



TOPPENISH CITY COUNCIL
REGULAR MEETING AGENDA
FEBRUARY 26, 2024 – 7:00 P.M.
TELEVISED LIVE ON MIDVALLEY TELEVISION
SPECTRUM CABLE CHANNEL 194

1. REGULAR SESSION CALL TO ORDER

Pledge of Allegiance/Roll Call/Welcome

2. APPROVE AGENDA

3. EMPLOYEE RECOGNITION

- Sergeant Ryan Castaneda
- Sergeant Zackary Williams

4. PUBLIC COMMENT

The City Council welcomes public attendance at Council meetings. This meeting is for the conduct of regular City business. At this time, citizen comments and inquiries about agenda business or general City matters are encouraged. If you wish to address the City Council, please stand or raise a hand so you can be called upon. After you are recognized, please come forward to the lectern, state your name, and address for the public record. Your remarks must be limited to three minutes or less. Please use the microphone.

5. CONSENT AGENDA

All matters on the consent agenda have been provided to each Councilmember for review and are considered to be routine or have been previously discussed and will be adopted by one motion and vote without discussion. However, if a Councilmember desires, any item on this agenda will be discussed before any action is taken on it.

- Approve Minutes of the February 12, 2024, Regular Meeting
- Approve Payroll Checks Numbers 36587 through 36603 and Electronic Transfers EFTPR3094A, and EFTPR3186 through EFTPR3195 in the total amount of \$436,506.36 dated February 22, 2024, and void Check Number NR36590
- Approve Claims Checks Numbers 98475 through 98546 and Electronic Transfer EFTAP380 in the total amount of \$607,110.16 dated February 26, 2024, and void Check Numbers NR98454 and NR98461

6. NEW BUSINESS

- AB 24-011 Presentation by Budget and Finance Director Adam Vaughn:
Receive Accountability Audit Report for Period January 1, 2020 through December 31, 2022
- AB 24-012 [Proposed] Resolution 2024-11, Approve Community Development Block Grant Amendment for the Senior Assistance Program Grant
- AB 24-013 [Proposed] Resolution 2024-12, Approve HLA Task Order 2024-01 for Wastewater Treatment Plant Solids Treatment Evaluation
- AB 24-014 [Proposed] Resolution 2024-13, Accept Phase III of the Wastewater Improvement Project, as required by the USDA-RD

7. COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS

8. CITY MANAGER REPORT

9. ADJOURNMENT

NEXT COUNCIL MEETING WILL BE HELD ON MONDAY, MARCH 4, 2024

City Council meetings are accessible to persons with disabilities. For individuals who may require special accommodations, please contact City Hall at (509) 865-6754, 24 hours in advance.

**TOPPENISH CITY COUNCIL
Regular Meeting Minutes
February 12, 2024**

Mayor Saavedra called the meeting to order at 7:00 p.m.

ROLL CALL

Attendees: Mayor Elpidia Saavedra, Mayor Pro Tem Loren Belton, and Councilmembers Naila Duval, George Garcia, Josh Garza, and Cristian Sanchez
Staff: City Manager Debbie Zabell (CM Zabell), City Attorney Gary Cuillier, Assistant City Manager/Public Works Director Dan Ford (ACM/PWD Ford), Chief of Police Joseph Mehline, Fire Chief Tim Smith (FC Smith), Budget and Finance Director Adam Vaughn (FD Vaughn), Public Works Superintendent Shaun Burgess (PWS Burgess), City Clerk Heidi Riojas (CC Riojas), and Community Television Manager Sean Davido

CC Riojas conducted roll call for each City Councilmember to respond their attendance at the meeting. Mayor Saavedra, Mayor Pro Tem Belton, and Councilmembers Duval, Garcia, Garza, and Sanchez responded their attendance during roll call.

APPROVE AGENDA

Mayor Pro Tem Belton moved, seconded by Councilmember Duval to approve the February 12, 2024, Agenda. Motion carried unanimously.

EMPLOYEE RECOGNITION

Swearing in of Newly Appointed Chief of Police Joseph Mehline

CC Riojas administered the Oath of Office to Chief of Police Mehline, followed with his daughters pinning his new Chief Badge on his uniform.

PUBLIC COMMENT

LaDon Linde, Yakima County Commissioner, resides in Sunnyside, Washington, inquired on the status of the City submitting for its two American Rescue Plan Act (ARPA) funding awards for the Flock Safety Camera System and the Juniper Street and Jackson Street Watermain Improvements Project.

CONSENT AGENDA

Councilmember Garza moved, seconded by Councilmember Sanchez to approve Consent Agenda items a through d:

- a. Approve Minutes of the January 22, 2024, Regular Meeting
- b. Approve Minutes of the February 5, 2024, Study Session

- c. Approve Payroll Checks Numbers 36571 through 36586 and Electronic Transfers EFTPR3176 through EFTPR3185 in the total amount of \$244,464.54 dated February 8, 2024
- d. Approve Claims Checks Numbers 98372 through 98472 and Electronic Transfers EFTAP377 through EFTAP379 in the total amount of \$338,460.74 dated February 12, 2024, and void Checks Numbers NR98270 and NR98371

Motion carried unanimously.

NEW BUSINESS

Resolution 2024-04: A Resolution of the City Council of the City of Toppenish, Washington Updating Master Fee Schedules A and B.

Councilmember Garza moved, seconded by Mayor Pro Tem Belton to approve Resolution 2024-04. Motion carried unanimously.

Resolution 2024-05: A Resolution Approving the Contract from Lumen to Implement a New Phone System.

Mayor Pro Tem Belton moved, seconded by Councilmember Garza to approve Resolution 2024-05. Motion carried unanimously.

Resolution 2024-06: A Resolution Approving and Authorizing the Memorandum of Understanding for the Rollover and Modification to the 2022-2024 Collective Bargaining Agreement Between the City of Toppenish and Teamsters Local Union No. 760 (Finance, Public Works, Police Records, and Development Services Employees) for the Period January 1, 2021, Through December 31, 2024.

Councilmember Duval moved, seconded by Councilmember Sanchez to approve Resolution 2024-06. Motion carried.

Resolution 2024-07: A Resolution Declaring Certain Property as Surplus and Authorizing the Disposition Thereof.

Councilmember Duval moved, seconded by Mayor Pro Tem Belton to approve Resolution 2024-07. Motion carried unanimously.

Resolution 2024-08: A Resolution to Approve Amendment No. 1 to the Agreement for Professional Services with HLA Engineering and Land Surveying, Inc. to Extend Agreement Through March 31, 2024.

Councilmember Duval moved, seconded by Councilmember Sanchez to approve Resolution 2024-08. Motion carried unanimously.

Resolution 2024-09: A Resolution to Approve Amendment No. 6 to the Contract for Professional Engineering Services with Gray & Osborne, Inc. to Extend the Agreement Through March 31, 2024.

Councilmember Duval moved, seconded by Councilmember Garza to approve Resolution 2024-09. Motion carried unanimously.

Resolution 2024-10: A Resolution Approving Agreement No. 38278 Between Yakima County And City Of Toppenish In Conjunction With The American Rescue Plan, Coronavirus State and Local Fiscal Recovery Funds Award.

Councilmember Garza moved, seconded by Councilmember Garcia to approve Resolution 2024-10. Motion carried unanimously.

COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS

Mayor Pro Tem Belton had nothing to report.

Councilmember Duval reported a parent advisory meeting for recreation will be on February 22, 2024.

Councilmember Garcia reported his attendance at the Yakima Valley Conference of Governments (YVCOG) dinner for new and re-elected Councilmembers on February 9, 2024.

Councilmember Sanchez reported the City is accepting Applications for Appointment to City Council until 5:00 p.m. on February 22, 2024.

Councilmember Garza reported his attendance at the YVCOG dinner for new Councilmembers on February 9, 2024.

Mayor Saavedra reported her attendance at the YVCOG dinner for new Mayors and Councilmembers on February 9, 2024. She thanked the community members for attending the Prospective Council Candidate Workshop on February 7, 2024, that staff for putting together to help educate the public on the role and responsibilities of serving on the City Council.

CITY MANAGER REPORT

CM updated Council on the following:

- Prospective Council Candidate Workshop on February 7, 2024
- YVCOG General Membership meeting on February 21, 2024, in Zillah

ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 7:46 p.m.

ELPIDIA SAAVEDRA, MAYOR

HEIDI RIOJAS, CMC, CITY CLERK

Payroll Check Register

Payroll for Period: 2/1-2/15, 2024

| Fund Number | Description | Amount |
|--------------------|--------------------------------------|---------------------|
| 001-000-013 | Executive | \$13,231.93 |
| 001-000-014 | Finance, Record | \$21,743.52 |
| 001-000-017 | Risk Management | (\$98.67) |
| 001-000-017 | Risk Management | \$3,875.70 |
| 001-000-018 | Central Services, Personnel Services | \$114,695.56 |
| 001-000-021 | Law Enforcement | \$92,005.28 |
| 001-000-022 | Fire Services | \$47,287.98 |
| 001-000-024 | Protective Inspections | \$3,705.93 |
| 001-000-058 | Planning and Community Development | \$1,404.93 |
| 001-000-071 | Recreational Services | \$4,340.82 |
| 001-000-076 | Pool, Park Facilities | \$8,083.32 |
| 001-000-089 | Non-Revenues and Non-Expenditures | (\$10.00) |
| 030-000-021 | Criminal Justice Fund | \$36,673.79 |
| 050-000-000 | Special Projects Fund | \$996.06 |
| 101-000-000 | Street Fund | \$7,067.54 |
| 108-000-000 | Cemetery Fund | \$4,493.68 |
| 157-000-000 | Cable TV Fund | \$5,217.74 |
| 401-000-000 | Water Fund | \$23,773.08 |
| 403-000-000 | Wastewater Fund | \$29,684.37 |
| 405-000-000 | Solid Waste Fund | \$18,333.80 |
| Grand Total | | \$436,506.36 |

Payroll Checks

Payroll Checks 36587-36603, Electronic Transfers EFTPR3094A, EFTPR3186-EFTPR3195, and Voided Check NR36590.

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Toppenish, and that I am authorized to authenticate and certify to said claim.



Adam Vaughn, Finance Director

February 22, 2024
Date

Accounts Payable Check Register

February 26, 2024

| Number | Vendor Name | Account Description | Amount |
|--------|---|---|--------------|
| 98475 | True North Equipment | Operating/Maintenance Supplies - Vehicles | \$59.77 |
| 98476 | True North Equipment | Operating/Maintenance Supplies - Vehicles | \$1,944.07 |
| 98477 | City of Toppenish | City Utility Service - Fire | \$352.71 |
| | | City Utility Service - Police | \$802.46 |
| | | City Utility Services | \$584.02 |
| | | City Utility Services - Cemetery | \$92.90 |
| | | City Utility Services - City Hall | \$386.47 |
| | | City Utility Services - Swimming Pool | \$173.26 |
| | | City Utility Services - Treatment Plant | \$312.92 |
| | | Check Total: | \$2,704.74 |
| 98478 | Yakima Valley Conference of Governments | Memberships- Registrations - Subscriptions | \$90.00 |
| 98479 | 911 Supply Inc. | Range Supplies | \$3,000.02 |
| 98480 | ADT Security Services, Inc. | Alarm Monitoring - 50% of Rec Bldg & Pool | \$97.69 |
| | | Alarm Monitoring - 50% Rec Building | \$96.02 |
| | | Check Total: | \$193.71 |
| 98481 | Alba Enterprises | Professional Services | \$80.00 |
| 98482 | Amazon Capital Services | Employee Appreciation Awards/Supplies | \$37.69 |
| | | Office & Operating Supplies | \$239.75 |
| | | Operating/Maintenance Supplies - General | \$75.48 |
| | | Personal Protective Equipment | \$75.59 |
| | | Recreation Program Supplies | \$199.64 |
| | | Small Tools & Minor Equipment | \$167.38 |
| | | Check Total: | \$795.53 |
| 98483 | Aramark | Rentals | \$32.38 |
| 98484 | Board for Volunteer Firefighters | Volunteer Insurance | \$1,140.00 |
| 98485 | Cascade Natural Gas Corp. | Fuel for Heating | \$74.23 |
| | | Fuel for Heating - City Hall | \$309.93 |
| | | Fuel for Heating - Police | \$989.44 |
| | | Check Total: | \$1,373.60 |
| 98486 | CenturyLink | Telephone | \$22.03 |
| 98487 | Cintas Corporation #605 | Rentals | \$265.38 |
| | | Uniform Cleaning | \$138.29 |
| | | Check Total: | \$403.67 |
| 98488 | Coastal Farm and Home Supply | Personal Protective Equipment | \$177.60 |
| 98489 | Code Publishing, LLC | Codification Services | \$830.00 |
| 98490 | Connetix Engineering, Inc. | Professional Services | \$154.00 |
| 98491 | Department of Ecology Cashiering Unit | Intergovernmental Loan Principal - L0800015 | \$223,472.61 |
| 98492 | Department of Licensing | Weapon Permit - DOL License | \$36.00 |
| 98493 | DW Excavating, Inc. | Sewer System Imp - Construction | \$257,764.28 |
| 98494 | EarthCam, Inc. | Alarm Monitoring | \$300.00 |

| Number | Vendor Name | Account Description | Amount |
|---------------|---|--|---------------|
| 98495 | Eurofins Environment Testing South Central, LLC | WWTP Testing Services | \$3,657.50 |
| 98496 | Evergreen Rural Water of WA | Memberships- Registrations - Subscriptions | \$1,025.00 |
| 98497 | Federal Express Corporation | Postage | \$19.84 |
| 98498 | Fidelity Title Co. | Miscellaneous Fees & Charges | \$375.00 |
| 98499 | GMP Consultants LLC | Professional Services | \$1,791.60 |
| | | Professional Services - New Police Building | \$287.01 |
| | | Check Total: | \$2,078.61 |
| 98500 | H.D. Fowler Co., Inc. | Operating/Maintenance Supplies - General | \$81.68 |
| | | Water Service Supplies | \$4,604.01 |
| | | Check Total: | \$4,685.69 |
| 98501 | HLA Engineering and Land Surveying, Inc. | 2022 Water Meter Replacement Project - Engineering | \$433.75 |
| | | Jackson Street - Eng Services | \$1,736.63 |
| | | Jackson-Juniper - Eng Services | \$10,074.00 |
| | | Professional Services | \$800.75 |
| | | Professional Services - Developer Eng/Plan Review Services | \$2,398.25 |
| | | Check Total: | \$15,443.38 |
| 98502 | HOLIDAYGOO | Recreation Program Supplies | \$554.00 |
| 98503 | Howard's Tire Factory Inc | Operating/Maintenance Supplies - General | \$70.15 |
| | | Operating/Maintenance Supplies - Vehicles | \$383.23 |
| | | Check Total: | \$453.38 |
| 98504 | Intermedia.net Inc. | Telephone | \$143.65 |
| 98505 | Intermountain Cleaning Service, Inc. | Janitorial Services - Police Department | \$78.77 |
| | | Janitorial Services - Public Works | \$1,510.00 |
| | | Operating/Maintenance Supplies - General | \$129.48 |
| | | Check Total: | \$1,718.25 |
| 98506 | L.N. Curtis & Sons | Office & Operating Supplies | \$295.96 |
| 98507 | Lab Test | WWTP Testing Services | \$1,050.00 |
| 98508 | Mansfield Alarm Co. Inc. | Alarm Monitoring | \$104.46 |
| 98509 | Mary Beltran | Miscellaneous Fees & Charges | \$98.67 |
| 98510 | Miller & Team Heating & AC | Service Repair/Maintenance City Hall | \$91.80 |
| 98511 | Mobile Modular | Police Station Rent | \$12,931.70 |
| 98512 | North Central Laboratories | Lab Supplies | \$539.22 |
| 98513 | Northern Safety Co., Inc. | Operating Maintenance Supplies - General | \$174.82 |
| | | Operating/Maintenance Supplies - General | \$533.14 |
| | | Check Total: | \$707.96 |
| 98514 | OmniSite | IT Services - Sewer Operations | \$1,740.00 |
| 98515 | One Call Concepts, Inc. | Professional Services | \$25.74 |
| 98516 | O'Reilly Auto Parts | Operating/Maintenance Supplies - Vehicles | \$638.20 |
| | | Service/Repair Maintenance - PW Shop | \$471.65 |
| | | Check Total: | \$1,109.85 |

| Number | Vendor Name | Account Description | Amount |
|---------------|--------------------------------------|---|---------------|
| 98517 | Orkin, LLC | Service Repair/Maintenance - Fire Dept Building | \$90.72 |
| 98518 | OVS - Orchard & Vineyard Supply, LLC | Operating/Maintenance Supplies - General | \$173.88 |
| 98519 | Owen Equipment Company | Operating/Maintenance Supplies - Vehicles | \$253.18 |
| 98520 | Oxarc, Inc. | Chemicals | \$193.71 |
| 98521 | Pacific Office Automation | Photocopies | \$4.83 |
| 98522 | Pacific Office Automation | Photocopies | \$321.84 |
| | | Rentals | \$591.86 |
| | | Check Total: | \$913.70 |
| 98523 | Pacific Power & Light Co. | Electricity - City Hall | \$373.68 |
| | | Electricity - Fire | \$587.42 |
| | | Electricity - Police | \$1,856.93 |
| | | Electricity - Recreation | \$105.74 |
| | | Electricity - Swimming Pool | \$275.53 |
| | | Check Total: | \$3,199.30 |
| 98524 | Pacific Power & Light Co. | Electricity | \$1,004.83 |
| 98525 | Racom Corporation | Small Tools & Minor Equipment | \$758.08 |
| 98526 | Rathbun Iron Works, Inc. | Operating/Maintenance Supplies - General | \$413.34 |
| | | Small Tools & Minor Equipment | \$8.09 |
| | | Check Total: | \$421.43 |
| 98527 | Sea Western, Inc. | Operating/Maint. Supplies - General | \$177.61 |
| 98528 | Summit Law Group | Legal Services | \$3,883.50 |
| 98529 | The Bunker Tri-Cities LLC | Uniforms & Clothing | \$113.04 |
| 98530 | Toppenish Rotary Club | Memberships- Registrations - Subscriptions | \$40.00 |
| 98531 | U.S. Bank Corporate Payment Systems | Memberships- Registrations - Subscriptions | \$2,459.68 |
| | | Miscellaneous Fees & Charges | \$161.73 |
| | | Office & Operating Supplies | \$1,598.16 |
| | | Personal Protective Equipment | \$69.30 |
| | | Professional Services | \$84.17 |
| | | Software Subscriptions | \$1,010.41 |
| | | Training Supplies - First Aid/CPR | \$105.00 |
| | | Travel | \$3,365.00 |
| | | Uniforms & Clothing | \$356.86 |
| | | Check Total: | \$9,210.31 |
| 98532 | U.S. Bank Safekeeping | Banking Fees & Charges | \$26.00 |
| 98533 | Valley Ford | Operating/Maintenance Supplies - Vehicles | \$19.31 |
| 98534 | Verizon Wireless | Small Tools & Minor Equipment | \$25.91 |
| | | Telephone | \$3,719.72 |
| | | Telephone - Utility Billing | \$42.27 |
| | | Check Total: | \$3,787.90 |
| 98535 | Vision Municipal Solutions, LLC | Postage | \$1,281.00 |
| | | Professional Services | \$549.02 |
| | | Check Total: | \$1,830.02 |
| 98536 | WA Department of Health | Operating Permits | \$3,392.70 |

| Number | Vendor Name | Account Description | Amount |
|--------------------|--|--|---------------------|
| 98537 | Washington Fire Chiefs | Memberships- Registrations - Subscriptions | \$816.00 |
| 98538 | Washington State Auditor's Office | Professional Services | \$7,887.34 |
| 98539 | Washington State Patrol | Pre-Employment Services | \$11.00 |
| | | Weapon Permit - State Background Check | \$13.25 |
| | | Check Total: | \$24.25 |
| 98540 | Weinmann, Gene E. | Postage | \$9.87 |
| | | Professional Services | \$1,800.00 |
| | | Check Total: | \$1,809.87 |
| 98541 | Wells Fargo Vendor Fin Serv | Rentals | \$383.80 |
| 98542 | Wells Fargo Vendor Fin Serv | Rentals | \$272.50 |
| 98543 | Wilbert Precast, Inc. | Liners & Markers | \$3,050.00 |
| 98544 | Yakima Bindery & Printing Co | Operating/Maintenance Supplies - General | \$42.12 |
| 98545 | Yakima County GIS | IT Services - Community Dev | \$155.00 |
| 98546 | Yakima County Treasurer | Property Taxes | \$1,699.65 |
| EFTAP380 | Washington State Department of Revenue | Excise Taxes | \$20,060.73 |
| | | Sales Tax Remitted | \$157.27 |
| | | Check Total: | \$20,218.00 |
| NR98454 | True North Equipment | Memberships- Registrations - Subscriptions | (\$120.00) |
| | | Operating/Maintenance Supplies - Vehicles | (\$2,003.84) |
| | | Check Total: | (\$2,123.84) |
| NR98461 | Washington State Patrol | Weapon Permit - DOL License | (\$18.00) |
| | | Weapon Permit - State Background Check | (\$24.25) |
| | | Check Total: | (\$42.25) |
| Grand Total | | | \$607,110.16 |

Accounts Payable Checks 98475-98546, EFTAP380; and void checks NR98454, NR98461

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Toppenish, and that I am authorized to authenticate and certify to said claim.



Finance Director

February 22, 2024



Office of the Washington State Auditor
Pat McCarthy

Agenda Item
a

Accountability Audit Report

City of Toppenish

For the period January 1, 2020 through December 31, 2022

Published February 8, 2024

Report No. 1034162



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**Office of the Washington State Auditor
Pat McCarthy**

February 8, 2024

Council
City of Toppenish
Toppenish, Washington

Report on Accountability

Thank you for the opportunity to work with you to promote accountability, integrity and openness in government. The Office of the Washington State Auditor takes seriously our role of providing state and local governments with assurance and accountability as the independent auditor of public accounts. In this way, we strive to help government work better, cost less, deliver higher value and earn greater public trust.

Independent audits provide essential accountability and transparency for City operations. This information is valuable to management, the governing body and public stakeholders when assessing the government's stewardship of public resources.

Attached is our independent audit report on the City's compliance with applicable requirements and safeguarding of public resources for the areas we examined. We appreciate the opportunity to work with your staff and value your cooperation during the audit.

Sincerely,

Pat McCarthy, State Auditor
Olympia, WA

Americans with Disabilities

In accordance with the Americans with Disabilities Act, we will make this document available in alternative formats. For more information, please contact our Office at (564) 999-0950, TDD Relay at (800) 833-6388, or email our webmaster at webmaster@sao.wa.gov.

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AUDIT RESULTS

Results in brief

This report describes the overall results and conclusions for the areas we examined. In those selected areas, City operations complied, in all material respects, with applicable state laws, regulations, and its own policies, and provided adequate controls over the safeguarding of public resources.

However, we noted certain matters related to procurement and electronic payments addressed in the management letter that we communicated to City management and the Council in a letter dated January 31, 2024. We appreciate the City's commitment to resolving those matters.

In keeping with general auditing practices, we do not examine every transaction, activity, policy, internal control, or area. As a result, no information is provided on the areas that were not examined.

About the audit

This report contains the results of our independent accountability audit of the City of Toppenish from January 1, 2020 through December 31, 2022.

Management is responsible for ensuring compliance and adequate safeguarding of public resources from fraud, loss or abuse. This includes the design, implementation and maintenance of internal controls relevant to these objectives.

This audit was conducted under the authority of RCW 43.09.260, which requires the Office of the Washington State Auditor to examine the financial affairs of all local governments. Our audit involved obtaining evidence about the City's use of public resources, compliance with state laws and regulations and its own policies and procedures, and internal controls over such matters. The procedures performed were based on our assessment of risks in the areas we examined.

Based on our risk assessment for the years ended December 31, 2022, 2021 and 2020, the areas examined were those representing the highest risk of fraud, loss, abuse, or noncompliance. We examined the following areas during this audit period:

- Annual report filing – timeliness and completeness
- Self-insurance for unemployment
- Selected IT security policies, procedures, practices and controls protecting financial systems – user access
- Accounts payable – electronic funds transfers

- Payroll – gross wages, leave balances and accruals, electronic funds transfers, paid-time-off conversion, benefit deductions, retirement contributions, leave cash outs, final pay to departing employees and termination of benefits
- Accounts receivable – utility billings and adjustments
- Public Works – building permit calculations and cash receipting
- Procurement – public works, purchases and professional services
- Compliance with public work projects and change orders
- Cash receipting – timeliness and completeness of deposits, voids and adjustments for City Hall
- Open public meetings – compliance with minutes, meetings and executive session requirements
- Financial condition – reviewing for indications of financial distress

RELATED REPORTS

Financial

Our opinion on the City's financial statements and compliance with federal grant program requirements is provided in a separate report, which includes the City's financial statements. That report is available on our website, <http://portal.sao.wa.gov/ReportSearch>.

Federal grant programs

We evaluated internal controls and tested compliance with the federal program requirements, as applicable, for the City's major federal programs, which are listed in the Schedule of Findings and Questioned Costs section of the separate financial statement and single audit report. That report is available on our website, <http://portal.sao.wa.gov/ReportSearch>.

INFORMATION ABOUT THE CITY

The City of Toppenish serves approximately 9,000 citizens in central Yakima County. The City provides police, fire, library facility, parks and recreation, planning and zoning, street maintenance and improvements, cemetery, and community development, water supply/treatment/distribution, sanitation services and sewage collection/treatment.

An elected, seven-member Council governs the City. Council Members elect one of the members to serve as Mayor and all serve staggered, four-year terms. The Council appoints a Manager to oversee the City's daily operations as well as its approximately 56 full-time employees. For the years under audit, the City operated on an annual budget of approximately \$41 million.

Contact information related to this report

| | |
|------------|--|
| Address: | City of Toppenish 21 W. 1st Avenue Toppenish, WA 98948-1595 |
| Contact: | Debbie Zabell, City Manager |
| Telephone: | 509-865-2080 |
| Website: | www.cityoftoppenish.us |

Information current as of report publish date.

Audit history

You can find current and past audit reports for the City of Toppenish at <http://portal.sao.wa.gov/ReportSearch>.

ABOUT THE STATE AUDITOR'S OFFICE

The State Auditor's Office is established in the Washington State Constitution and is part of the executive branch of state government. The State Auditor is elected by the people of Washington and serves four-year terms.

We work with state agencies, local governments and the public to achieve our vision of increasing trust in government by helping governments work better and deliver higher value.

In fulfilling our mission to provide citizens with independent and transparent examinations of how state and local governments use public funds, we hold ourselves to those same standards by continually improving our audit quality and operational efficiency, and by developing highly engaged and committed employees.

As an agency, the State Auditor's Office has the independence necessary to objectively perform audits, attestation engagements and investigations. Our work is designed to comply with professional standards as well as to satisfy the requirements of federal, state and local laws. The Office also has an extensive quality control program and undergoes regular external peer review to ensure our work meets the highest possible standards of accuracy, objectivity and clarity.

Our audits look at financial information and compliance with federal, state and local laws for all local governments, including schools, and all state agencies, including institutions of higher education. In addition, we conduct performance audits and cybersecurity audits of state agencies and local governments, as well as state whistleblower, fraud and citizen hotline investigations.

The results of our work are available to everyone through the more than 2,000 reports we publish each year on our website, www.sao.wa.gov. Additionally, we share regular news and other information via an email subscription service and social media channels.

We take our role as partners in accountability seriously. The Office provides training and technical assistance to governments both directly and through partnerships with other governmental support organizations.

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Other ways to stay in touch

- Main telephone:
(564) 999-0950
- Toll-free Citizen Hotline:
(866) 902-3900
- Email:
webmaster@sao.wa.gov



CITY OF TOPPENISH
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 24-012

Meeting Date: February 26, 2024

Subject: Amend Community Development Block Grant Agreement

Attachments: Resolution 2024-11; Request for Amendment

Presented by: Debbie Zabell, City Manager

Approved for Agenda By: Debbie Zabell, City Manager

Discussion:

At the October 24, 2022, Regular Council Meeting, the City Council authorized the City Manager to sign the Department of Commerce, Senior Assistance Program Grant, which will be administered through the Yakima Valley Conference of Governments (YVCOG).

The Grant will assist Senior (Age 55) and/or SS Disabled owner-occupied homeowners with emergency health and safety related home repairs that left unattended could potentially displace them. Applicants must fall at, or below the, 80% of the Federal Median Income Guidelines. The program is for eligible applicants within the city limits of Toppenish, Wapato, and Mabton.

At the December 11, 2023, Regular Council Meeting, the City Council authorized the City Manager to sign the Amendment for an additional \$200,000 in supplemental grant funds for the Senior Assistance Program Grant. While processing the (City Council) approved Amendment, it was discovered that the final Amendment from CDBG, was not presented to the City Council. The intent of the additional \$200,000 grant funding was for the purpose of expanding the program to all qualifying Yakima County seniors, (excluding those who reside in the city limits of Yakima).

Fiscal Impact: No fiscal impact

Recommendation: Motion to approve Resolution 2024-11 authorizing the City Manager to sign the Amendment for an additional \$200,000 in supplemental grant funds for the Senior Assistance Program Grant, to include all non-entitlement areas in Yakima County.

Alternatives: 1) Do not adopt. 2) Forward to Study Session for further review.

RESOLUTION 2024-11

**A RESOLUTION APPROVING THE COMMUNITY
DEVELOPMENT BLOCK GRANT AMENDMENT
TO EXPAND THE SENIOR ASSISTANCE PROGRAM
TO INCLUDE ALL QUALIFYING YAKIMA COUNTY SENIORS IN
NON-ENTITLEMENT COMMUNITIES AND INCREASING THE
PROGRAM GRANT BY \$200,000, PROVIDING FOR
SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Toppenish is partnering with Yakima Valley Conference of Governments for a senior assistance program grant, and

WHEREAS, following the completion of the needs assessment, on behalf of the Yakima Valley Conference of Governments, the City of Toppenish is requesting an additional \$200,000 in supplemental grant funds to further implement the housing rehabilitation program to serve more seniors in the community,

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON AS FOLLOWS:

Section 1. Amendment: The Community Development Block Grant Amendment for the Senior Assistance Program Grant is approved, and the City Manager is authorized and directed to sign the agreement on behalf of the City of Toppenish.

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

Section 3. Corrections: The City Clerk is authorized to make necessary corrections to this Resolution including, but not limited to, the correction of scrivener's/clerical errors, references, Resolution numbering, section/subsection numbering and any references thereto.

Section 4. Effective Date: This Resolution shall be effective immediately upon passage and signatures hereto.

PASSED by the Toppenish City Council at its regular meeting held on February 26, 2024.

ELPIDIA SAAVEDRA, Mayor

ATTEST:

HEIDI RIOJAS, CMC, City Clerk



Amendment Face Sheet

Contract Number: 22-62210-028
Amendment Number: A

**Washington State Department of Commerce
 Local Government Division
 Community Development and Assistance Unit
 CDBG General Purpose Grant**

| | | | |
|--|--|--|--|
| 1. Grantee City of Toppenish 21 West 1 st Ave Toppenish, WA 98948-1595 | | 2. Grantee Doing Business As (optional) N/A | |
| 3. Grantee Representative Debbie Zabell, City Manager (509) 865-1632 Debbie.zabell@cityoftoppenish.us | | 4. COMMERCE Representative Jon Galow, Section Manager PO Box 42525/1011 Plum St SE, Olympia, WA 98504-2525 (509) 847-5021 jon.galow@commerce.wa.gov | |
| 5. Original Grant Amount (and any previous amendments) \$200,000 | 6. Amendment Amount \$200,000 | 7. New Grant Amount \$400,000 | |
| 8. Amendment Funding Source Federal: <input checked="" type="checkbox"/> State: <input type="checkbox"/> Other: <input type="checkbox"/> | 9. Amendment Start Date Date of Execution | 10. Amendment End Date 01/31/2026 | |
| 11. Federal Funds (as applicable) \$400,000 | Federal Agency U.S. Department of Housing and Urban Development | ALN (CFDA#) 14.228 | |
| 12. Amendment Purpose Provide supplemental funds for the YVCOG housing rehabilitation program and expand the service area to include all of Yakima County except the City of Yakima. | | | |
| COMMERCE, defined as the Department of Commerce, and the Grantee, as defined above, acknowledge and accept the terms of this Grant As Amended and attachments and have executed this Grant Amendment on the date below to start as of the date and year referenced above. The rights and obligations of both parties to this Grant As Amended are governed by this Grant Amendment and the following other documents incorporated by reference: Amendment "A" - Attachment "A" – Scope of Work and Budget. A copy of this Grant Amendment shall be attached to and made a part of the original Grant between COMMERCE and the Grantee. Any reference in the original Grant to the "Grant" shall mean the "Grant as Amended". | | | |
| FOR GRANTEE <p style="text-align: center;">FOR REVIEW ONLY</p> <hr/> Debbie Zabell, City Manager <hr/> Date | | FOR COMMERCE <hr/> Mark K. Barkley, Assistant Director Local Government Division <hr/> Date APPROVED AS TO FORM ONLY <hr/> Sandra Adix Assistant Attorney General <hr/> 3/20/2014 <hr/> Date | |

This Grant is **amended** as follows:

Attachment A Scope of Work and Budget is replaced in its entirety by **Amendment A: Attachment A - Scope of Work and Budget**.

ALL OTHER TERMS AND CONDITIONS OF THIS GRANT REMAIN IN FULL FORCE AND EFFECT.

Amendment A: Attachment A – Scope of Work and Budget

Grantee: City of Toppenish | Contract No. 22-62210-028

Project Description / Deliverable

The City of Toppenish is awarded a CDBG General Purpose Grant for Senior Housing Assistance with the Yakima Valley Conference of Governments as grant subrecipient. The project will result in housing units that are healthier, safer and more energy efficient, in addition to helping maintain affordability. Major components of the project include evaluating existing home repair programs for low-income senior homeowners; creating a program that addresses the gaps identified; developing program policies and procedures; and completing home rehabilitation work on qualified housing units.

The project will benefit approximately 45 low and moderate-income households throughout Yakima County (except the City of Yakima). The project will accomplish HUD’s outcome of increasing housing affordability to achieve HUD’s objective of benefiting low- and moderate-income persons.

Project Budget

| CDBG Budget Code & Funding | | Leveraged Other Funding | | Total Funding |
|-----------------------------------|------------------|--------------------------|--|------------------|
| 14A Rehab Single Unit Residential | \$250,000 | Other Federal \$ | | |
| 14H Rehab Administration | \$150,000 | Other State \$ | | |
| | | Local Public \$ | | |
| Total CDBG Funds | \$400,000 | Total Other Funds | | \$400,000 |

Project Activities

Milestones

| | |
|--|--|
| <ul style="list-style-type: none"> Execute grant contract with Commerce and establish administrative, financial, reporting and record keeping systems. Complete the environmental review in compliance with Federal related laws and authorities listed at 24 CFR 58.5 and 58.6 and request CDBG release of funds. Verify subrecipient does not have an active exclusion record in SAM.gov. Establish a subrecipient agreement that ensures the LMI benefit will be met for at least 10 years. | Before first payment request |
| <ul style="list-style-type: none"> Prepare and submit payment requests with supporting documentation to Commerce. | Not more than monthly |
| <ul style="list-style-type: none"> Submit a CDBG Beneficiary Report. | Annually by July 31 |
| <ul style="list-style-type: none"> As necessary, arrange an audit with the Washington State Auditor in accordance with the <i>Uniform Guidance, 2 CFR 200, Subpart F- Audit Requirements</i>. | Annually |
| <ul style="list-style-type: none"> Establish CDBG housing rehabilitation program policies and procedures, incorporating CDBG income qualification and beneficiary reporting requirements. Conduct outreach and market the rehabilitation assistance program. Verify contractors do not have an active exclusion record in the federal award system (SAM.gov) and include documentation in CDBG file. Establish pre-approved list of contractors. Monitor program progress and compliance with applicable federal and state regulations. | Before approving applications for CDBG housing rehabilitation assistance |
| <ul style="list-style-type: none"> Review and process applications for rehabilitation assistance and determine CDBG eligibility. Conduct housing inspection. Develop scope of work and cost estimate. Approve scope of work and process housing rehabilitation contract with homeowner. | Before each housing rehabilitation contract is finalized/executed |
| <ul style="list-style-type: none"> Monitor rehabilitation progress. Approve costs, and prepare and submit payment request and project status report to Grantee. | Before each payment request |
| <ul style="list-style-type: none"> Complete housing rehabilitation based approved scope of work. Conduct final inspection and receive homeowner acceptance of completed work. | Complete each housing rehabilitation project |
| <ul style="list-style-type: none"> Complete applicable civil rights requirements. Conduct monitoring of the subrecipient to verify the grant is used according to CDBG requirements and all costs reimbursed are allowable. Conduct a final public hearing to review project performance, resolve all monitoring issues with CDBG, and submit a CDBG Contract Closeout Report. | Before final payment request |
| <ul style="list-style-type: none"> Meet the CDBG national objective of principally benefiting low- and moderate-income persons. | Before contract end date |



CITY OF TOPPENISH
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 24-013

Agenda Item

Meeting Date: February 26, 2024

Subject: WWTP Solids Treatment System Evaluation Project

Attachments: Resolution 2024-12, HLA Task Order No. 2024-01

Presented by: Shaun Burgess, Public Works Superintendent

Approved For Agenda By: Debbie Zabell, City Manager

Discussion:

At the November 20, 2023, Council Meeting, the City Council authorized the use of a rental biosolids treatment unit (Clean B equipment). Based on the performance of the unit, staff believe this method may be a long-term solution.

Staff is requesting a formal pilot study be performed to evaluate the long-term needs and performance of the unit by the City's contracted engineering firm, HLA. Upon completion, HLA will provide a report of the findings. If it is determined that the unit meets the needs, HLA will perform the preliminary design and estimate of the operational costs for the amendment to the Solids Handling Plan, for review by all regulatory agencies.

In addition to evaluating the unit's long-term sustainability, HLA will provide application assistance with any funding opportunity that fits the needs of the wastewater treatment plant.

Estimated Time: Contract Time

Pilot Evaluation: Three (3) months.

Project Funding: Ongoing

Preliminary Engineering: Completed within 30 working days.

All work shall be completed on an hourly basis at normal hourly billing rates, for an estimated maximum fee of \$65,000.

Fiscal Impact: The not to exceed cost of \$65,000, will be included in the upcoming 2024 Budget Amendment.

Recommendation: Approve Resolution 2024-12, authorizing the City Manager to sign Task Order 2024-01, for the WWTP Solids Treatment System Evaluation Project.

Alternatives: 1) Do not adopt. 2) Forward to Study Session for further review.

RESOLUTION 2024-12

A RESOLUTION APPROVING HLA ENGINEERING AND LAND SURVEYING, INC. TASK ORDER 2024-02 FOR THE WASTEWATER TREATMENT PLANT SOLIDS TREATMENT SYSTEM EVALUATION PROJECT, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS the City of Toppenish has entered into an agreement with HLA Engineering to facilitate the WWTP Solids Treatment System Evaluation Project; and

WHEREAS it has been deemed necessary to revise the terms of said agreement to streamline the scope of work and focus efforts on specific objectives; and

WHEREAS it is in the best interest of the City to limit the scope of work to the evaluation of alternatives and preliminary design, while excluding tasks related to final design for future projects; and

WHEREAS there is a need for a focused pilot evaluation project to assess funding assistance opportunities and conduct preliminary evaluations;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON AS FOLLOWS:

Section 1. Agreement: Task Order 2024-01 between HLA and City of Toppenish to limit the scope of work for the WWTP Solids Treatment System Evaluation Project is approved and the City Manager is authorized and directed to enter the City of Toppenish into contractual agreement with HLA Engineering.

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

Section 3. Corrections: The City Clerk is authorized to make necessary corrections to this Resolution including, but not limited to, the correction of scrivener's/clerical errors, references, Resolution numbering, section/subsection numbering and any references thereto.

Section 4. Effective Date: This Resolution shall be effective immediately upon passage and signatures hereto.

PASSED by the Toppenish City Council at its regular meeting held on February 26, 2024.

ELPIDIA SAAVEDRA, Mayor

ATTEST:

HEIDI RIOJAS, CMC, City Clerk

TASK ORDER NO. 2024-01

REGARDING GENERAL AGREEMENT BETWEEN THE CITY OF TOPPENISH
AND
HLA ENGINEERING AND LAND SURVEYING, INC. (HLA)

PROJECT DESCRIPTION:

WWTP Solids Treatment System Upgrades
HLA Project No. 24037E

The City of Toppenish (CITY) desires to evaluate alternative improvements to their wastewater treatment plant (WWTP), including solids treatment system upgrades. Work will include review of alternative treatment systems, evaluation of Clean B equipment system pilot, development of an Engineering Report/Facility Plan Amendment summarizing alternatives for EPA review and approval, and completion and submission of funding application(s).

SCOPE OF SERVICES:

At the direction of the CITY, HLA and its subconsultants shall provide the following professional services for the WWTP Solids Treatment Upgrades (PROJECT):

1.0 Pilot Evaluation

HLA will provide a pilot evaluation of the Clean B rental equipment performance, including the following tasks.

- 1.1 Visit site two (2) times to coordinate with Staff and supplier regarding connection points and operational parameters.
- 1.2 Visit site three (3) times during the first three months to observe the operation of equipment.
- 1.3 Obtain and review operational and sampling result data from CITY Staff of the Clean B equipment performance.
- 1.4 Develop piloting report for CITY review and comment. Incorporate comments and submit with final Facility Plan Amendment to EPA developed in Preliminary Engineering Phase.

2.0 Project Funding Assistance

- 2.1 Assist CITY with funding application to Public Works Board (PWB), Clean Water State Revolving Fund (CWSRF), or any funding opportunity that fits the needs, to finance and/or reimburse for project expenditures incurred up to the date of receiving funds. Note that due to the urgency of improvements needed to keep WWTP operations in compliance, private funding may be required to be secured prior to program funding. In this case, program funding request will be determined to pay off the private loan(s) as necessary.

3.0 Preliminary Engineering (15%)

- 3.1 Evaluate Clean B process, Class A dryer, and existing recommended improvements listed in Facility Plan Amendment No. 3, dated July 2023.
- 3.2 Prepare budgetary capital and operational cost estimates for Clean B and Class A dryer for comparison to costs developed in Amendment No. 3.
- 3.3 Develop a report with the recommended alternative for CITY review.

- 3.4 HLA shall attend one (1) design meeting with the CITY to select the alternative to upgrade the Solids Treatment System for the WWTP.
- 3.5 Prepare Facility Plan Amendment No. 4 to be submitted to EPA for review unless the alternative presented in Amendment No. 3 is selected.

Notice of Future Effort

Following completion of Phase 3.0 Preliminary Engineering and selection of preferred alternative, final engineering design should be pursued by the CITY necessary to design, bid and move quickly toward construction of preferred alternative improvements.

Construction engineering and administration services will also be necessary to construct future improvements.

4.0 Additional Services

Provide professional engineering services for additional work requested by the CITY that is not included in this task order.

5.0 Items to be Furnished and Responsibility of the CITY

The CITY will provide or perform the following:

- 5.1 Provide full information as to CITY requirements for the PROJECT.
- 5.2 Provide all available information pertinent to the PROJECT relative to completion of design and construction of the PROJECT.
- 5.3 Examine all documents presented by HLA and provide written decisions within a reasonable time so as not to delay the work of HLA.
- 5.4 Obtain approval of all required governmental authorities for the PROJECT, and approvals and consents from other individuals as necessary for completion of the PROJECT. Pay all review fees and costs associated with obtaining such approvals.
- 5.5 Pay for advertising, notices, or other publications as may be required.
- 5.6 Pay for all necessary permits and testing fees not paid by the contractor.

TIME OF PERFORMANCE:

HLA will diligently pursue completion of the PROJECT as follows:

1.0 Pilot Evaluation

It is anticipated the pilot study will take three (3) months to complete. The pilot report will be completed within thirty (30) working days following receipt of all operational and sampling data from the CITY.

2.0 Project Funding Assistance

The PWB and CWSRF applications, if requested, will be completed within the next application due dates for each application.

3.0 Preliminary Engineering (15%)

HLA will complete preliminary engineering within thirty (30) working days following the CITY's selection of the preferred alternative.

4.0 Additional Services

Time for completion of work directed by the CITY under additional services shall be negotiated and mutually agreed upon at the time service is requested by the CITY.

FEE FOR SERVICES:

For the services furnished by HLA as described within this task order, the CITY agrees to pay HLA the fees as set forth herein. The amounts listed below may be revised only by written agreement of both parties.

1.0 Pilot Evaluation

All work for the pilot evaluation shall be completed on an hourly basis, at normal hourly billing rates, for the estimated maximum fee of \$12,000.

2.0 Project Funding Assistance


All work related to project funding assistance shall be completed on an hourly basis, at normal hourly billing rates, for the estimated maximum fee of \$13,000.

3.0 Preliminary Engineering (15%)

All work for preliminary engineering shall be completed on an hourly basis, at normal hourly billing rates, for the maximum fee of \$40,000.

4.0 Additional Services

Additional work requested by the CITY not included in this task order shall be authorized by the CITY and agreed upon by HLA in writing prior to proceeding with services. HLA will perform additional services as directed/authorized by the CITY on a time-spent basis at the hourly billing rates included in our General Agreement, plus reimbursement for direct non-salary expenses such as laboratory testing, printing expenses, vehicle mileage, out-of-town travel costs, and outside consultants.

Proposed: 

HLA Engineering and Land Surveying, Inc.
Michael T. Battle, PE, President

2/19/2024
Date

Approved: _____
City of Toppenish
Debbie Zable, City Manager

Date



CITY OF TOPPENISH
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 24-014

Agenda Item
d

Meeting Date: February 26, 2024

Subject: Accept Wastewater Improvement Project Phase III

Attachments: Resolution 2024-13, Final Progress Estimate, Final Contract Voucher Certificate.

Presented by: Debbie Zabell, City Manager

Approved For Agenda By: Debbie Zabell, City Manager

Discussion:

At the July 24, 2023, Regular City Council meeting, the City Council declared Phase III of the Wastewater Improvement Project complete.

The USDA-RD funded portions of the city-wide Wastewater Improvement project are in the final stages of close-out. A new requirement for USDA funded projects is a Resolution from the governing body accepting the project.

Proposed Resolution 2024-13 is being presented to the Council so that the City is following the new requirement for project close out.

Fiscal Impact: No fiscal impact

Recommendation: Motion to approve Resolution 2024-13 to Accept Phase III of the Wastewater Improvement Project, as required by the USDA-RD.

Alternatives: 1) Do not adopt. 2) Forward to Study Session for further review.

RESOLUTION 2024-13

**A RESOLUTION ACCEPTING WASTEWATER IMPROVEMENT
PROJECT, PHASE III, AS RECOMMENDED BY
GRAY & OSBORNE, INC., PROVIDING FOR SEVERABILITY AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS all the work performed for Wastewater Improvement Project Phase III by DW Excavating, Inc. has been satisfactorily completed, and

WHEREAS the City has received confirmation from Gray & Osborne, Inc. that the project has been completed in compliance with the contract, and

WHEREAS the City has received the Final Contract Voucher Certificate from DW Excavating, Inc.,

WHEREAS the City has received the required Certificate of Release from the Washington State Department of Revenue, the Department of Labor and Industries, and Employment Security Department.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON AS FOLLOWS:

Section 1. Acceptance: The City Council of the City of Toppenish accepts Wastewater Improvement Project, Phase III, as recommended by Gray & Osborne, Inc.

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

Section 3. Corrections: The City Clerk is authorized to make necessary corrections to this Resolution including, but not limited to, the correction of scrivener's/clerical errors, references, Resolution numbering, section/subsection numbering and any references thereto.

Section 4. Effective Date: This Resolution shall be effective immediately upon passage and signatures hereto.

PASSED by the Toppenish City Council at its regular meeting held on February 26, 2024.

ELPIDIA SAAVEDRA, Mayor

ATTEST:

HEIDI RIOJAS, CMC, City Clerk



July 18, 2023

Mr. Shaun Burgess
Public Works Superintendent
City of Toppenish
21 West First Avenue
Toppenish, Washington 98948

SUBJECT: FINAL PROGRESS ESTIMATE 12, PROJECT ACCEPTANCE, AND
RELEASE OF RETAINAGE, SEWER (PHASE III) IMPROVEMENTS
CITY OF TOPPENISH, YAKIMA COUNTY, WASHINGTON
G&O #18054

Dear Mr. Burgess:

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

1. FINAL PROGRESS ESTIMATE

We have attached the signed Final Contract Voucher and Progress Estimate 12, which is the final progress estimate for this project. The City should place the progress estimate in its files and forward a copy of the progress estimate to the contractor with the payment. The amount due the contractor and the amount to be deposited in the retainage account are as follows:

| <u>Payment to Contractor</u> | <u>Retainage (Held by USDA RD)</u> | <u>Total Amount Earned</u> |
|------------------------------|--|----------------------------|
| \$147,062.72 | \$257,764.28 | \$5,476,975.51 |

2. PROJECT COMPLETION ACCEPTANCE

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



Mr. Shawn Burgess
 July 18, 2023
 Page 2

<https://lni.wa.gov/licensing-permits/public-works-projects/awarding-agencies/awarding-agency-portal>).

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

| | | | |
|---|---|---|---|
| | | Date Work Completed July 14, 2023 | Date Work Accepted July 17, 2023 |
| Is this a Federally Funded Transportation Project? | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | If yes, attach the Contract Bond Statement |
| Have Subcontractors been used? | | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | If yes, complete Addendum A |
| <input checked="" type="checkbox"/> Contract/Payment Bond | Waived? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Retainage Bond | Waived? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Detailed Description of Work Completed | | | |
| Replaced approximately 30,000 LF of gravity sewer lines. New manholes were also installed and lift station rehabilitation including a new backup generator was completed. | | | |
| DOR Tax Information | | | |
| Contract Amount | \$5,886,451.03 | Liquidated Damages | 0 |
| Additions (+) | 181,892.15 | Amount Disbursed | \$5,476,975.51 |
| Reductions (-) | \$758,398.93 | Amount Retained | \$257,764.28 |
| Subtotal | \$5,309,944.25 | Other | 0 |
| Sales Tax Amount | \$424,795.54 | Sales Tax Rate | 8.0% |
| Total | \$5,734,739.79 | Total | \$5,734,739.79 |
| Both totals must be equal – If multiple sales tax rates, attach a list | | | |

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

3. RELEASE OF RETAINAGE

The retainage should be released to the contractor contingent upon the following requirements being fulfilled:

1. The City receives approval from USDA RD, the funding agency for the project, for the final construction payment.
2. Sixty days have elapsed since the Contract Completion Date.
3. The City receives the Washington State Department of Revenue “Certificate of Payment of State Excise Taxes by Public Works Contractor” (RCW 60.28).
4. The City receives the “Certificate of Payment of Contribution Penalties and Interest on Public Works Contract” from the Washington State Employment Security Department.

Mr. Shawn Burgess
July 18, 2023
Page 3

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

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

Sincerely,

GRAY & OSBORNE, INC.

A handwritten signature in black ink that reads "David G. Ellis". The signature is written in a cursive style with a small dot above the 'i' in "Ellis".

David G. Ellis, P.E.

DGE/cah
Encl.
By email

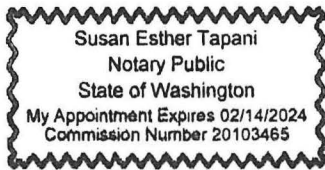
cc: Mr. Van Falt, DW Excavating, Inc.

Final Contract Voucher Certificate

| | | | |
|--|--------------------|---|------------------------------|
| Contractor DW Excavating, Inc. | | | |
| Street Address P.O. Box 1089 | | | |
| City Davenport | State WA | Zip 99122 | Date July 17, 2023 |
| Project Number (Owner) 18054 | | | |
| Job Description (Title) Toppenish Sewer (Phase III) Improvements | | | |
| Date Work Physically Completed July 14, 2023 | | Final Amount (including Sales Tax) \$5,734,739.79 | |

Contractor's Certification

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



x *[Signature]*
Contractor Authorized Signature Required

Derrick Wilson
Type Signature Name

Subscribed and sworn to before me this 17 day of July 2023

x *[Signature]* Notary Public in and for the State of Washington

Residing at Davenport

Owner Certification

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

Approved Date July 18, 2023

x *[Signature]*
Project Engineer

x
Owner

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

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