a city street without having proof of current liability insurance with liability limits of at least the amounts provided in and in compliance with the requirements as set forth in RCW 46.29.090, as now enacted or hereafter amended. Written proof of such financial responsibility must be provided upon request of a law enforcement officer.

11.15.040 Equipment Requirements of a Wheeled All-Terrain Vehicle.

A wheeled all-terrain vehicle operated on a city street must comply with the following equipment requirements:

A. Headlights meeting the requirements of RCW 46.37.030 and 46.37.040 and used at all times when the vehicle is in motion;

B. Two tail lamps meeting the requirements of RCW 46.37.070(1) and to be used at all times when the vehicle is in motion upon a city street;

C. A stop lamp meeting the requirements of RCW 46.37.200;

D. Reflectors meeting the requirements of RCW 46.37.060;

- E. During hours of darkness, as defined in RCW 46.04.200, turn signals meeting the requirements of RCW 46.37.200;
- F. Outside of hours of darkness, the operator must comply with RCW 46.37.200 or 46.61.310;
- G. Two mirrors meeting the requirements of RCW 46.37.400;
- H. A windshield meeting the requirements of RCW 46.37.430, unless the operator wears glasses, goggles, or a face shield while operating the vehicle, of a type conforming to rules adopted by the Washington State Patrol;
- I. A horn or warning device meeting the requirements of RCW 46.37.380;
- J. Brakes in working order;
- K. A spark arrester and muffling device meeting the requirements of RCW 46.09.470;
- L. Seatbelts meeting the requirements of RCW 46.37.510; and
- M. Must have an individual seat for each occupant designed to seat a person.

11.15.050 Registration Requirements of a Wheeled All-Terrain Vehicle.

A wheeled all-terrain vehicle operated on a city street must comply with all registration requirements in Chapter 46.09 RCW.

11.15.060 Duty to Obey Traffic-Control Devices and Rules of the Road.

Unless a police officer directs otherwise, a person operating a wheeled all-terrain vehicle must obey all rules of the road that apply to vehicle or pedestrian traffic and must obey the instructions of official traffic-control signals, signs, and other control devices applicable to vehicles. A person operating a wheeled all-terrain vehicle upon a city street is subject to all duties imposed by Chapter 46.61 RCW *et seq.* on an operator of a vehicle, excepting those provisions which by their nature can have no application.

11.15.070 Prohibited Uses.

A. No person may operate or ride a wheeled all-terrain vehicle in a negligent or unsafe manner, but must operate it with reasonable regard for his or her own safety and for the safety of others.

B. No person may occupy a wheeled all-terrain vehicle unless that person is seated in a seat designed to carry a person. No person may tow any devices or persons behind a wheeled all-terrain vehicle.

C. No person may operate a wheeled all-terrain vehicle side-by-side with another vehicle in a single lane of traffic.

11.15.080 Prohibited Areas.

A. It is unlawful to operate a wheeled all-terrain vehicle on a sidewalk or other area where it is unlawful to operate a motor vehicle.

B. Except as authorized by the City, it is unlawful to operate a wheeled all-terrain vehicle in a city park or upon any city bike path, trail, or other area not expressly designated for motor vehicle operation.

C. It is unlawful to operate a wheeled all-terrain vehicle on any bicycle trail or walking path or in any bicycle lane.

D. Wheeled all-terrain vehicles are prohibited on all streets with speed limits above 35 miles per hour and on the following segments of city streets:

1. Gage Boulevard from Leslie Road to Keene Road;
2. George Washington Way from SR-240 to University Drive;
3. Jadwin Avenue from George Washington Way to SR-240;
4. Leslie Road from Gage Boulevard to Canyon Avenue;
5. Steptoe Street from the city limits 185 feet south of Canon Street to Columbia Park Trail; and
6. Stevens Drive from Jadwin Avenue to Snyder Street.

11.15.090 Violation – Penalty.

A person who violates a provision of this chapter is guilty of a traffic infraction and will be punished by the imposition of a monetary penalty not to exceed \$250.00, exclusive of statutory assessments; provided, that conduct that constitutes a criminal offense may be charged as such and is subject to the maximum penalties allowed for such offenses.

11.92.100 Severability.

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

Section 2. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 3. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 4. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the ____ day of _____, 2021.

Ryan Lukson, Mayor

Attest:

Approved as to form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

Date Published: _____



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/2/2021

Agenda Category: Ordinances - First Reading

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Ordinance No. 39-21, Approving the 2022 Budget and the 2022-2027 Capital Improvement Plan

Department:
Administrative Services

Ordinance/Resolution Number:
39-21

Document Type:
Ordinance

Recommended Motion:

Give first reading, by title only, to Ordinance No. 39-21, Approving the 2022 Budget and the 2022-2027 Capital Improvement Plan.

Summary:

Richland City Council received the proposed 2022 Budget and 2022-2027 Capital Improvement Plan on October 1, 2021. On October 26, 2021, the City Manager presented the budget message to Council during a regularly scheduled workshop. A revenue hearing was also conducted at the October 19, 2021 City Council meeting. The preliminary hearing and presentation will be held at the City Council meeting on November 2, 2021, followed by the final budget hearing on November 16, 2021.

The first reading of the ordinance adopting the 2022 Budget is scheduled for November 2, 2021. The second reading and passage of the 2022 Budget ordinance is scheduled for November 16, 2021.

Staff recommends approval of Ordinance No. 39-21 for first reading, by title only.

Fiscal Impact: The proposed 2022 budgeted appropriations for all funds total \$321,633,329.

Attachments:

- I. Ordinance No. 39-21

ORDINANCE NO. 39-21

AN ORDINANCE of the City of Richland adopting the 2022 Annual Budget of the City of Richland, including the 2022-2027 Capital Improvement Plan.

BE IT ORDAINED by the City of Richland as follows:

Section 1. Budget Adopted. The Annual Budget of the City of Richland for the year 2022, including the 2022-2027 Capital Improvement Plan, and each and every fund thereof as fixed and determined in the Proposed Budget for the year 2022, as revised by the City Council, is hereby adopted as the Budget of the City for the calendar year 2022. The total appropriations for each of the funds of the City of Richland are as follows:

Funds	Total Estimated Revenues	Appropriated Beginning Fund Balances	Est. Revenues & Approp. Fund Balance	Total Appropriations
General Fund	\$ 68,885,282	\$ 6,929,262	\$ 75,814,544	\$ 75,814,544
Special Revenue Funds:				
City Streets	3,579,729	-	3,579,729	3,579,729
Transportation Benefit District	1,002,000	50,377	1,052,377	1,052,377
Park Reserve	495,935	100,000	595,935	156,847
Industrial Development	10,246,308	1,310,416	11,556,724	11,556,724
Criminal Justice	94,717	-	94,717	75,354
Public Safety Sales Tax	2,038,450	441,419	2,479,869	2,479,869
BCES Operations	6,850,649	-	6,850,649	6,850,649
Hotel/Motel Tax	1,010,000	-	1,010,000	806,700
Special Lodging Assmnt	473,000	-	473,000	473,000
Community Dev. Block Grant	395,000	124,180	519,180	519,180
HOME	910,657	-	910,657	910,657
Debt Service Funds:				
LTGO Bonds	1,288,465	-	1,288,465	1,277,595
Fire Station 74	676,831	-	676,831	674,631
Library Remodel	1,504,200	60,000	1,564,200	1,564,200
LRF Debt Service	656,635	-	656,635	656,635
LID Guaranty	11,850	-	11,850	25
Special Assessment	8,678	-	8,678	577
Capital Projects Funds:				
Streets Capital Projects	15,037,745	-	15,037,745	15,027,745
Capital Improvement	3,040,000	1,609,057	4,649,057	4,263,239
Parks Capital Projects	12,864,000	-	12,864,000	12,864,000
General Government	425,000	-	425,000	425,000

Funds	Total Estimated Revenues	Appropriated Beginning Fund Balances	Est. Revenues & Approp. Fund Balance	Total Appropriations
Enterprise Funds:				
Electric	77,837,285	5,846,137	83,683,422	83,683,422
Water	17,539,412	5,007,245	22,546,657	22,546,657
Wastewater	14,946,837	4,074,552	19,021,389	19,021,389
Solid Waste	10,414,669	-	10,414,669	9,995,228
Stormwater	1,969,558	-	1,969,558	1,833,688
Golf Course	2,401,589	-	2,401,589	2,391,177
Medical Services	6,367,459	169,571	6,537,030	6,537,030
Broadband	2,087,400	93,473	2,180,873	2,180,873
Internal Service Funds:				
Equipment Maintenance	4,275,274	394,003	4,669,277	4,669,277
Equipment Replacement	5,247,107	1,250,297	6,497,404	6,497,404
Public Works Adm & Eng.	4,350,357	-	4,350,357	4,350,357
Workers Compensation	887,000	-	887,000	870,000
Employee Benefits	11,856,631	2,469,619	14,326,250	14,326,250
Unemployment	111,000	-	111,000	77,100
Post Employment Benefit	1,556,000	68,200	1,624,200	1,624,200
Totals	\$ 293,342,709	\$ 29,997,808	\$ 323,340,517	\$ 321,633,329

Section 2. Salaries and Wages. The total cumulative salaries and wages set forth in in the budget document represent the maximum approved expenditure, subject to the requirements and limitations set forth in the Compensation Plan for unaffiliated employees and Collective Bargaining Agreements for affiliated employees, or other contracts approved by Council. In the interests of operational efficiency and business need, the City Manager may amend salaries and wages within departments and divisions as long as the total labor budget is not exceeded.

Section 3. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

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PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the ____ day of _____, 2021.

Ryan Lukson, Mayor

Attest:

Approved as to form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

Date Published: _____



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/2/2021

Agenda Category: Ordinances - First Reading

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Ordinance No. 40-21, Amending the 2021 Budget in the General Fund, Medical Services Fund, and Equipment Replacement Fund

Department:

Administrative Services

Ordinance/Resolution Number:

40-21

Document Type:

Ordinance

Recommended Motion:

Give first reading, by title only, to Ordinance No. 40-21, amending the 2021 Budget in the General Fund, Medical Services Fund, and Equipment Replacement Fund.

Summary:

Proposed Ordinance No. 40-21 will amend the 2021 budget appropriations for three items. First, on October 19, 2021, City Council approved Resolution No. 126-21, authorizing the City Manager to utilize federal ARPA funding for particular purposes. A budget amendment is necessary to appropriate \$2,000,000 to provide utility and business assistance in the current year. These appropriations are supported by new revenue received through the federal American Recovery Plan Act.

In addition, because of material shortages and supply chain interruptions caused by the COVID-19 pandemic, the City is experiencing long lead times for some vehicles planned for purchase in 2022. In order to timely receive three (3) vehicles planned for replacement in 2022, the City must issue purchase orders in 2021. The vehicles in question are a fire truck, an ambulance, and a wildland brush truck. The amount of the appropriation increase is \$1,715,000, and is supported by unappropriated fund balance in the Equipment Replacement Fund. As required by state law, the City must declare that a public emergency exists in the Equipment Replacement Fund to appropriate unappropriated fund balance because these expenses were not anticipated when the 2021 Budget was adopted.

Finally, the Richland Fire Department received a grant from Firehouse Subs to purchase automatic external defibrillators (AEDs). In order to purchase them in 2021, funds in the amount of \$22,330 need to be appropriated to the 2021 Budget. This amendment is supported by new revenue from the grant, so no declaration of emergency is necessary.

In total, new revenues support \$2,022,330 of the increase. The remaining \$1,715,000 is funded by use of existing fund balances. A public hearing will be held on November 2, 2021 as required by state law.

Staff recommends approval of Ordinance No. 40-21 for first reading, by title only.

Fiscal Impact:

The total increase in appropriations to the 2021 operating budget is \$3,737,330. New revenue supports \$2,022,330 of the increase. The remaining \$1,715,000 is funded from fund balance in the Equipment Replacement Fund. There is adequate fund balance from planned fleet contributions.

Attachments:

- I. Ordinance No. 40-21

ORDINANCE NO. 40-21

AN ORDINANCE of the City of Richland amending the 2021 Budget to provide for additional appropriations in the General Fund, Medical Services Fund, and Equipment Replacement Fund, and declaring that a public emergency exists in the City's Equipment Replacement Fund.

WHEREAS, on November 17, 2020, Richland City Council approved Ordinance No. 46-20 approving the 2021 Budget; and

WHEREAS, on October 29, 2021, Richland City Council approved Resolution No. 126-21 authorizing the City Manager to utilize federal American Recovery Plan Act (APRA) revenues; and

WHEREAS, \$2,000,000 in APRA funds was approved for utility and business assistance and must be appropriated for spending in the 2021 Budget; and

WHEREAS, the COVID-19 pandemic has caused material shortages and interruption of the supply chain leading to long lead times for large vehicle purchases; and

WHEREAS, three (3) Richland Fire Department vehicles totaling \$1,715,000 are scheduled for replacement in 2022 and must be ordered in 2021 for timely receipt; and

WHEREAS, the Richland Fire Department was awarded \$22,330 in grant funds from Firehouse Subs Public Safety Foundation for the purchase of automatic external defibrillators (AEDs); and

WHEREAS, the grant funds must be appropriated in the 2021 Budget to purchase the AEDs; and

WHEREAS, no funds were appropriated in the General Fund, Medical Services Fund, and Equipment Replacement Fund for the items listed above; and

WHEREAS, sufficient unappropriated funds are available in the Equipment Replacement Fund to support the required budget adjustment; and

WHEREAS, on November 2, 2021, a public hearing was held pursuant to RCW 35.33.091 regarding the increase in appropriations from beginning fund balance in the Equipment Replacement Fund.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. Facts Constituting Emergency. The expenses contained within this Ordinance were not anticipated when the 2021 Budget was approved.

Section 2. Declaration of Public Emergency. Due to circumstances described above, Richland City Council declares that a public emergency exists in the Equipment Replacement Fund.

Section 3. Amendment of the 2021 Budget. The 2021 Budget is hereby amended to provide additional appropriations in the General Fund and Medical Services Fund from new revenues, and the Equipment Replacement Fund from unappropriated fund balance as follows:

General Fund

Current Appropriation: \$ 68,862,150
Increase in Appropriation: \$ 2,000,000
Amended Appropriation: \$ 70,862,150

Medical Services Fund

Current Appropriation: \$ 5,912,943
Increase in Appropriation: \$ 22,330
Amended Appropriation: \$ 5,935,273

Equipment Replacement Fund

Current Appropriation: \$ 67,32,170
Increase in Appropriation: \$ 1,715,000
Amended Appropriation: \$ 8,447,170

Section 4. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the ____ day of _____, 2021.

Ryan Lukson, Mayor

Attest:

Approved as to form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

Date Published: _____



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/2/2021

Agenda Category: Ordinances - Second Reading & Passage

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Ordinance No. 34-21, Approving the 2022 Ad Valorem Tax and Property Tax Levies

Department:
Administrative Services

Ordinance/Resolution Number:
34-21

Document Type:
Ordinance

Recommended Motion:

Give second reading and pass Ordinance No. 34-21, approving the 2022 ad valorem tax and property tax levies.

Summary:

City Council sets the property tax levy during the annual budget process. Ordinance No. 34-21 establishes the estimated dollar amount of the regular levy, the refund levy, and the voted library construction bond levy. They also authorize the levies to be certified to the Benton County Board of Commissioners and the Benton County Assessor.

The amounts in the ordinance are based on preliminary numbers received from the Benton County Assessor. Amounts certified to Benton County limit the final calculated levy, so care must be taken to avoid locking in a levy amount that is too low before the values for all add-ons are known. Attached is an analysis of three options for the levy: a 1% increase, a 0% increase, and the maximum lawful levy.

For 2022, Ordinance No. 34-21 includes an increase in the regular levy by 1%. This increase is in addition to increases arising from new construction value, annexations, refunds, and increases in state-assessed property ("add-ons").

Staff recommends approval of Ordinance No. 34-21 for second reading and passage.

Fiscal Impact: At this time, the state-assessed property values and new construction values are still preliminary. However, any changes at this point should be relatively minor.

Attachments:

1. Ordinance No. 34-21
2. 2022 Ad Valorem Tax Options - 2nd Preliminary Values from Benton County

ORDINANCE NO. 34-21

AN ORDINANCE of the City of Richland relating to the
ad valorem property tax levied for the calendar year 2022.

WHEREAS, pursuant to RCW 84.55.120, the City of Richland duly noticed the public hearing held October 19, 2021 to consider the City of Richland's revenue sources for the City's following year current expense budget; and

WHEREAS, the Richland City Council, after hearing, and after duly considering all relevant evidence and testimony presented, has determined that the City of Richland requires an increase in property tax revenue from the previous year, in addition to increases resulting from the addition of new construction, annexation, any refunds, improvements to property and any increase in the value of State-assessed property in order to discharge, in its best interests, the expected expenses and obligations of the City of Richland.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. In accordance with RCW 84.52.020, the City Clerk is hereby directed to certify to the Benton County Board of Commissioners and the Benton County Assessor that the Richland City Council requests the following levy amounts be collected in 2022 as provided in the City's budget, which was adopted after the October 19, 2021 public hearing:

Regular Levy:	
General Fund and	
RAISE Area Debt Service Fund	\$19,310,000 (Preliminary Estimate)
Refund Levy:	\$ 58,925
 Library Debt Service Fund	 \$ <u>1,484,200</u>
 TOTAL	 \$20,853,125 (Estimated)

Section 2. The taxes shall be collected and paid to the City Treasurer at the same time and in the same manner as provided by the laws of the State of Washington relating to collection of taxes in the cities of the first class.

Section 3. This ordinance shall become effective on the day following the date of its publication in the official newspaper of the City of Richland.

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PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 2nd day of November, 2021.

Ryan Lukson, Mayor

Attest:

Approved as to form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

Date Published: November 7, 2021

CITY OF RICHLAND
2022 AD VALOREM PROPERTY TAX OPTIONS - PRELIMINARY
FOR REGULAR LEVY AND SPECIAL LEVIES

		2022 Proposed Budget Option 1 1% Increase Current Tax + 1% (+ New Const \$430,187) (+ Annexations \$10,398) (+ Admin. Refund \$58,925)	Option 2 No Increase Current Tax + 0% (+ New Const \$430,187) (+ Annexations \$10,398) (+ Admin. Refund \$58,925)	Option 3 Current Max \$20,070,494 + 1% (+ New Const \$430,187) (+ Annexations \$10,398) (+ Admin. Refund \$58,925)
Home Value	2021 Levy Current Tax Dollars & Rate			
\$500,000	\$1,219	\$1,165	\$1,155	\$1,250
\$400,000	\$975	\$932	\$924	\$1,000
\$300,000	\$731	\$699	\$693	\$750
\$200,000	\$488	\$466	\$461	\$499
\$100,000	\$243	\$233	\$231	\$250
Regular Levy:				
Tax Dollars	\$18,580,596 *	\$19,265,919	\$19,080,113	\$20,770,716
Levy Rate	\$2.2532	\$2.1627	\$2.1419	\$2.3317
Regular Levy Assessed Valuation	\$8,246,310,077	\$8,908,158,810	\$8,908,158,810	\$8,908,158,810
Special Levy:				
Tax Dollars - Library	\$1,515,975 *	\$1,484,200	\$1,484,200	\$1,484,200
Levy Rate	\$0.1845	\$0.1672	\$0.1672	\$0.1672
Special Levy Assessed Valuation	\$8,215,601,523	\$8,877,450,256	\$8,877,450,256	\$8,877,450,256
Grand Total All Levies				
Total Tax Dollars	\$20,096,571	\$20,750,119	\$20,564,313	\$22,254,916
Total Levy Rate	\$2.4377	\$2.3299	\$2.3091	\$2.4989
Regular Levy Tax \$ Differential (Option vs. Recommended):		\$0	-\$185,806	\$1,504,797

(*) Final levy. Amount levied by ordinance may differ due to appeals and cancellations. Original levy limit calculation is modified after appeals are processed by the County. All 2022 rates are based on estimated valuations and are subject to change.

New Construction = \$190,922,800 x 2.2532/1000 =

430,187 Preliminary Estimate

Annexations = \$4,475,210 x 2.3250362/1000 =

10,405 Preliminary Estimate

Increase in State Assessed Property = \$0 x 2.2532/1000 =

- Information Pending

Administrative Refund Levy

58,925

Current MAX depicts the maximum allowable levy, including banked levy from previous years and can be found on the property tax calculation sheet that comes from Benton County



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/2/2021

Agenda Category: Ordinances - Second Reading & Passage

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Ordinance No. 35-21, Approving a Change to the 2022 Ad Valorem Tax over the Prior Year

Department:
Administrative Services

Ordinance/Resolution Number:
35-21

Document Type:
Ordinance

Recommended Motion:

Give second reading and pass Ordinance No. 35-21, approving the 2022 ad valorem tax increase over the prior year.

Summary:

Richland City Council sets the property tax levy during the annual budget process. For 2022, it is proposed that the City approve an increase of 1% to the regular levy. The 1% increase is prior to changes arising from new construction values, annexations, refunds, and increases in state-assessed property ("add-ons").

Ordinance No. 35-21 authorizes, as required by statute, the increase of the regular levy over the prior year in terms of dollar amount and percentage. Upon approval, the City Clerk is directed to certify the increase to the Benton County Board of Commissioners and the Benton County Assessor by providing a certified copy of the ordinance.

Staff recommends approval of Ordinance No. 35-21 for second reading and passage.

Fiscal Impact: Approval of Ordinance No. 35-21 will increase the base regular levy for 2022 by \$185,806 before new construction, annexations, refunds and increases in state-assessed property.

Attachments:

- I. Ordinance No. 35-21

ORDINANCE NO. 35-21

AN ORDINANCE of the City of Richland relating to the increase in the calendar year 2022 ad valorem property tax levy over the amount levied in the previous year.

WHEREAS, the Richland City Council has met and considered its budget for the calendar year 2022; and

WHEREAS, the Richland City Council, after hearing, and after duly considering all relevant evidence and testimony presented, has determined that the City of Richland requires an increase in property tax revenue from the previous year, in addition to increases resulting from the addition of new construction, annexation, refunds and improvements to property and any increase in the value of State-assessed property, in order to discharge the expected expenses and obligations of the City of Richland and in its best interest; and

WHEREAS, the City of Richland's actual regular levy amount from the previous year was \$18,580,597; and

WHEREAS, the population of the City of Richland is more than 10,000.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. An increase in the regular property tax levy is hereby authorized for the levy to be collected in the 2022 tax year. The dollar amount of the increase over the actual levy amount from the previous year shall be one hundred eighty-five thousand, eight hundred six dollars (\$185,806) which is a percentage increase of one percent (1%) from the previous year. This increase is exclusive of additional revenue resulting from new construction, improvements to property, newly constructed wind turbines, any increase in the value of State-assessed property, any annexations that have occurred and refunds made.

Section 2. The City Clerk is hereby directed to provide a certified copy of this Ordinance to the Benton County Board of Commissioners and the Benton County Assessor.

Section 3. This Ordinance shall become effective on the day following the date of its publication in the official newspaper of the City of Richland.

This space intentionally left blank.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 2nd day of November, 2021.

Ryan Lukson, Mayor

Attest:

Approved as to form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

Date Published: November 7, 2021



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/2/2021

Agenda Category: Ordinances - Second Reading & Passage

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Ordinance No. 36-21, Approving Amendments to the 2021 Budget

Department:

Administrative Services

Ordinance/Resolution Number:

36-21

Document Type:

Ordinance

Recommended Motion:

Give first reading, by title only, to Ordinance No. 36-21, amending the 2021 Budget.

Summary:

Proposed Ordinance No. 36-21 will amend the 2021 budget appropriations. Net additional appropriations in the amount of \$1,971,493 are identified in the attached worksheet. The increases are primarily the result of additional expenditures in the General Fund, Hotel/Motel Tax Fund, Special Lodging Assessment Fund, Solid Waste Utility Fund and Public Works Admin & Engineering Fund. In some instances, it is necessary for the City to declare that a public emergency exists in certain funds, as required by state law, because certain expenses were not originally anticipated when the 2021 Budget was adopted.

New revenues support \$445,000 of the increase. The remaining \$1,526,493 is funded by use of existing fund balances. The attached document lists the increase in appropriations for each fund, with a brief description of the nature of the increase.

A public hearing was held on October 19, 2021 as required by state law. No public testimony was offered.

Staff recommends approval of Ordinance No. 36-21 for second reading and passage.

Fiscal Impact:

The total increase in appropriations to the 2021 operating budget is \$1,971,493.

Attachments:

1. Ordinance No. 36-21
2. 2021 Appropriation Changes

ORDINANCE NO. 36-21

AN ORDINANCE of the City of Richland amending the 2021 Budget to provide for additional appropriations in the City's General Fund, Hotel/Motel Tax Fund, Special Lodging Assessment Fund, Police Station Debt Service Fund, Community Center Debt Service Fund, Fire Station 75 Construction Fund, Fire Station 73 Construction Fund, Water Utility Fund, Solid Waste Utility Fund, Equipment Replacement Fund, Public Works Admin and Engineering Fund; and in certain of these funds, declaring that a public emergency exists.

WHEREAS, on November 17, 2020, Richland City Council approved Ordinance No. 46-20 approving the 2021 Budget; and

WHEREAS, certain additional revenue sources have been identified that were not anticipated when the 2021 Budget was approved, the expenditure of which is not included in current appropriations; and

WHEREAS, certain additional expenditures have been identified as necessary or desirable in the current year that do not have a specific new revenue source; and

WHEREAS, no funds were appropriated for these expenditures; and

WHEREAS, sufficient unappropriated balances are available in the funds identified in Section 2 to support the required budget adjustment; and

WHEREAS, on October 19, 2021, a public hearing was held pursuant to RCW 35.33.091 regarding the increase in appropriations from beginning fund balance.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. Facts Constituting Emergency. The expenses contained within this Ordinance were not anticipated when the 2021 Budget was approved.

Section 2. Declaration of Public Emergency. Due to circumstances described above, Richland City Council declares that a public emergency exists in the City's General Fund, Hotel/Motel Tax Fund, Police Station Debt Service Fund, Community Center Debt Service Fund, Fire Station 75 Construction Fund, Fire Station 73 Construction Fund, Solid Waste Utility Fund, Equipment Replacement Fund and Public Works Admin and Engineering Fund.

Section 3. Amendment of the 2021 Budget. The 2021 Budget is hereby amended to provide additional appropriations in the following funds, and from the following sources, as indicated:

2021 BUDGET AMENDMENTS

Fund	Fund Title	Current Appropriations	Change In Appropriations	Amended Appropriations	Source	
					Fund Balance	New Revenue
001	GENERAL FUND	\$ 68,412,370	\$ 449,780	\$ 68,862,150	\$ 449,780	\$ -
150	HOTEL/MOTEL TAX FUND	1,111,969	400,000	1,511,969	200,000	200,000
151	SPECIAL LODGING ASSESSMENT FUND	375,000	210,000	585,000	-	210,000
218	POLICE STATION DEBT SERVICE FUND	-	34,000	34,000	34,000	-
220	COMMUNITY CENTER DEBT SERVICE FUND	-	34,000	34,000	34,000	-
317	FIRE STATION 75 CONSTRUCTION FUND	3,573,965	103,269	3,677,234	103,269	-
318	FIRE STATION 73 CONSTRUCTION FUND	4,197,677	51,634	4,249,311	51,634	-
402	WATER UTILITY FUND	29,137,579	35,000	29,172,579	-	35,000
404	SOLID WASTE UTILITY FUND	17,456,956	322,708	17,779,664	322,708	-
503	EQUIPMENT REPLACEMENT FUND	6,631,599	100,571	6,732,170	100,571	-
505	PW ADMIN & ENGINEERING FUND	4,243,243	230,531	4,473,774	230,531	-
TOTAL		\$ 135,140,358	\$ 1,971,493	\$ 137,111,851	\$ 1,526,493	\$ 445,000

Section 4. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 2nd day of November, 2021.

Ryan Lukson, Mayor

Attest:

Approved as to form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

Date Published: November 7, 2021

2021 BUDGET AMENDMENTS

Fund Title	Revenue Acct#	Expense Acct#	Project#	Current Appropriations	Change In Appropriations	Amended Appropriations	Funding Source	
							Fund Balance	New Revenue
GENERAL FUND 001				\$ 68,412,370				
ClearGov Capital Asset Planning Module	00100.308000	IT188400.3583			21,051			
Envivio Plans Renewal	00100.308000	IT188400.4107			20,018			
Golf Course Projects	00100.308000	M197000.5509			187,376			
2021 Comercial Improvement Grant Program	00100.308000	M1587080.4924			155,226			
2021 BLRF Projects	00100.308000	M1587080.4925			66,109			
					449,780	\$ 68,862,150	449,780	-
HOTEL/MOTEL TAX FUND 150				\$ 1,111,969				
2021 Projects	15000.313311	D6739000.4990			100,000			
2021 Projects	15000.313312	D6739000.4990			100,000			
2021 Projects	15000.308000	D6739000.4990			200,000			
					400,000	\$ 1,511,969	200,000	200,000
SPECIAL LODGING ASSESSMENT FUND 151				\$ 375,000				
Additional Assessment Revenues/Expenditures	15100.345600	D9739000.4117			210,000			
					210,000	\$ 585,000	-	210,000
POLICE STATION DEBT SERVICE FUND 218				\$ -				
Interfund Transfer Out to Library Debt Service Fund 222	21800.308000	MA970000.5554			34,000			
					34,000	\$ 34,000	34,000	-
COMMUNITY CENTER DEBT SERVICE FUND 220				\$ -				
Interfund Transfer Out to Library Debt Service Fund 222	22000.308000	MB970000.5554			34,000			
					34,000	\$ 34,000	34,000	-
FIRE STATION 75 CONSTRUCTION FUND 317				\$ 3,573,965				
Carryover Unspent Equipment Funds to Capital Construction	31700.397317	MG942210.6403			51,635			
Carryover Unspent Equipment Funds to Capital Construction	31700.397317	MG942210.5553			51,634			
					103,269	\$ 3,677,234	103,269	-
FIRE STATION 73 CONSTRUCTION FUND 318				\$ 4,197,677				
Carryover Unspent Equipment Funds to Capital Construction	31800.397317	ML942210.6403			51,634			
					51,634	\$ 4,249,311	51,634	-
WATER UTILITY FUND 402				\$ 29,137,579				
Water Meters Installed - Funded by Installation Fees	40200.379023	W4345000.6209			35,000			
					35,000	\$ 29,172,579	-	35,000
SOLID WASTE UTILITY FUND 404				\$ 17,456,956				
Debt Service Principal on new State Loan	40400.308001	G2013700.7802			210,527			
Purchase of Refuse Containers	40400.308001	G3378100.3514			112,181			
					322,708	\$ 17,779,664	322,708	-
EQUIPMENT REPLACEMENT FUND 503				\$ 6,631,599				
2020 Toro Groundmaster	50300.308001	A5941810.6405			100,571			
					100,571	\$ 6,732,170	100,571	-
PW ADMIN & ENGINEERING FUND 505				\$ 4,243,243				
Insurance	50500.308001	P1013800.4601			212,381			
Recruitment Services	50500.308001	P1013800.4112			18,150			
					230,531	\$ 4,473,774	230,531	-
TOTAL				\$ 135,140,358	\$ 1,971,493	\$ 137,111,851	\$ 1,526,493	\$ 445,000



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/2/2021

Agenda Category: Resolutions - Adoption

Core Focus Area 2 - Manage & Maintain Infrastructure & Facilities

Subject:

Resolution No. 128-21, Setting a Public Hearing Date regarding the Proposed Vacation of a Portion of Keene Court Right-of-Way

Department:
Public Works

Ordinance/Resolution Number:
128-21

Document Type:
Resolution

Recommended Motion:

Adopt Resolution No. 128-21, setting a public hearing date to receive public comments on the proposed vacation of a portion of Keene Court right-of-way.

Summary:

Pursuant to an approved preliminary plat and a construction permit issued under Chapter 12.10 of the Richland Municipal Code, RP Development, Inc. is constructing Phase I of the Marcello Estates development. This development plan includes extending Keene Court, an existing cul-de-sac, to connect to a public street. The modified street system will make the cul-de-sac unnecessary. The developer's infrastructure construction project is anticipated to be completed in the coming months, at which time a final plat application will be processed. Staff proposes to vacate the unneeded portion of the Keene Court cul-de-sac right-of-way so that the final plat of the Marcello Estates development will not be encumbered with the unneeded cul-de-sac right-of-way.

Vacation of municipal right-of-way is a legislative action wholly within the purview of the Richland City Council. State law requires that a public hearing be held to allow public input on this proposal. Adoption of this resolution would set the public hearing date for Tuesday, December 7, 2021, to be held virtually at or after 6:00 p.m.

Staff recommends adoption of Resolution No. 128-21.

Fiscal Impact: None.

Attachments:

- I. Resolution No. 128-21

RESOLUTION NO. 128-21

A RESOLUTION of the City of Richland setting a public hearing date to receive comments on the proposed vacation of a portion of Keene Court.

WHEREAS, pursuant to an approved preliminary plat and a construction permit issued under Chapter 12.10 of the Richland Municipal Code (RMC), RP Development, Inc. (the “Developer”) is constructing Phase 1 of the Marcello Estates development (the “Development”); and

WHEREAS, the Development plan includes extending Keene Court, an existing cul-de-sac, to connect to a public street; and

WHEREAS, the modified street system will make the existing cul-de-sac unnecessary; and

WHEREAS, Developer’s infrastructure construction project is anticipated to be complete in the coming months, at which time a final plat application will be processed; and

WHEREAS, vacation of municipal right-of-way is a legislative action wholly within the purview of the Richland City Council; and

WHEREAS, vacating the unnecessary portions of Keene Court right-of-way will enable the final plat of Marcello Estates to accurately reflect the long term needs of the City street system; and

WHEREAS, state law requires that a public hearing be held to allow public input on this proposal.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that a public hearing is set for **Tuesday, December 7, 2021** on or after **6:00 p.m.** to receive public comments regarding the proposed vacation of a portion of Keene Court. The hearing will be held virtually or in Richland City Hall Council Chambers, 625 Swift Boulevard, Richland, Washington, as determined by the meeting agenda issued for the December 7, 2021 regular City Council meeting.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

This space intentionally left blank.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 2nd day of November, 2021.

Ryan Lukson, Mayor

Attest:

Approved as to form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/2/2021

Agenda Category: Resolutions - Adoption

Core Focus Area 3 - Increase Economic Vitality

Subject:

Resolution No. 129-21, Approving a Purchase and Sale Agreement with Richland Players, Inc. for a Portion of 606 Jadwin Avenue

Department:
Development Services

Ordinance/Resolution Number:
129-21

Document Type:
Resolution

Recommended Motion:

Adopt Resolution No. 129-21, authorizing the City Manager to sign and execute a Purchase and Sale Agreement with Richland Players, Inc. for the purchase of 627 square feet at 608 The Parkway.

Summary:

Richland Players, Inc., the owner of property located at 608 The Parkway and adjacent to a City-owned parcel located at 606 Jadwin Avenue, is proposing to purchase the north 627 square feet of City-owned property to resolve an encroachment of their storage building.

In 1993, Richland Players, Inc. purchased a storage building from the Richland School District and inadvertently located a portion of the building on city property. The encroachment was not noticed by the City at that time, and the building has been encroaching on city property ever since. City Council adopted Resolution No. 90-21 on July 20, 2021 to surplus this portion of 606 Jadwin, and directed staff to negotiate the sale with the Richland Players, Inc. The sale price of \$1,536.15 represents fair market value for the 627 square feet (\$2.45 per square foot).

The sale of the property will include a boundary line adjustment to relocate the property line approximately three (3) feet south of the storage building.

Staff recommends adoption of Resolution No. 129-21.

Fiscal Impact: The purchase price for the 627 square feet of property is \$1,536.15. Net proceeds after closing will be deposited in the Parks Fund.

Attachments:

1. Resolution No. 129-21
2. Proposed Purchase and Sale Agreement - Richland Players, Inc.
3. Site Map - Players Theater

RESOLUTION NO. 129-21

A RESOLUTION of the City of Richland authorizing a Purchase and Sale Agreement by and between the City of Richland and Richland Players, Inc.

WHEREAS, the City of Richland is the owner of 7,148.45 square feet of City-owned property located at 606 Jadwin Avenue, south of The Parkway; and

WHEREAS, on July 20, 2021, Richland City Council approved Resolution No. 90-21, declaring a portion of the 7,148.45 square-foot property surplus to the City's needs and directing staff to negotiate with Richland Players, Inc. for the purchase of said property; and

WHEREAS, Richland Players, Inc. has agreed to purchase 627 square feet of surplus property from the City to remedy a longstanding encroachment of its storage building onto city property; and

WHEREAS, at its October 25, 2021 meeting, the Economic Development Committee (EDC) favorably recommended the sale of the surplus property to Richland Players, Inc.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to sign and execute a Purchase and Sale Agreement and all other documents necessary to complete the sale of property to Richland Players, Inc. as identified herein.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 2nd day November, 2021.

Ryan Lukson, Mayor

Attest:

Approved as to form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY

Re: 608 Jadwin Avenue

This Agreement for Purchase and Sale of Real Property (the “Agreement”) is made and entered into between the **CITY OF RICHLAND**, a Washington municipal corporation (“Seller”), and **RICHLAND PLAYERS, INC.** a Washington non-profit corporation (“Purchaser”). The Effective Date of this Agreement shall be determined pursuant to the terms of Section 3.1 herein.

1. Purchase and Sale of Property. Seller agrees to sell and Purchaser agrees to purchase, on the terms hereafter stated, 627 square feet of real property located at 608 Jadwin Avenue, City of Richland, Benton County, Washington which is legally described in **Exhibit A** attached hereto (hereinafter referred to as the “Property”).

1.1. Laws and Rights. Purchaser acknowledges and agrees that the sale and conveyance of the Property to be made pursuant to this Agreement shall be subject to any and all applicable federal, state and local laws, orders, rules and regulations, and any and all outstanding rights of record or which are open and obvious on the ground.

1.2. Timing of Conveyance. The Property shall be conveyed to Purchaser at Closing by a Statutory Warranty Deed (“Deed”) subject to the Exceptions accepted or deemed accepted by Purchaser pursuant to Section 4.1 below.

2. Purchase Price. The total purchase price for the Property shall be **One Thousand Five Hundred Thirty-Six Dollars and Fifteen Cents (\$1,536.15)** (the “Purchase Price”). The Purchase Price shall be paid by Purchaser to Seller in the form of all cash to be deposited in an escrow account with First American Title Insurance Company (the “Title Company”) at Closing (as defined in Section 6 below).

2.1. Earnest Money Deposit. Intentionally Omitted

3. Conditions Precedent to Sale. This Agreement is made and executed by the parties hereto subject to the following conditions precedent:

3.1. City Approval. The execution and delivery of this Agreement by Seller is contingent upon approval of this Agreement by the City Council of the City of Richland in its sole discretion. In the event the Richland City Council does not approve this Agreement, this Agreement shall immediately terminate and be without any further force and effect, and without further obligation of either party to the other.

3.2. Executed Contract. The “Effective Date” of this Agreement is the date upon which both parties have signed this Agreement. If this Agreement is signed on different days, the “Effective Date” of this Agreement is the date of the last signing party. Notwithstanding the foregoing, Purchaser and Seller must sign this Agreement within fifteen (15) business days of approval from the City Council of the City of Richland. If signatures are not obtained from both parties within fifteen (15) business days, this Agreement shall automatically terminate and be without any further force and effect, and without further obligation of either party to the other.

4. Title Matters.

4.1. Preliminary Title Report; Title Review. Within five (5) business days after the Effective Date, Purchaser, at its sole cost and expense, shall order from the Title Company a preliminary title commitment for the Property, and copies of all documents referred to therein (the "Preliminary Commitment"), and upon receipt, furnish same to Seller.

(a) Purchaser shall have fifteen (15) days after receipt of the Preliminary Commitment and Survey to advise Seller in writing of any encumbrances, restrictions, easements or other matters contained in the Preliminary Commitment or on the Survey (the "Exceptions") to which Purchaser objects. All Exceptions to which Purchaser does not object in writing within the fifteen (15) day period shall be deemed accepted by Purchaser.

(b) If Purchaser objects to any Exceptions within the fifteen (15) day period, Seller shall advise Purchaser in writing within five (5) days of receipt of Purchaser's written objections (i) which Exceptions Seller will remove at Closing, (ii) which Exceptions the Title Company has agreed to insure around in the title policy to be issued at Closing (together with the proposed form of endorsement) and (iii) which Exceptions will not be removed or insured around.

(c) Within ten (10) days of receipt of Seller's response to Purchaser's written objections, and assuming Seller has not agreed to remove all exceptions to which Purchaser objects, Purchaser shall notify Seller in writing of Purchaser's election to either (i) terminate this Agreement or (ii) waive its objections to the Exceptions the Title Company has agreed to insure around and the Exceptions Seller will not remove or insure around, in which event such Exceptions shall be deemed accepted by Purchaser.

4.2. Title Insurance. Seller shall cause the Title Company to be prepared to deliver to Purchaser at Closing an Owner's ALTA Standard Coverage policy of title insurance issued by Title Company in the face amount of the Purchase Price, dated the date of Closing, insuring Purchaser's title subject to no exceptions other than the standard printed exceptions and the Exceptions deemed accepted by Purchaser pursuant to Section 4.1 above. The policy of title insurance shall also include such endorsements as Purchaser or Purchaser's Lender may reasonably request.

5. Due Diligence. Purchaser is granted a due diligence period until and including sixty (60) days after receipt of the Preliminary Commitment described in Section 4.1 above (the "Due Diligence Period"). Said Due Diligence Period may be extended an additional thirty (30) days upon written mutual agreement by both Purchaser and Seller. Purchaser may conduct, at its own expense, a full review of legal, title, environmental, archaeological and any other related issues subject to the terms of this Section 5. If the results of said review are unsatisfactory in Purchaser's sole discretion, Purchaser may, at its option, elect to terminate this Agreement by giving Seller written notice of termination prior to the end of the Due Diligence Period (the "Due Diligence Termination Notice"). In the event of termination by Purchaser under this section, this Agreement shall immediately terminate and be without any further force and effect; and neither party shall have any rights or responsibilities to the other except as otherwise expressly provided herein. If Purchaser fails to provide a Due Diligence Termination Notice to Seller on or before the expiration

of the Due Diligence Period, the due diligence contingency set forth under this Section 5 shall be deemed waived by Purchaser, and this Agreement shall continue in full force and effect.

5.1. Reasonableness Required. All inspections of the Property shall occur at reasonable times agreed upon by Seller and Purchaser and shall be conducted so as not to unreasonably interfere with the use of the Property by Seller. Purchaser shall not do any invasive testing, sampling or drilling at the Property without first obtaining Seller's prior written consent (which may be conditioned or denied in Seller's sole and absolute discretion). Purchaser shall promptly restore the Property to substantially the same condition which existed prior to any such investigations, tests, surveys and other analyses, at Purchaser's sole cost and expense. Seller shall be entitled to have a representative present at all times while Purchaser or its representatives or agents are physically on the Property. Purchaser hereby agrees that it shall carry, and shall cause all representatives and agents of Purchaser entering the Property on behalf of Purchaser in furtherance of the right of access granted under this Agreement to carry, commercial general liability insurance with limits of not less than One Million and No/100 Dollars (\$1,000,000) combined single limit and providing that such coverages are primary and naming Seller as an additional insured. Prior to any entry onto the Property by Purchaser or its agents, employees, consultants or representatives, Purchaser shall provide to Seller certificates evidencing such insurance coverage. Purchaser agrees to indemnify and hold Seller harmless of and from any claim for damages or injuries arising from Purchaser's inspections of the Property; such obligations shall survive Closing or any termination of this Agreement.

6. Closing. Closing shall occur in the office of the Title Company on or before the date that is sixty (60) days after the expiration or waiver of the Due Diligence Period. Purchaser and Seller shall deposit in escrow with Title Company all instruments and documents reasonably necessary to complete the transaction in accordance with this Agreement, including, but not limited to, the Deed. As used herein, "Closing" or "date of Closing" means the date on which all appropriate documents are recorded and the proceeds of sale are available for disbursement to Seller.

6.1. Closing Costs; Prorations. At Closing, Seller shall pay (i) the premium for the standard coverage policy of title insurance and the endorsements required to insure around the Exceptions the Title Company agreed to insure around in accordance with Section 4 above, (ii) deed or real property transfer taxes, and (iii) one-half of Title Company's escrow fees and charges. Purchaser shall pay (i) the costs of the extended coverage portion of the policy of title insurance and any title insurance endorsements required by Purchaser (other than the costs of the title insurance endorsements to be provided by Seller pursuant to the first sentence of this Section 6.1), and (ii) one-half of Title Company's escrow fees and charges. Real property taxes, assessments, surface water management charges, utilities and other expenses of the Property shall be prorated as of the date of Closing with Purchaser bearing the costs of the date of Closing. All other closing costs shall be paid and allocated in accordance with the custom in the county in which the Property is located. Each party shall be responsible for its own legal, accounting and consultant fees.

7. Covenants, Representations and Warranties.

7.1. Seller's Covenants. Seller hereby covenants and agrees as follows:

(a) From the Effective Date through the Closing Date, Seller shall not make any material alterations to the Property or to any of the licenses, permits, legal classifications or other governmental regulations relating to the Property, nor enter into any leases or agreements pertaining to the Property which are not terminable, without penalty, on 30 days' notice, without Purchaser's prior written consent.

(b) From the Effective Date through the Closing Date, Seller shall not voluntarily cause to be recorded any encumbrance, lien, deed of trust, or easement against the title to the Property without Purchaser's prior consent.

(c) From the Effective Date through the Closing Date, Seller will operate and maintain the Property in a manner consistent with Seller's past practices relative to the Property and so as not to cause waste to the Property.

7.2. Seller's Representations and Warranties. Seller hereby makes the following representations and warranties to Purchaser, each of which shall be true on the Effective Date and on the date of Closing. Seller shall immediately provide Purchaser with written notice of any event which would make any representation or warranty set forth below materially incorrect or untrue, and upon receipt of such notice, Purchaser may elect to terminate this Agreement. Upon Purchaser's election to terminate, this Agreement shall be without any further force and effect, and without further obligation of either part to the other.

(a) Seller has full power and authority to enter into and carry out the terms and provisions of this Agreement and to execute and deliver all documents which are contemplated by this Agreement, and all actions of Seller necessary to confer such authority upon the persons executing this Agreement and such other documents will have been, or will be, taken.

(b) Seller has not received any written notice from any governmental authorities or regulatory agencies that eminent domain proceedings for the condemnation of the Property are pending or threatened.

(c) Seller has not received any written notice of pending or threatened investigation, litigation or other proceeding before a local governmental body or regulatory agency which would materially and adversely affect the Property.

(d) Seller has not received any written notice from any governmental authority or regulatory agency that Seller's use of the Property is presently in violation of any applicable zoning, land use or other law, order, ordinance or regulation affecting the Property.

(e) To Seller's knowledge, no special or general assessments have been levied against the Property except those disclosed in the Preliminary Title Report, and Seller has not received written notice that any such assessments are threatened.

(f) Seller is not a “foreign person” for purposes of Section 1445 of the Internal Revenue Code.

(g) Seller is a Washington municipal corporation, duly formed and organized, validly existing and in good standing under the laws of the State of Washington.

7.3. Purchaser’s Representations. Purchaser hereby makes the following representations to Seller, each of which shall be true on the Effective Date hereof and on the date of Closing.

(a) Purchaser has full power and authority to enter into and carry out the terms and provisions of this Agreement, and to execute and deliver all documents which are contemplated by this Agreement, and all actions of Purchaser necessary to confer such authority upon the persons executing this Purchase Agreement and such other documents have been, or will be, taken.

(b) As of the Effective Date and as of the date of Closing, neither Purchaser nor, to Purchaser’s knowledge, any of its affiliates, nor any of their respective partners, members, shareholders or other equity owners, and none of their respective employees, officers, directors, representative or agents, is a person or entity with whom U.S. persons or entities are restricted from doing business under regulations of OFAC (including those named on OFAC’s Specially Designated and Blocked Persons List) or under any statute, executive order (including the September 24, 2001, Executive Order Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit or Support Terrorism) or other governmental action (“OFAC”).

(c) Purchaser represents that it has sufficient funds to close this transaction.

(d) Purchaser acknowledges that pole buildings are prohibited in the Horn Rapids Commercial Plaza and agrees that Purchaser will not build pole buildings on the Property.

8. Casualty and Condemnation.

8.1. Material Casualty or Condemnation. If prior to the Closing Date: (i) the Property shall sustain damage caused by casualty which would cost ten thousand dollars (\$10,000) or more to repair or replace; or (ii) if a taking or condemnation of any portion of the Property has occurred, or is threatened, which would materially affect the value of the Property, either Purchaser or Seller may, at its option, terminate this Agreement by written notice to the other party given within two (2) business days after notice of such event. If prior to the Closing Date neither party provides said termination notice within such two (2) business day period, the Closing shall take place as provided herein with a credit against the Purchase Price in an amount equal to any insurance proceeds or condemnation awards actually collected by Seller and an assignment to Purchaser at Closing of all Seller’s interest in and to any insurance proceeds or condemnation awards which may be due but unpaid to Seller on account of such occurrence.

8.2. Immaterial Casualty or Condemnation. If prior to Closing Date, the Property shall sustain damage caused by casualty which is not described in Section 8.1, or a taking or

condemnation has occurred, or is threatened, which is not described in Section 8.1, neither Purchaser nor Seller shall have the right to terminate this Agreement. Closing shall take place as provided herein with a credit against the Purchase Price equal to (i) the cost to repair that portion of the Property so damaged by insured casualty, or (ii) an amount equal to the anticipated condemnation award, as applicable. At Closing, Purchaser shall assign to Seller all rights or interest in and to any insurance proceeds or condemnation awards which may be due on account of any such occurrence.

9. Purchaser's Remedies. If Seller fails without legal excuse to complete the sale of the Property in accordance with the terms of this Agreement, Purchaser may elect one of the following remedies (Purchaser hereby waiving any and all other remedies): (a) specific performance of this Agreement (provided an action thereon is commenced with thirty (30) days of Seller's failure to perform), or (b) terminate this Agreement.

10. Liquidated Damages. Intentionally Omitted.

11. Miscellaneous.

11.1. Finder's Fee. Purchaser and Seller each agree that a real estate finder's fee ("Real Estate Compensation") is not due to each other or to any third party. Each party hereby agrees to indemnify and defend the other against and hold the other harmless from and against any and all loss, damage, liability or expense, including costs and reasonable attorney's fees, resulting from any claims for Real Estate Compensation by any person or entity other than provided herein. The provisions of this section shall survive the closing.

11.2. Time of the Essence. Time is of the essence of every provision of this Agreement.

11.3. Notices. Whenever any party hereto shall desire to give or serve upon the other any notice, demand, request or other communication, each such notice, demand, request or other communication shall be in writing and shall be given or served upon the other party by personal delivery (including delivery by written electronic transmission) or by certified, registered or Express United States Mail, or Federal Express or other commercial courier, postage prepaid, addressed as follows:

If to Seller: City of Richland
Attn: Economic Development Office
625 Swift Blvd., MS-18
Richland, Washington 99352
Phone: (509) 942-7583

If to Purchaser: Richland Players Theater
Attn: Christy Valle, President
608 The Parkway
Richland, Washington 99352
509.943.1991
President@richlandplayers.org

Any such notice, demand, request or other communication shall be deemed to have been received upon the earlier of personal delivery thereof or two (2) business days after having been mailed as provided above, as the case may be.

11.4. Assignments and Successors. Purchaser may not assign this Agreement without Seller's written consent. Any assignment made without Seller's consent is null and void, and does not relieve the Purchaser of any liability or obligation hereunder.

11.5. Captions. Paragraph titles or captions contained herein are inserted as a matter of convenience and for reference, and in no way define, limit, extend or describe the scope of this Agreement.

11.6. Exhibits. All exhibits attached hereto shall be incorporated herein by reference as if set out herein in full.

11.7. Binding Effect. Regardless of which party prepared or communicated this Agreement, this Agreement shall be of binding effect between Purchaser and Seller only upon its execution by an authorized representative of each such party.

11.8. Construction. The parties acknowledge that each party and its counsel have reviewed and revised this Agreement, and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Purchase and Sale Agreement or any amendment or exhibits hereto.

11.9. Counterparts. Execution of this Agreement and any amendment or other document related to this Agreement may be by electronic signature and in any number of counterpart originals, including by portable document format (.pdf), each of which shall be deemed to constitute an original agreement, and all of which shall constitute one whole agreement.

11.10. Time. Any extension of time granted for the performance of any duty under this Agreement shall not be considered as an extension of time for the performance of any other duty under this Agreement. As used in this Agreement, "business day" refers to any day which is not a Saturday, Sunday or a holiday in the State of Washington. In the event the time for performance of any obligation hereunder shall fall on a Saturday, Sunday or a holiday, such time for performance shall be extended to the next business day.

11.11. Merger. The delivery of the Deed and any other documents and instruments by Seller and the acceptance and recordation thereof by Purchaser shall effect a merger, and be deemed the full performance and discharge of every obligation on the part of Purchaser and Seller to be performed hereunder, except those clauses, covenants, warranties and indemnifications specifically provided herein to survive the Closing.

11.12. Governing Law. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Washington. The parties agree that Benton County is the appropriate venue for filing of any civil action arising out of this Agreement, and both parties expressly agree to submit to personal jurisdiction in Benton County Superior Court.

IN WITNESS WHEREOF, Purchaser has executed this Agreement on the date shown below its signature, and Seller has accepted on the date shown below its signature.

CITY OF RICHLAND – SELLER

**RICHLAND PLAYERS, INC. –
PURCHASER**

By: Jon Amundson, ICMA-CM
Its: Interim City Manager

By: Christy Valle
Its: President

Date

Date

APPROVED AS TO FORM:

By: Heather Kintzley, City Attorney

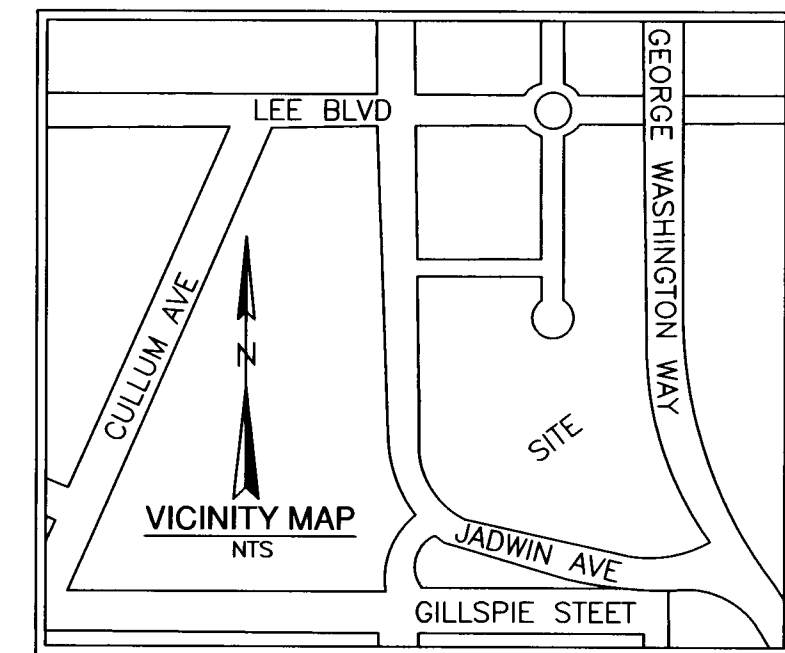
Exhibit A
Legal Description and Record Survey

Draft

RECORD OF SURVEY NO. 5566

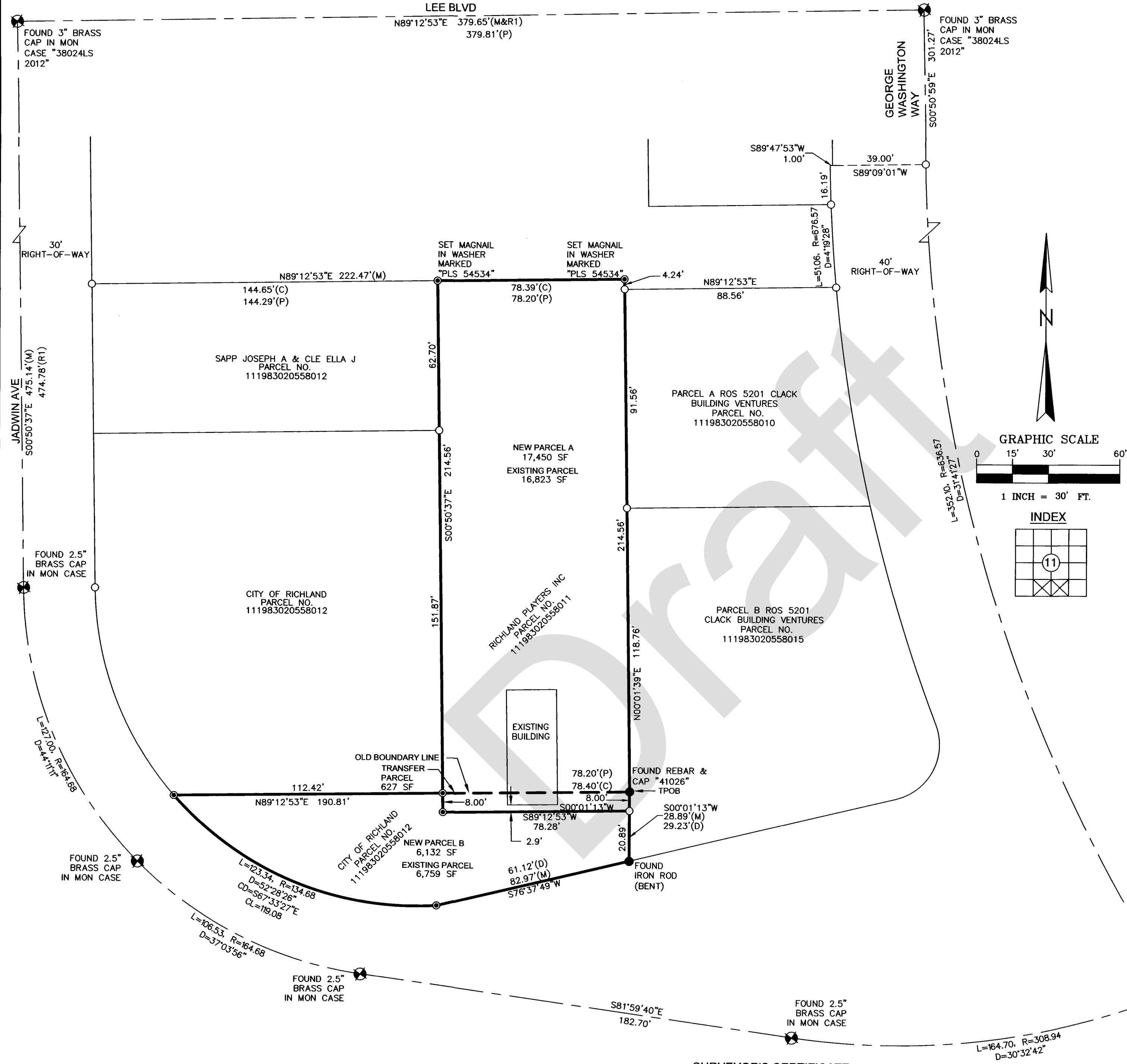
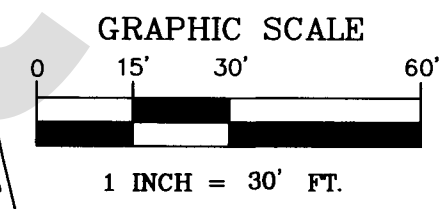
FOR A BOUNDARY LINE ADJUSTMENT PREPARED FOR
THE RICHLAND PLAYERS INC.

A PORTION OF SECTION 11,
TOWNSHIP 9 NORTH, RANGE 28 EAST,
WILLAMETTE MERIDIAN,
CITY OF RICHLAND, BENTON COUNTY, WASHINGTON



SURVEYOR'S NOTES

- DATE OF SURVEY/MONUMENTS VISITED: MAY 12, 2021.
- BASIS OF BEARING: NAD83(2011) WASHINGTON STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.
- UNITS OF MEASURE: US SURVEY FEET GRID DISTANCES. MULTIPLY GRID DISTANCES BY A COMBINED SCALE FACTOR OF 1.000070854 TO ACHIEVE GROUND DISTANCES. REFERENCE SURVEY DISTANCES, LEGAL DESCRIPTIONS DESCRIBED HEREON AND LOT AREA ARE GROUND DISTANCES. MULTIPLY GROUND DISTANCES BY A COMBINED SCALE FACTOR OF 0.999929151 TO ACHIEVE SURVEYED GRID DISTANCES.
- EQUIPMENT/PROCEDURES: TOPCON GR3 GNSS, RTK METHOD. LINEAR CLOSURES MEET OR EXCEED STANDARDS CONTAINED IN WAC 332-130-090.
- THE PURPOSE OF THIS SURVEY IS TO ADJUST THE EXISTING BOUNDARY TO FIT EXISTING USE.
- ALL REFERENCE SURVEYS ARE SHOWN ON THE ORIGINAL GROUND DISTANCES.
- (R1) = RECORD OF SURVEY 5201 AUDITOR'S FILE NO. 2019-019369.
- (P) = PLAT OF RICHLAND
- (D) = QUIT CLAM DEED, RECORDED UNDER AUDITOR'S FILE NO. 1997-003600, VOLUME 660 PAGE(S) 667-669.
- (C) = CALCULATED POINT PER R1
- (M) = MEASURED DISTANCE.
- ⊕ = FOUND ROAD MONUMENT AS NOTED.
- = FOUND AS NOTED
- ⊙ = SET 5/8" REBAR & CAP "PERMIT SURVEY PLS 54534", UNLESS OTHERWISE NOTED
- = CALCULATED POINT, NOT SET OR FOUND.



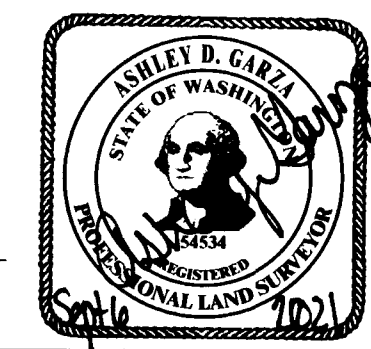
AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 9th DAY OF September, 2020 AT 10:49 A.M.,
AND RECORDED IN BOOK 01 OF SURVEY'S, PAGE 5566 AT THE REQUEST OF
ASHLEY D. GARZA
BENTON COUNTY AUDITOR Brenda Chilton by Nemy Boatright, deputy
FEE NO. 2021-042724

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME
OR UNDER MY DIRECTION IN CONFORMANCE WITH THE
REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE
REQUEST OF THE RICHLAND PLAYERS INC IN MAY 2021.

Ashley D. Garza 09/06/2021
ASHLEY D. GARZA
CERTIFICATE NO. 54534 DATE



2245 Robertson Drive
Richland, Washington 99354

Office 509-375-4123
Fax 509-371-0999

DATE:	09/06/2021
SCALE:	NONE
DRAWN BY:	SDA
APPROVED BY:	ADG
PROJECT:	21048
SHEET	1 OF 2

DESCRIPTIONS

EXISTING DESCRIPTIONS

PARCEL A 111983020558011

LOT 11, BLOCK 558, PLAT OF RICHLAND, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUMES 6 AND 7 OF PLATS, RECORDS OF BENTON COUNTY, WASHINGTON.

PARCEL B 111983020558012

A PARCEL OF LAND IN LOT 1, BLOCK 558, PLAT OF RICHLAND, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUMES 6 AND 7 OF PLATS, RECORDS OF BENTON COUNTY, WASHINGTON, LYING ADJACENT TO LOT 11, SAID BLOCK 558 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 11, BLOCK 558, ALSO BEING A POINT ON THE NORTH BOUNDARY LINE OF LOT 1, BLOCK 558, A DISTANCE OF 138.98 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 558, PLAT OF RICHLAND; THENCE SOUTH 0°50'36" EAST 29.23 FEET; THENCE SOUTH 76°24'24" WEST 61.12 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 19.20 FEET (SAID CURVE BEING A RADIUS OF 133.75 FEET); THENCE NORTH 0°50'36" WEST 45.83 FEET TO A POINT ON THE NORTH BOUNDARY LINE OF LOT 1, BLOCK 558 ALSO BEING THE SOUTHWEST CORNER OF LOT 11, BLOCK 558; THENCE NORTH 89°14'25" EAST ALONG THE NORTH LOT LINE OF LOT 1, BLOCK 558, A DISTANCE OF 78.20 FEET TO POINT OF BEGINNING; TOGETHER WITH A PARCEL OF LAND LYING IN LOT 1, BLOCK 558, PLAT OF RICHLAND, ADJACENT TO LOT 2, BLOCK 558, LOCATED IN THE NORTHWEST CORNER OF SAID LOT 1, BLOCK 558 MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ALONG THE NORTH LOT LINE OF LOT 1, OF SAID BLOCK 558, A DISTANCE OF 32.45 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTHEASTERLY ALONG A CURVE WITH A RADIUS OF 133.75 FEET AN ARC DISTANCE OF 125.49 FEET (THE CHORD LENGTH OF 120.94 BEARING SOUTH 68°29'25" EAST); THENCE NORTH 0°50'36" WEST 45.83 FEET TO A POINT OF THE NORTH LOT LINE OF SAID LOT 1, BLOCK 558; THENCE SOUTH 89°14'25" WEST ALONG THE NORTH LOT LINE OF LOT 1, BLOCK 558, A DISTANCE OF 114.29 FEET TO A POINT OF BEGINNING.

TRANSFER PARCEL

THAT PORTION OF LAND IN LOT 1, BLOCK 558, PLAT OF RICHLAND, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUMES 6 AND 7 OF PLATS, RECORDS OF BENTON COUNTY, WASHINGTON, LYING ADJACENT TO LOT 11, SAID BLOCK 558 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 11, BLOCK 558, ALSO BEING A POINT ON THE NORTH BOUNDARY LINE OF LOT 1, BLOCK 558; THENCE SOUTH 89°12'53" WEST ALONG THE NORTH LINE THEREOF A DISTANCE OF 78.40 FEET TO THE SOUTHWEST CORNER OF SAID LOT 11; THENCE SOUTH 00°50'37" EAST FOR A DISTANCE OF 8.00 FEET; THENCE NORTH 89°12'53" EAST ALONG A LINE PARALLEL WITH AND 8.00 FEET SOUTH AT RIGHT ANGLES TO THE SAID NORTH LINE OF LOT 1 FOR A DISTANCE OF 78.28 FEET TO THE WEST LINE OF PARCEL B AS DEPICTED IN RECORD OF SURVEY 5201, RECORDED UNDER AUDITOR FILE'S NUMBER 2019-019369, RECORDS OF BENTON COUNTY, WASHINGTON; THENCE NORTH 00°01'13" EAST ALONG THE EAST LINE THEREOF FOR A DISTANCE OF 8.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS ~627 SF

NEW DESCRIPTIONS

NEW PARCEL A

LOT 11, BLOCK 558, PLAT OF RICHLAND, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUMES 6 AND 7 OF PLATS, RECORDS OF BENTON COUNTY, WASHINGTON.

TOGETHER WITH:

THAT PORTION OF LAND IN LOT 1, BLOCK 558, PLAT OF RICHLAND, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUMES 6 AND 7 OF PLATS, RECORDS OF BENTON COUNTY, WASHINGTON, LYING ADJACENT TO LOT 11, SAID BLOCK 558 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 11, BLOCK 558, ALSO BEING A POINT ON THE NORTH BOUNDARY LINE OF LOT 1, BLOCK 558; THENCE SOUTH 89°12'53" WEST ALONG THE NORTH LINE THEREOF A DISTANCE OF 78.40 FEET TO THE SOUTHWEST CORNER OF SAID LOT 11; THENCE SOUTH 00°50'37" EAST FOR A DISTANCE OF 8.00 FEET; THENCE NORTH 89°12'53" EAST ALONG A LINE PARALLEL WITH AND 8.00 FEET SOUTH AT RIGHT ANGLES TO THE SAID NORTH LINE OF LOT 1 FOR A DISTANCE OF 78.28 FEET TO THE WEST LINE OF PARCEL B AS DEPICTED IN RECORD OF SURVEY 5201, RECORDED UNDER AUDITOR FILE'S NUMBER 2019-019369, RECORDS OF BENTON COUNTY, WASHINGTON; THENCE NORTH 00°01'13" EAST ALONG THE EAST LINE THEREOF FOR A DISTANCE OF 8.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS ~17,450 SF

NEW PARCEL B

A PARCEL OF LAND IN LOT 1, BLOCK 558, PLAT OF RICHLAND, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUMES 6 AND 7 OF PLATS, RECORDS OF BENTON COUNTY, WASHINGTON, LYING ADJACENT TO LOT 11, SAID BLOCK 558 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 11, BLOCK 558, ALSO BEING A POINT ON THE NORTH BOUNDARY LINE OF LOT 1, BLOCK 558; THENCE SOUTH 00°01'13" WEST ALONG THE WEST LINE OF PARCEL B AS DEPICTED IN RECORD OF SURVEY 5201, RECORDED UNDER AUDITOR FILE'S NUMBER 2019-019369, RECORDS OF BENTON COUNTY, WASHINGTON, 28.89 FEET; THENCE SOUTH 76°37'49" WEST ALONG THE NORTH RIGHT OF WAY LINE OF JADWIN AVENUE 82.98 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 52°28'26" HAVING A RADIUS OF 134.69 FEET AND AN ARC DISTANCE OF 123.35 FEET, A CHORD BEARING NORTH 67°33'27" WEST 119.09 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE NORTH 89°12'53" EAST ALONG THE NORTH LINE THEREOF 190.82 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT FOR:

THAT PORTION OF LAND IN LOT 1, BLOCK 558, PLAT OF RICHLAND, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUMES 6 AND 7 OF PLATS, RECORDS OF BENTON COUNTY, WASHINGTON, LYING ADJACENT TO LOT 11, SAID BLOCK 558 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 11, BLOCK 558, ALSO BEING A POINT ON THE NORTH BOUNDARY LINE OF LOT 1, BLOCK 558; THENCE SOUTH 89°12'53" WEST ALONG THE NORTH LINE THEREOF A DISTANCE OF 78.40 FEET TO THE SOUTHWEST CORNER OF SAID LOT 11; THENCE SOUTH 00°50'37" EAST FOR A DISTANCE OF 8.00 FEET; THENCE NORTH 89°12'53" EAST ALONG A LINE PARALLEL WITH AND 8.00 FEET SOUTH AT RIGHT ANGLES TO THE SAID NORTH LINE OF LOT 1 FOR A DISTANCE OF 78.28 FEET TO THE WEST LINE OF PARCEL B AS DEPICTED IN RECORD OF SURVEY 5201, RECORDED UNDER AUDITOR FILE'S NUMBER 2019-019369, RECORDS OF BENTON COUNTY, WASHINGTON; THENCE NORTH 00°01'13" EAST ALONG THE EAST LINE THEREOF FOR A DISTANCE OF 8.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS ~6,132 SF

RECORD OF SURVEY NO. 5566

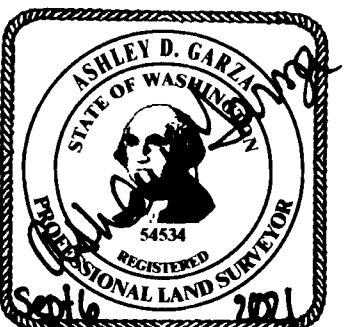
FOR A BOUNDARY LINE ADJUSTMENT PREPARED FOR
THE RICHLAND PLAYERS INC.

A PORTION OF SECTION 11,
TOWNSHIP 9 NORTH, RANGE 28 EAST,
WILLAMETTE MERIDIAN,
CITY OF RICHLAND, BENTON COUNTY, WASHINGTON

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF THE RICHLAND PLAYERS INC IN MAY 2021.

Ashley D. Garza 09/06/2021
ASHLEY D. GARZA DATE
CERTIFICATE NO. 54534



AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 15th DAY OF September, 2020 AT 10:48 A.M.,
AND RECORDED IN BOOK 01 OF SURVEY'S, PAGE 5566 AT THE REQUEST OF
ASHLEY D. GARZA
BENTON COUNTY AUDITOR Brenda Chilton by Merry Boachtight Deputy
FEE NO. 2021-042724



2245 Robertson Drive
Richland, Washington 99354

Office 509-375-4123
Fax 509-371-0999

DATE:	09/06/2021
SCALE:	NONE
DRAWN BY:	SDA
APPROVED BY:	ADG
PROJECT:	21048
SHEET	2 OF 2





COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/2/2021

Agenda Category: Resolutions - Adoption

Core Focus Area 2 - Manage & Maintain Infrastructure & Facilities

Subject:

Resolution No. 130-21, Relinquishing a Utility Easement for Westcliffe Heights - Phase 4

Department:

Public Works

Ordinance/Resolution Number:

130-21

Document Type:

Resolution

Recommended Motion:

Adopt Resolution No. 130-21, authorizing the City Manager to sign and execute documents necessary to relinquish portions of a utility easement recorded under Auditor File No. 2013-025185.

Summary:

The developer of Westcliffe Heights - Phase 4, Bauder Land & Development, has requested the relinquishment of a public utility easement to enable expansion of the development. The easement in question is no longer needed for municipal purposes because the water pipeline that occupied the easement has been relocated.

RCW 35.94.040 provides for the disposal of surplus property originally obtained for public utility purposes. On October 31, 2021, notice was published that a public hearing would be held on November 2, 2021 to take public testimony regarding this surplus action.

Barring any compelling public testimony to the contrary, staff recommends adoption of Resolution No. 130-21.

Fiscal Impact:

The developer will pay document recording fees required by this transaction.

Attachments:

- I. Resolution No. 130-21

RESOLUTION NO. 130-21

A RESOLUTION of the City of Richland declaring surplus and authorizing relinquishment of certain portions of utility easements recorded under Auditor File No. 2013-025185.

WHEREAS, the developer of Westcliffe Heights - Phase 4, Bauder Land & Development, has requested relinquishment of a certain public utility easement to enable expansion of the development; and

WHEREAS, the easement requested to be relinquished, depicted by hatching on **Exhibit A**, is no longer needed for municipal purposes because the water pipeline that occupied the easement has been relocated; and

WHEREAS, RCW 35.94.040 provides for the disposal of surplus property originally obtained for public utility purposes; and

WHEREAS, on October 31, 2021, notice was published that a public hearing would be held on November 2, 2021 to take public testimony regarding this surplus action.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that certain portions of existing easements depicted on **Exhibit A**, originally acquired for utility purposes and described as follows, are hereby found to be surplus to the City's needs:

A portion of the water line easement recorded under Auditor File Number 2013-025185, Benton County, Washington, lying south of the right-of-way of Legacy Lane, as shown on the Plat of Westcliffe Heights Phase 2, as depicted by bold lines on **Exhibit A**.

BE IT FURTHER RESOLVED that the consideration in support of this relinquishment, which covers the City's administrative processing fees and recording costs, shall be paid by the applicant.

BE IT FURTHER RESOLVED that the City Manager of the City of Richland is authorized to sign all documents necessary to release the City's interest in the specific portions of public utility easements depicted by hatching on **Exhibit A** and deliver the same upon payment.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

This space intentionally left blank.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 2nd day of November, 2021.

Ryan Lukson, Mayor

Attest:

Approved as to form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

EXHIBIT MAP

VACATION OF EASEMENT
PTN SW1/4 S35 T9N R28E W.M.
BENTON COUNTY, WASHINGTON

20' WATER ESM'T
AF# 2013-025185

LEGACY LANE
WESTCLIFFE HEIGHTS
PHASE 2 TRACT N
V15 PG668

15' WATER ESM'T
AF# 2013-025185

WESTCLIFFE
HEIGHTS
PHASE 3
V15 PG717

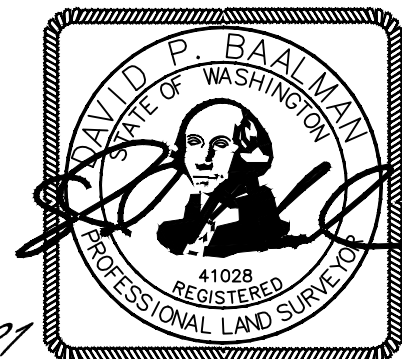
RSI

RSI: 16921-EXHIBIT.DWG

34 35
3

35
3 2

9-13-2021





COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/2/2021

Agenda Category: Resolutions - Adoption

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Resolution No. 131-21, Approving the 2022 Tri-City Regional Hotel-Motel Commission Budget and Marketing Plan

Department:
City Manager

Ordinance/Resolution Number:
131-21

Document Type:
Resolution

Recommended Motion:

Adopt Resolution No. 131-21, approving the 2022 Tri-City Regional Hotel-Motel Commission Budget and Marketing Plan.

Summary:

In 2004, the Tri-Cities Area Hotel and Lodging Association proposed that Tourism Promotion Areas (TPA) be formed in each of the three principal cities in the Tri-Cities area, and that, via an interlocal agreement, the assessments be pooled for use by the Tri-Cities Visitor and Convention Bureau to conduct specified promotional activities on behalf of the entire region. On June 15, 2004, Council passed Ordinance No. 17-04, establishing the City of Richland TPA as part of the Tri-City Regional TPA.

Under the management contract with the City, the TPA must submit an annual business plan and budget. Approval of the business plan and budget by Richland and the other participating agencies is necessary in order to accept and implement the plan for 2022.

Additionally, the City recognizes and promotes the TPA as a possible funding program for event organizers, and considers it one of the funding resources within the City's tourism sponsorship program.

Approval of the 2022 Tri-City Regional Hotel-Motel Commission Budget and Marketing Plan will allow the TPA to spend funds collected from area hoteliers to support tourism.

Staff recommends approval of Resolution No. 131-21.

Fiscal Impact:

There is no direct fiscal impact to approving the 2022 Tri-City Regional Hotel-Motel Commission Budget and Marketing Plan. If successful, these marketing efforts will help boost hotel stays resulting in additional tax revenue for the City.

Attachments:

- I. Resolution No. 131-21

RESOLUTION NO. 131-21

A RESOLUTION of the City of Richland approving the 2022 Tri-City Hotel-Motel Commission Budget and Marketing Plan.

WHEREAS, in 2004, the Tri-Cities Area Hotel and Lodging Association proposed that Tourism Promotion Areas (TPA) be formed in each of the three principal cities constituting the Tri-Cities; and

WHEREAS, by interlocal agreement, the assessments are pooled for use by Visit Tri-Cities Washington to conduct identified promotional activities on behalf of the region; and

WHEREAS, on June 16, 2004, Richland City Council passed Ordinance No. 17-04, authorizing the City of Richland TPA to become part of the Tri-City Regional TPA; and

WHEREAS, on October 19, 2021, the 2022 Tri-City Hotel-Motel Commission Budget and Marketing Plan was presented to Richland City Council at an open public meeting.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the 2022 Tri-City Hotel-Motel Commission Budget and Marketing Plan is hereby approved.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 2nd day of November, 2021.

Ryan Lukson, Mayor

Attest:

Approved as to form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/2/2021

Agenda Category: Items - Approval

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Appointment to the Tri-City Regional Hotel-Motel Commission: Linda Hendricks

Department:
City Attorney

Ordinance/Resolution Number:

Document Type:
General Business Item

Recommended Motion:

Appoint Linda Hendricks to Position No. 1 on the Tri-City Regional Hotel-Motel Commission.

Summary:

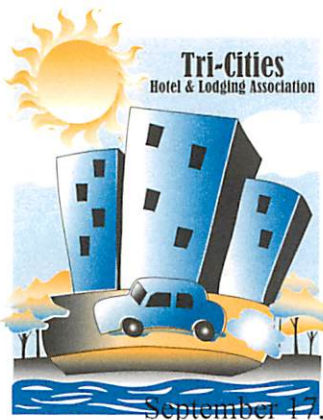
The Tri-City Regional Hotel and Lodging Association, which oversees the Tri-City Regional Hotel-Motel Commission, has selected Linda Hendricks of the Hampton Inn & Suites as the preferred candidate to serve the remaining unexpired term of Position No. 1 of the Richland Tourism Promotion (TPA) Commission to represent the City of Richland. A vacancy was created as a result of the resignation of Andrew Lucero-Montano.

Richland TPA Commissioner Position No. 1 will expire on August 31, 2022.

Fiscal Impact: None.

Attachments:

- I. Visit Tri-Cities TPA Commissioner Recommendation



September 17, 2021

**P.O. Box 1739
Richland, WA 99352**

Mr. Jon Amundson
City of Richland
625 Swift Blvd. MS-04
Richland, WA 99352

**RECEIVED
City Manager's Office**

SEP 21 2021

**City of Richland
Washington**

Dear Mr. Jon Amundson:

This letter is in reference to the Richland TPA Commissioner position currently held by Mr. Andrew Lucero from the Courtyard by Marriott. Mr. Lucero no longer represents the Courtyard by Marriott. Therefore, he is not eligible to represent Richland on the Commission.

Linda Hendricks from the Hampton Inn & Suites by Hilton has been selected by the Tri-Cities Hotel and Lodging Association as the preferred candidate to serve the remainder of Mr. Lucero's term as the TPA Commissioner to represent the City of Richland, which is due to expire on August 31, 2022.

If you have any questions regarding this issue, please do not hesitate to contact me at 509-792-1660.

Sincerely,

A handwritten signature in black ink, appearing to read 'Monica Hammerberg'. The signature is fluid and cursive, with a large loop at the end.

Monica Hammerberg
Vice President
Tri-Cities Hotel & Lodging Association

cc: Michael Novokovich, President/CEO, Visit TRI-CITIES



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 11/2/2021

Agenda Category: Items - Approval

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Appointment to the Richland Public Facilities District Board: Kristin Lerch

Department:
City Attorney

Ordinance/Resolution Number:

Document Type:
General Business Item

Recommended Motion:

Appoint Kristin Lerch to the Richland Public Facilities District Board.

Summary:

Position No. 3 of the Richland Public Facilities District Board expired July 15, 2021. Recruitment efforts for this vacancy began on May 10, 2021. Based on Council direction, the candidate recommended for appointment is Kristin Lerch.

The term for Position No. 3 is four (4) years, effective November 3, 2021 through July 14, 2025.

The candidate's application packet is on file in the City Clerk's Office.

Fiscal Impact: None.

Attachments: