CENTRALIA CITY COUNCIL MEETING
AGENDA
Tuesday – April 9, 2019 – 7:00 p.m.

Call to Order
Pledge of Allegiance
Council Attendance

1. Approval of Agenda – As Presented
2. Comments by the Public on Non Agenda Items
3. Presentations
   a. Fox Restoration Project – Scott White
   b. Lewis County Update – Commissioner Fund
4. Reports
   a. City Council
   b. City Manager
      - Salzer Transmission Line – ML Norton
5. Consent Agenda
   a. Voucher Approval for April 9, 2019 #220645, 220653-220807
      $629,915.86
   b. Payroll Approval for April 5, 2019 #135522-135570 and direct deposits #38067-38231 $1,331,145.52
   c. Consideration of change order #1 and final acceptance – Centralia Train Depot ADA Improvements – Confederated Construction Company LLC - $80,933.18
   d. Consideration of Small Works bid award to BMP Construction for house repairs to 521 Wagner Road - $35,110.00
   e. Consideration of change order #1 and final acceptance – 2018 Sanitary Sewer Pipe Bursting, Rognlin’s Inc - $278,033.67
   f. Consideration of change order #1 and final acceptance – Locust Street Watermain Pipe Bursting – Rognlin’s Inc - $800,420.59
   g. Consideration of change order #1 and final acceptance – Harrison Avenue CIPP - $73,886.53
   h. Consideration of final acceptance – Customer Service Center Exterior Painting – CV Construction - $4,153.91
   i. Consideration of amendment #1 to Professional Services Agreement with Mt. View Locating Services LLC
   j. Consideration of Hosted Application Agreement with Tyler Tech
6. Consideration on first and final reading an Ordinance relating to Zoning, specifically Chapter 20.66, Special Uses, enacting an interim Zoning Ordinance relating to Residential Care Services, amending Centralia Municipal Code Chapter 20.66, Special Uses, adding and amending definitions, uses processed, uses permitted and amending definition of CMC 20.06.305 “Essential Public Facilities,” setting a date for a public hearing and declaring an emergency
7. Consideration on second reading of an ordinance amending the 2019 Budget

Adjournment

City of Centralia’s Mission Statement
Continuously respond to citizens;
Provide a clean, safe community in which to live, work and play in a historically rich environment; and
Support and promote cultural diversity.
CITY OF CENTRALIA
COUNCIL AGENDA REPORT

To: Mayor and City Council

Council Meeting Date: April 9, 2019

From: Emil Pierson, Director

Department: Community Development

Subject: Change Order 1 and Final Acceptance: Small Works Centralia Train Depot ADA Improvements

Background: This project was constructed in order to provide an approved ADA access route to the train depot in accordance with Federal ADA Guidelines. This project included the installation of a five foot wide cement concrete sidewalk, concrete placement in the two alcoves and four ADA access ramps at the Centralia Train Depot.

The contract was awarded to Confederated Construction Company LLC on October 23, 2018 in the amount of $82,129.26. Change Order 1, a cost reduction in the amount of $1,196.08, is for quantity reconciliation between bid quantities and actual quantities of work used on this project. The final contract amount is $80,933.18.

Financial Impacts:

| Implementation | $80,933.18 | Annual Ongoing | $ | Appropriation/Amendment Required |
|----------------|------------|----------------|-----------------|
| Funds in Current Budget |             | X              |                |

On October 23, 2018 approved the budget appropriation of $82,129.26 from General Fund Budget to pay for the ADA sidewalk and ramps at the Train Depot.

Alternatives: N/A

Recommendation: Staff recommends that the City Council approve Change Order 1 and Final Acceptance of the Small Works Centralia Train Depot ADA Improvement Project in the final contract amount of $80,933.18.
Background: The Wastewater Department currently owns a home and approximately 5 acres of land at 521 Wagner Rd in Centralia. The City plans to sell the property and in order to maximize the sale price, repairs to the home are needed. The City developed a scope and sought bids from contractors on the Small Works Roster. The scope includes a new roof, siding repairs, flooring install, interior and exterior finishes and other miscellaneous items. The bid results are as follows:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Bid Amount (Tax Included)</th>
</tr>
</thead>
<tbody>
<tr>
<td>BMP Construction</td>
<td>$35,110.00</td>
</tr>
<tr>
<td>MDK Construction Inc.</td>
<td>$41,020.31</td>
</tr>
<tr>
<td>McCann’s Properties Plus</td>
<td>$47,708.51</td>
</tr>
<tr>
<td>Project Estimate</td>
<td>$25,000.00</td>
</tr>
</tbody>
</table>

The City contacted three contractors from the Small Works Roster and received bids with BMP Construction submitting the lowest responsible bid in the amount of $35,110.00 including sales tax.

Funds for the project are in the 2019 Wastewater budget Object 620.

Financial Impacts:

Implementation $35,110.00 (tax incl.)
X Funds in Current Budget

Annual Ongoing

Appropriation/Amendment Required

Alternatives: Not do the repairs.

Recommendation: Staff recommends that the City Council approve the Small Works bid award for the 521 Wagner Road Home Repairs to BMP Construction for $35,110.00 including sales tax.
CITY OF CENTRALIA
COUNCIL AGENDA REPORT

<table>
<thead>
<tr>
<th>To:</th>
<th>Mayor and City Council</th>
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</thead>
<tbody>
<tr>
<td>From:</td>
<td>Jan Stemkoski, P.E.</td>
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<tr>
<td></td>
<td>City Engineer</td>
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<tr>
<td>Council Meeting Date:</td>
<td>April 9, 2019</td>
</tr>
<tr>
<td>Department:</td>
<td>Public Works</td>
</tr>
<tr>
<td>Fund 403</td>
<td></td>
</tr>
<tr>
<td>Subject:</td>
<td>Change Order 1 and Final Acceptance: Small Works 2018 Sanitary Sewer Pipe Bursting Project - REVISED</td>
</tr>
</tbody>
</table>

**Background:** This project replaced 930 linear feet of sanitary sewer mains through the pipe bursting process, replaced three manhole structures and connected twenty four customers to the new sewer mains. The contract was awarded to Rognlins Inc. on June 26, 2018 in the amount of $286,708.36 including all applicable tax. Change Order 1, a cost reduction in the amount of $8,674.69, is for quantity reconciliation between bid quantities and actual quantities of work used on this project. The final contract amount is $278,033.67.

The Engineer’s Estimate range for this project was $270,000 to $290,000.

**Financial Impacts:**

<table>
<thead>
<tr>
<th>Implementation</th>
<th>$278,033.67 (incl. tax)</th>
<th>Annual Ongoing</th>
<th>$</th>
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<tbody>
<tr>
<td>X Funds in Current Budget</td>
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<td>Appropriation/Amendment Required</td>
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</table>

Funds for this work were allocated in the 2018 Wastewater Department budget Object 630.

**Alternatives:** N/A

**Recommendation:** Staff recommends that the City Council approve Change Order 1 and Final Acceptance of the 2018 Sanitary Sewer Pipe Bursting Project – REVISED in the final contract amount of $278,033.67.
CHANGE ORDER AGREEMENT  
CITY OF CENTRALIA  
PUBLIC WORKS DEPARTMENT

DATE: 4/1/2019  
CHANGE ORDER NO: 1

PROJECT: 2018 Sanitary Sewer Pipe Bursting - REVISED

ORIGINAL CONTRACT AMOUNT: $286,708.36

CONTRACTOR: Rognlins Inc.  
321 W. State Street  
Aberdeen, WA 98520

UNDER ESTIMATE NO: 3

This change order agreement shall be full compensation for implementing the proposed change in the Work, including any adjustment in the Contract Sum or Contract Time, and including compensation for all delays in connection with such change in the Work and for any expense or inconvenience, disruption of schedule, or loss of efficiency or productivity occasioned by the change in the Work.

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<tr>
<th>ITM</th>
<th>DESCRIPTION</th>
<th>Unit</th>
<th>Unit Price</th>
<th>Quantity</th>
<th>Increase</th>
<th>Decrease</th>
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<td>Quantity Reconciliation</td>
<td>LS</td>
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<td>$(8,674.69)</td>
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SUB TOTAL  
$ (8,674.69)

NET INCREASE/DECREASE  
$(8,674.69)

PREVIOUS CHANGE ORDER TOTALS  
$ -  
$ -

TOTAL CHANGE ORDERS  
$ -  
$ -

TOTAL NET  
$(8,674.69)

TOTAL CHANGE ORDER % OF ORIGINAL CONTRACT  
-3.03%

APPROVED BY:

CONTRACTOR: __________________________ DATE: __________

CITY ENGINEER: __________________________ DATE: __________

CITY MANAGER: __________________________ DATE: __________
Subject: Change Order 1 and Final Acceptance: Locust Street Watermain Pipe Bursting Project

Background: This project included pipe bursting approximately 2250 linear feet of an existing 16-inch AC water main with a 16-inch diameter HDPE water main, replacing 50 linear feet of an existing 2-inch galvanized iron water main with 6-inch diameter HDPE water main pipe, installing valves, installing hydrants, reconnecting existing water mains and services, and restoration on East Locust Street between Gold Street and the Seminary Hill Tank Access Road.

The contract was awarded to Rognlin’s Inc. on May 8, 2018 in the amount of $803,011.71. Change Order 1, a cost decrease in the amount of $2,591.12, is for quantity reconciliation between bid quantities and actual quantities of work used on this project. The final contract amount is $800,420.59.

The Engineer’s Estimate for this project was $700,000 to $900,000.

Financial Impacts:

- Implementation: $800,420.59 (incl. tax)
- Annual Ongoing: $0

Funds for this contract were allocated in the 2018 Water Department budget Object 630.

Alternatives: N/A

Recommendation: Staff recommends that the City Council approve Change Order 1 and Final Acceptance of the Locust Street Watermain Pipe Bursting Project in the final contract amount of $800,420.59.
This change order agreement shall be full compensation for implementing the proposed change in the Work, including any adjustment in the Contract Sum or Contract Time, and including compensation for all delays in connection with such change in the Work and for any expense or inconvenience, disruption of schedule, or loss of efficiency or productivity occasioned by the change in the Work.

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<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
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<th>Quantity</th>
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</table>

SUB TOTAL: $ (2,591.12)

NET INCREASE/DECREASE: $ (2,591.12)

PREVIOUS CHANGE ORDER TOTALS: $ - $ -

TOTAL CHANGE ORDERS: $ - $ (2,591.12)

TOTAL NET: $ (2,591.12)

TOTAL CHANGE ORDER % OF ORIGINAL CONTRACT: -0.32%

APPROVED BY:

CONTRACTOR: ______________________ DATE: ____________

CITY ENGINEER: ____________________ DATE: ____________

CITY MANAGER: _____________________ DATE: ____________
Background: This project repaired existing sanitary sewer mains on Harrison Avenue between Belmont Avenue and Interstate 5 through the CIPP process. Three sanitary sewer manholes were also be restored.

The contract was awarded to Michels Corporation on October 9, 2018 in the amount of $84,706.53. Change Order 1, a cost reduction in the amount of $10,820.00, is for quantity reconciliation between bid quantities and actual quantities of work used on this project. The final contract amount is $73,886.53.

The Engineer’s Estimate for this work was $100,000 to $125,000.

Financial Impacts:

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<th>$73,886.53 (incl. tax)</th>
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<tr>
<td>X Funds in Current Budget</td>
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<td>Appropriation/Amendment Required</td>
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</table>

Funds were allocated for this work in the 2018 Wastewater Department budget Object 481.

Alternatives: N/A

Recommendation: Staff recommends that the City Council approve Change Order 1 and Final Acceptance of the Small Works Harrison Avenue Cured In Place Pipe Project in the final contract amount of $73,886.53.
This change order agreement shall be full compensation for implementing the proposed change in the Work, including any adjustment in the Contract Sum or Contract Time, and including compensation for all delays in connection with such change in the Work and for any expense or inconvenience, disruption of schedule, or loss of efficiency or productivity occasioned by the change in the Work.

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**SUB TOTAL**

NET INCREASE/DECREASE: $(10,820.00)

**PREVIOUS CHANGE ORDER TOTALS**

**TOTAL CHANGE ORDERS**

**TOTAL NET**

TOTAL CHANGE ORDER % OF ORIGINAL CONTRACT: -12.77%

**APPROVED BY:**

**CONTRACTOR:**

**DATE:**

**CITY ENGINEER:**

**DATE:**

**CITY MANAGER:**

**DATE:**
Background: This contract pressure washed, made minor repairs and painted the exterior maroon mansard and trim at the Customer Service Center. This work repaired and preserved the mansard to eliminate the need for replacement at this time.

The contract was awarded to CV Construction on October 10, 2017 in the amount of $4,153.91. There were no change orders on this project. The final contract amount is $4,153.91, which includes all applicable Washington State Sales and/or Use Tax.

The Engineer’s estimate for this work was $5,000 to $7,500.

Financial Impacts:

<table>
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<th>Implementation</th>
<th>Annual Ongoing</th>
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<tbody>
<tr>
<td>$4,153.91 (incl. tax)</td>
<td>$</td>
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<tr>
<td>Funds in Current Budget</td>
<td>Appropriation/Amendment Required</td>
</tr>
</tbody>
</table>

Funds for this project were allocated in the 2017 Customer Service Center budget Object 620.

Alternatives: N/A

Recommendation: Staff recommends that the City Council approve Final Acceptance of the Small Works Customer Service Center Exterior Painting Project in the final contract amount of $4,153.91.
CITY OF CENTRALIA

COUNCIL AGENDA REPORT

To: Mayor and City Council  Council Meeting Date: April 9, 2019

From: M.L. Norton, General Manager  Department: City Light Fund 401

Subject: Professional Services Agreement Amendment #1 Mt. View Locating Services, LLC for Locating Underground Power Cable Inside the Centralia City Light Service Area

Background: Centralia City Light has a legal obligation to locate all buried power cable in its service area within 48 hours of a request. The process entails a person driving to the address, setting up locating equipment, and identifying the underground power route by marking it with red paint every five feet. These locates can be hundreds of feet in length. City Light has an estimated 1,200 locates per year.

The Professional Services Agreement with Mt. View Locating Services, LLC was approved at the April 24, 2018 Council meeting and was for a one-year period with a possibility to extend up to five years with a yearly cost not to exceed $35,000.00. The service start date was May 1, 2018 with a completion date of April 30, 2019.

Amendment #1 will extend this contract one year starting May 1, 2019 with a completion date of April 30, 2020.

Funds for this service are in the City Light budget Object 410.

Financial Impacts:

<table>
<thead>
<tr>
<th>Implementation</th>
<th>Annual Ongoing</th>
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</thead>
<tbody>
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<td>$35,000.00</td>
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</table>

Funds in Current Budget  Appropriation/Amendment Required

Recommendation: Staff recommends that the City Council approve Amendment #1 of the Professional Services Agreement with Mt. View Locating Services, LLC extending the contract for one year for an amount not to exceed $35,000.00.
Contract Amendment
Number # 1

Original Agreement Number: CCL-18-15PS

Organization and Address:
MT. VIEW LOCATING SERVICES, LLC
PO Box 40
Sumner, WA 98390

Phone: (360)-829-5166

Project Number: CCL-18-15PS

Execution Date: April 27, 2018
Completion Date: April 30, 2019

Project Title: Underground Locating Services

Original Amount: Not Exceed $35,000.00
New Maximum Amount Payable: Not Exceed $35,000.00

Description of Work: No Change in the scope of work, but the contract will extend from April 30, 2019 to April 30, 2020. The amendment extends for one year.

The City of Centralia desires to supplement the agreement entered into with Mt.View Locating Services, LLC.
and executed on April 27, 2018 and identified as Agreement No. CCL-18-15PS
All provisions in the basic agreement remain in effect except as expressly modified by this supplement.

The changes to the agreement are described as follows:

I
Section 1. SCOPE OF WORK, is hereby changed to read:
No Change in the Scope of Work

II
Section II. TIME FOR BEGINNING AND COMPLETION, is amended to change the number of
calendar days for completion of the work to read: Time of completion is changed to April 30, 2020

III
Section III. PAYMENT, shall be amended as follows:
No Change

If you concur with this supplement and agree to the changes as stated above, please sign in the appropriate
spaces below and return to this office for final action.

By: ____________________________  By: ____________________________

Dave Schaff  Rob Hill, City Manager

Service Provider  Approving Authority Signature

Date: 3-25-19  Date: ____________________________
Background:

The city currently uses Tyler Incode for processing utility account transactions. Enhanced functionality is available adding additional services through the Tyler Web services program Insite. The 2019 – 2020 budget included funding for this enhancement to provide additional functionality to the Customer Service Center for staff and for utility customers.

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<thead>
<tr>
<th>Implementation</th>
<th>$ 6,080</th>
<th>Annual Ongoing</th>
<th>$ 5,200</th>
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</thead>
<tbody>
<tr>
<td>X Funds in Current Budget</td>
<td></td>
<td>Appropriation/Amendment Required</td>
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</tbody>
</table>

**Recommendation:** Authorize the city manager to enter into and sign a web services hosted application agreement with Tyler Technologies.
Web Services – Hosted Application Agreement

This Web Services – Hosted Application Agreement is made between Tyler Technologies, Inc. and Client.

WHEREAS, Client selected Tyler to license the software products and perform the services set forth in the Investment Summary and Tyler desires to perform such actions under the terms of this Agreement;

NOW THEREFORE, in consideration of the foregoing and of the mutual covenants and promises set forth in this Agreement, Tyler and Client agree as follows:

Tyler will provide you with the hosted applications indicated in the Investment Summary of your Web Services and Hosted Application Agreement. The terms and conditions contained in this document only apply to our provision of those applications.

SECTION A – DEFINITIONS

- “Agreement” means this Web Services and Hosted Application Agreement.
- “Client” means the City of Centralia.
- “Data” means your data necessary to utilize the Tyler Software.
- “Defect” means a failure of the Tyler Software to substantially conform to the functional descriptions set forth in our written proposal to you, or their functional equivalent. Future functionality may be updated, modified, or otherwise enhanced through our maintenance and support services, and the governing functional descriptions for such future functionality will be set forth in our then-current Documentation.
- “Documentation” means any on line or written documentation related to the use or functionality of the Tyler Software that we provide or otherwise make available to you, including instructions, user guides, manuals and other training or self-help documentation.
- “Effective Date” means the date on which the last party signs the Agreement.
- “Investment Summary” means the agreed upon cost proposal for the products and services attached as Exhibit A.
- “Tyler” means Tyler Technologies, Inc., a Delaware corporation.
- “Tyler Software” means our proprietary software, including any integrations, custom modifications, and/or other related interfaces identified in the Investment Summary or otherwise licensed by us to you.
- “we”, “us”, “our” and similar terms mean Tyler.
- “you” and similar terms mean Client.

SECTION B – HOSTED APPLICATION SERVICES

1. Hosted Applications. We will provide you with any of the following hosted applications as indicated in the Investment Summary.
1.1. **Web Services**: Our Web Services are designed to enable you to easily establish a presence on the Internet. Our Web Hosting and Design is composed of our Web Hosting and Design Publishing Component and other miscellaneous components. These components may be used independently or in conjunction with each other.

1.2. **Utility Billing On-Line**: Our Utility Billing On-Line Component allows you to make available certain information from your utility billing system to citizens with Internet access. This information is posted to your web site, which is hosted on our web server. With the proper security clearance, citizens with Internet access have access to the data which can include: Consumption information, service level information, requests for service, accounting information and the opportunity to pay their Utility Bill over the Internet using a credit card.

**SECTION C – TERM AND TERMINATION**

1. **Term.** Client must return an executed copy of this Agreement to Tyler within 90 days from the issue date. Thereafter, the Agreement will be voided and is subject to change. Subject to the limitations of this Section C(1), and unless otherwise provided for in this Agreement, the term of this Agreement shall commence as of the effective date and shall continue for three (3) years. The term shall thereafter be automatically extended in separate consecutive periods of twelve (12) months duration unless either party gives written notice to terminate. Notice to terminate must provide at least sixty (60) day notice of said intent. In the event that the Client fails to pay any amount payable to Tyler hereunder, when due, or fails to comply with any other provision of this Agreement, Tyler may terminate the Client’s rights by written notice to that effect to the Client. Tyler may, by written notice to the Client, terminate its obligations under this Agreement in the event that Tyler, for whatever reason, ceases to host Client’s Web Site. A termination of the Client’s rights under this Agreement shall not terminate any of the parties’ rights under this Agreement to receive or hold amounts rightfully owing to the respective party pursuant to the terms of this Agreement or to enforce the intellectual and proprietary rights in the Tyler concept, web site, Tyler Software, and technology. Upon termination or non-renewal of this agreement, the parties shall each promptly account for all due but unpaid amounts hereunder. If Client wishes to terminate before the stated term expires, Client must give sixty (60) days written notice in order not to incur termination costs of $1,520.00. Please also see section entitled “TERMINATION” in this Agreement.

**SECTION D – GENERAL TERMS AND CONDITIONS**

1. **Nature of Website.** We shall maintain a website for you, allowing a user to access relevant data provided by you. This data may include information from your Tyler Software system. This website will be capable of accepting payments via Secured Socket Layer (SSL) encryption and credit card or debit card charge.

2. **Data Procurement.** Tyler must host the components and services listed in the Investment Summary of this Agreement. The Client will be required to setup a merchant account with Electronic Transaction System Corporation or OpenEdge for the sole use of Tyler Web Service transactions. The merchant account must be setup to fund to the Client bank account. All fees for the merchant account will be paid by Client.
Client will be required to install and run Tyler Web Services in order for the Tyler On-Line application to access and transfer the necessary data from the Client’s primary software system, to Tyler’s web server. The transfer will occur on a real time basis. Additionally, certain information, such as payment information, must be conveyed to Client. Tyler will assume responsibility for transferring such information back to Client on a regular basis. Tyler Web Services requires a dedicated IP address. Assignment of dedicated IP address is the sole responsibility of the Client.

3. **Limited License.** Client agrees that Tyler possesses exclusive title to and ownership of the Tyler Software.

   a. Client agrees that Client acquires neither ownership nor any other interest in the Tyler Software, except for the right to use and possess the Tyler Software in accordance with the terms and conditions of this Agreement and subject to the terms under which the Tyler Software was originally licensed to you.

   b. All rights not expressly granted to Client in this Agreement are retained by Tyler.

   c. Client agrees that Tyler Software including, but not limited to, systems designs, programs in source and/or object code format, applications, techniques, ideas, and/or know-how utilized and/or developed by Tyler are and shall remain the exclusive property of Tyler. Client agrees that the Tyler Software consists of Tyler’s trade secrets. Tyler shall retain all copyrights in the Tyler Software, whether published or unpublished.

   d. Tyler agrees that all data provided to Tyler for the purposes of generating the web site shall remain the property of Client. Should Client terminate the Internet Services in good standing and in accordance with the termination provisions of this Agreement, Tyler agrees to return to Client, all graphics, text documents, and data files provided by Client and held by Tyler.

4. **Ownership of Data.** All data you provide to us for the purposes of generating the website shall remain your property. Should you terminate your subscription, we shall return to you any such data in our possession.

5. **Client Membership Fees.** For establishing new Tyler Web Services, the Client shall pay to Tyler the amounts as stated in the Investment Summary.

6. **Fees.** You agree to pay the initial fee and annual subscription fees as stated in the Investment Summary, upon availability. We may increase the per-transaction fee for online payment no more than once per year with sixty (60) days prior written notice.

7. **Not Assignable.** The rights of the Client under this Agreement are not assignable without the prior written consent of Tyler. Any attempt to sublicense, assign, encumber or transfer any of the rights, duties or obligations under this Agreement by the Client is void. Subject to the foregoing, this Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective permitted assigns and successors.

8. **Software Maintenance.** This Agreement includes unlimited telephone support, support by communication modem, and all software upgrades, enhancements and new releases. Tyler reserves the right to change the functionality of future releases of its software and Client understands that
Tyler is not obligated to include specific functionality in future releases unless provided for herein.

9. Partial Invalidity. Should any provision or clause of this Agreement be held to be invalid, such invalidity shall not affect any other provision or clause hereof, which can be given effect without such invalid provision or clause.

10. Responsibility of Data. Tyler will assume responsibility for all data transfer but is not responsible for data accuracy.

11. Site Requirements.
   a. Client shall maintain a high speed internet connection (1.5mbps download AND 512kbps upload) with a static IP address and must be able to provide Tyler with IP connection to Client's network through Citrix GotoAssist, VPN, Citrix, or Microsoft Terminal Services. Tyler shall use the connection to assist with problem diagnosis and resolution. Tyler is not responsible for purchase of VPN client software license or configuration of Client's firewall settings. No wireless Internet connections allowed.
   b. Tyler shall provide Client with remote support through the use of secure connection over the Internet connection via Citrix GotoAssist. If Client will not allow access through GotoAssist, Tyler cannot guarantee support standards will be met.

12. Proprietary Information.
   a. Distribution of Tyler Software. Client may not sell, assign, transfer, disclose, or otherwise make available, either directly or indirectly, any object code, documentation or other material relating to the Tyler Software, in whole or in part, or any copy of the same in any form, to any other person or entity.
   b. Software as Trade Secret. Client shall maintain the confidentiality of the Tyler Software and unless specifically authorized by Tyler or except for ordinary and necessary backup purposes, Client may not make or have made any copies of the Tyler Software or any part thereof. Client shall include Tyler's proprietary notice or other legend on any copies made by Client as permitted hereunder.

13. Warranty. We warrant that the Tyler Software will perform without Defects during the term of this Agreement. If the Tyler Software does not perform as warranted, we will use all reasonable efforts, consistent with industry standards, to cure the Defect in accordance with our then-current Support Call Process.

14. Disclaimer. EXCEPT FOR THE EXPRESS WARRANTIES PROVIDED IN THIS AGREEMENT AND TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, WE HEREBY DISCLAIM ALL OTHER WARRANTIES AND CONDITIONS, WHETHER EXPRESS, IMPLIED, OR STATUTORY, INCLUDING, BUT NOT LIMITED TO, ANY IMPLIED WARRANTIES, DUTIES, OR CONDITIONS OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

15. Limitation on Liability & Exclusion of Certain Damages. TYLER SHALL IN NO EVENT BE LIABLE FOR DAMAGES THAT EXCEED THE AMOUNT OF THE CHARGES PAID BY CLIENT HEREUNDER FOR THE
DEVELOPMENT AND LICENSE OF THE TYLER SOFTWARE. TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, IN NO EVENT SHALL TYLER BE LIABLE FOR SPECIAL, INCIDENTAL, EXEMPLARY, INDIRECT OR CONSEQUENTIAL DAMAGES OR FOR LOSS OF PROFITS, REVENUES OR DATA, EVEN IF TYLER HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

16. Hold Harmless. Client agrees that it will hold Tyler harmless against any claims, damages, liabilities, costs and expenses, including reasonable attorneys' fees, arising out of or relating to

a. Client's failure to implement any corrections, improvements and new releases relating to the Tyler Software, or any part thereof,

b. Client's unauthorized alterations to or use of the Tyler Software, or

c. Client's breach of any of its obligations to maintain the confidentiality of the Tyler Software or Client's unauthorized copying thereof.

17. Termination. This Agreement or any license referenced hereunder may be terminated by Tyler upon written notice to Client if Client performs any breach of the terms of this Agreement. At the date of termination of this Agreement, Client shall promptly return to Tyler any Tyler Software, related documentation, materials and other property of Tyler then in its possession, and any copies thereof wherever located. Notwithstanding the foregoing, all provisions hereof relating to confidentiality of the Tyler Software shall survive the termination of this Agreement.

18. General.

a. This Agreement shall be governed by the laws of Client's state of domicile and constitutes the entire Agreement between the parties hereto with respect to the Tyler Software described herein, and shall supersede all previous or contemporaneous negotiations, commitments and writings with respect to the matters set forth herein.

b. All acceptances by Tyler of purchase orders and all sales by Tyler are expressly limited to and made on the basis of the terms and conditions set forth herein, notwithstanding receipt or acknowledgment of Client's order forms or specifications containing additional or different provisions, or conflicting oral representations by an agent, representative or employee of Tyler. Any such additional or different terms are hereby objected to. All acceptances by Tyler are expressly conditional on Client's assent to the additional or different terms and conditions set forth in this Agreement. If these terms and conditions are not acceptable, Client should notify Tyler at once.

19. Contract Documents. This Agreement includes the following exhibits:

Exhibit A Investment Summary

SIGNATURE PAGE FOLLOWS
IN WITNESS WHEREOF, a duly authorized representative of each party has executed this Agreement as of the date(s) set forth below.

Tyler Technologies, Inc.

By: ___________________________

Name: _________________________

Title: __________________________

Date: _________________________

Address for Notices:
Tyler Technologies, Inc.
One Tyler Drive
Yarmouth, ME 04096
Attention: Chief Legal Counsel

City of Centralia

By: ___________________________

Name: _________________________

Title: __________________________

Date: _________________________

Address for Notices:
City of Centralia
PO Box 609
Centralia, WA 98531-0609
Attention: Marc Baine
Exhibit A
Investment Summary

The following Investment Summary details the software and services to be delivered by us to you under the Agreement. This Investment Summary is effective as of the Effective Date. Capitalized terms not otherwise defined will have the meaning assigned to such terms in the Agreement.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK
Start up transaction fee has been reduced to $1.00. Tyler has the right to increase transaction fee to $1.25 if adoption rate is not between 6%-10%.

- Incode Utility Billing Online Component displays the current status (late, cut off etc.), the action needed to avoid penalty, current balance, deposits on file (optional), last payment date, last payment amount, payment arrangements on file, last bill amount, last bill date, bill due date, contracts on file and status, transaction history (online payments). Payment packet is created to be imported to utility system. Address information includes legal description, precinct, school district, and services at address(subject to data availability). Includes consumption history by service (including graphs), request for service (optional), information change request (optional), security - SSL (secure socket layer). Note that the customer pays $1.25 fee per transaction for payment on-line

- EasyPay Online Payment Component allows clients to setup payment forums for misc. payments with a fixed, calculated or open payment amount. The payments are sent from the website to the cash collection Cashflow application and then posted to the GL application. NOTE: There is a $1.25 per transaction fee associated with the EasyPay that will be paid by client unless Tyler is instructed by the client to pass along to the user at time of payment.

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### Tyler Software and Related Services - Annual

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<tr>
<th>Subscription</th>
<th>One Time Fees</th>
<th>Recurring Fees</th>
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<td>EasyPay Online Payment Component</td>
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**Other Services**

**Summary**

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**Total**

| Total Tyler Annual                               | $800     | $5,280     |
| Total Tyler Services                             | $0       | $0         |
| Total Third Party Hardware, Software and Services| $0       | $0         |
| Summary Total                                    | $800     | $5,280     |
| Contract Total                                   | $6,080   | $0         |
BACKGROUND
On March 25, 2019, the Site Plan Review Committee (SPRC) held a pre-application meeting with Noble Healthcare, LLC to renovate a previous Assisted Living Facility to an Enhanced Services Facility at 1215 S. Tower Avenue. The applicant described the proposed remodel of the facility which included reducing the number of former beds from 23 to 16, the removal of one of the buildings, landscaping and other changes for the property and facility.

During the SPRC meeting, several questions were raised by staff. Is this a permitted use in the R-8 zone or does this use require a Special Use Permit? As well as, what is an “Enhanced Services Facility?” Is it like a residential care facility that is defined in the City’s Municipal Code or is it convalescence center or is it another type of residential care facility? Since the March 25th meeting staff has spent considerable time analyzing the Zoning Code, specifically the Special Use Process, CMC 20.66 and the definitions listed in CMC 20.06. In staff’s review, it became apparent that our definitions had not been updated to reflect the definitions as they appear in the RCWs and WACs for all residential care services (types of facilities).

Staff review concluded:
1. The City’s Special Uses (CMC 20.66) code is very confusing and needs a few amendments to help people understand what is a special use and what are the requirements for processing.
2. The definitions in our current code are outdated or non-existent and do not reflect current residential care services facilities as defined by the State.
3. In order to expedite the process of revising the code and avoid delay of potential development, Staff is recommending that Council declare an emergency, pass the Interim Zoning Ordinance in one reading, as attached and set this matter for a public hearing on May 14, 2019, at the regular scheduled City Council meeting and continue to study and review the areas of the code that need revision in CMC 20.66 and CMC 20.06.
4. Staff will involve the Planning Commission as to other potential changes that may be needed to CMC 20.66-Special Uses.
5. Within six (6) months of adoption of these Interim Zoning Codes, staff will return to Council to either permanently adopt the Interim Zoning code or proposed new regulations.
6. Adoption of the Interim Zoning codes will not stop zoning but will be the regulations in place until permanent adoption or amendment.
Financial Impacts: N/A

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RECOMMENDATION:
Adopt the interim zoning ordinance relating to residential care services, amending Centralia Municipal Code Chapter 20.66, Special Uses, adding and amending definitions, users permitted and amending definition of CMC 20.06.305 “Essential Public Facilities,” setting May 14, 2019, for a public hearing and declaring an emergency.
ORDINANCE ______

AN ORDINANCE RELATING TO ZONING, SPECIFICALLY CHAPTER 20.66, SPECIAL USES, ENACTING AN INTERIM ZONING ORDINANCE RELATING TO RESIDENTIAL CARE SERVICES, AMENDING CENTRALIA MUNICIPAL CODE CHAPTER 20.66, SPECIAL USES, ADDING AND AMENDING DEFINITIONS, USES PERMITTED, USES PERMITTED AND AMENDING DEFINITION OF 20.06.305 “ESSENTIAL PUBLIC FACILITIES,” SETTING A DATE FOR A PUBLIC HEARING AND DECLARING AN EMERGENCY

WHEREAS, the City of Centralia has enacted a comprehensive land use plan codified at Title 20.96, and

WHEREAS, Cities such as Centralia that are required to plan under the State Growth Management Act, chapter 36.70A RCW, are required to adopt a process for identifying and siting of Essential Public Facilities; and

WHEREAS, the City of Centralia has adopted a policy for identifying and siting Essential Public Facilities, more specifically in Chapter 20.66, Special Uses; and

WHEREAS, Essential Public Facilities, are facilities that are typically difficult to site, including in-patient facilities, mental health facilities, group homes, and secure community transition facilities; and

WHEREAS, in 2014 the State of Washington began offering licenses to operate a new type of residential setting serving up to 16 individuals who have complex personal care and behavioral challenges known as Enhanced Services Facilities (“ESF’s”) under chapter 70.97 RCW, and

WHEREAS, a typical ESF resident will have moved from a State or local psychiatric hospital; and

WHEREAS, a person may only be admitted to an ESF if the person has a mental disorder, chemical dependency disorder, or both; an organic or traumatic brain injury; or a cognitive impairment that results in symptoms or behaviors requiring supervision and facility services; and

WHEREAS, a person may only be admitted to an ESF if the person additionally requires daily care by or under the supervision of a mental health professional, chemical dependency professional, or nurse; or assistance with three or more activities of daily living; and

WHEREAS, a person may only be admitted to an ESF if, in addition to the previous two requirements, the person has two or more of the following: self-endangering behaviors that are frequent or difficult to manage; aggressive, threatening,
or assaultive behaviors that create a risk to the health or safety of other residents or staff, or a significant risk to property and these behaviors are frequent or difficult to manage; intrusive behaviors that put residents or staff at risk; complex medication needs and those needs include psychotropic medications; a history of or likelihood of unsuccessful placements in either a licensed facility or other state facility or a history of rejected applications for admission to other licensed facilities based on the person's behaviors, history, or security needs; a history of frequent or protracted mental health hospitalizations; a history of offenses against a person or felony offenses that created substantial damage to property; and

WHEREAS, an ESF is required to maintain sufficient numbers of staff with the appropriate credentials and training to provide residents with such services as mental health treatment, chemical dependency treatment, and security as needed; and

WHEREAS, the State licenses ESF’s as an entity of a different character than nursing homes; assisted living facilities; adult family homes; group training homes; and residential treatment facilities; and

WHEREAS, ESF’s are a land use that is not specifically provided for in the City of Centralia Zoning and Special Use Code, CMC Chapter 20.66; and

WHEREAS, it is appropriate to identify Enhanced Service Facilities as a Special Use within the City Zoning Code; and

WHEREAS, services offered by an ESF and the special needs of the residents make these facilities difficult to site similar to in-patient facilities, mental health facilities, group homes, and secure community transition facilities, and

WHEREAS, these characteristics make it appropriate for the City of Centralia to identify Enhanced Services Facilities as Essential Public Facilities, and

WHEREAS, in accordance with RCW 35A.63.220, interim zoning controls may be effective for no longer than six months, but may be effective for up to a year if a work plan is developed for related studies providing for such a longer period, and

WHEREAS, the City Council finds that the amendments contained in this Ordinance are appropriate and necessary for the preservation of the public health and welfare, and to provide for the siting of Enhanced Services Facilities within the City, and

WHEREAS, the City Council further finds that passage of this Ordinance constitutes an emergency; now therefore,

THE CITY COUNCIL OF THE CITY OF CENTRALIA ORDAINS AS FOLLOWS:

Sec. 1. Findings. RCW 35A.63.220 and RCW 36.70A.390 authorize adoption of interim zoning measures with certain limitations. In compliance with the
requirements of these statutes and applicable case law authority, the City Council adopts as findings the pronouncements contained in the above recital provisions.

Sec. 2. Interim regulation adopted.
Centralia Municipal Code Chapter 20.66 entitled Special Uses is hereby amended to read as follows:

Chapter 20.66
SPECIAL USES

Sections:
20.66.010 Intent.
20.66.020 Permitted uses.
20.66.030 Control of uses.
20.66.040 Environmental performance standards.
20.66.050 Design standards.
20.66.060 Residential care facilities (group homes) services—Permit requirements.
20.66.065 Limited agricultural uses—Permit requirements.
20.66.070 Special uses criteria.
20.66.080 Bed and breakfasts.

20.66.010 Intent.
It is the intent of this chapter to:
A. Provide for the location of certain types of uses, services and facilities which, because of their unique characteristics, cannot (or should not) be limited to or automatically included in specific land use classification districts;

B. Permit essential services and facilities which are needed or may be needed by or in the community, but the exact nature, scale or location of which cannot be foreseen or predicted;

C. Establish development standards for such uses and facilities in order that properties adjacent to such uses, especially properties which are of clearly different character from the use or uses identified in this chapter, are reasonably protected from adverse effects or impacts of these special uses;

D. To authorize the city to impose reasonable conditions, restrictions and development requirements on special uses as may be deemed appropriate for a special use in any given land use district;

E. Provide for a review process which will enable city officials, the general public and proponents of special uses to evaluate the need, location, scale and development characteristics of the uses and their impact on adjacent properties and the community as a whole, to the end that such uses may be approved, modified, or disapproved fairly and objectively;
F. It relieves the ordinance codified in this title and its enforcement officials from the burden of trying to identify every district in which a specific and unique use should be included as a conditional use;

G. Just as other chapters of this title try to achieve flexibility by describing rather than listing permitted uses in each district, this chapter should contribute to the desired flexibility by recognizing the limits of predictability;

H. It further enhances flexibility since the development standards for a particular use may vary depending upon the specific location for which it is proposed. (Ord. 2209 § 2 (part), 2008: Ord. 2024 § 1 (part), 1999).

20.66.020 Permitted uses Uses processed as per CMC 20.87. Specific types of uses permitted in accordance with the intent of this chapter and subject to reasonable conditions imposed by the city are categorized and identified as follows:

A. Personal or community service facilities such as:
   1. Child care, including nursery schools, preschools and day care centers;
   2. Funeral parlors, mortuaries and crematoria;
   3. Senior citizen centers;
   4. Residential care facilities (group homes for homeless persons, or physically or mentally disabled persons) services as provided in CMC 20.66.060;
      a. Adult family home with less than six residents – permitted no SUP required
      b. Adult family home or facility with more than six residents
      c. Assisted living facility
      d. Enhanced services facility
      e. Foster home – permitted no SUP required
      f. Group home for physically or mentally disabled persons
      g. Homeless persons facility
      h. Hospital – any zone other than H-1
         i. Nursing home or convalescent care facility or long-term care facility
         j. Residential care facility
         k. Residential treatment facility
         l. Senior citizen centers
   5. Nursing homes, convalescent care facilities;
   6. Cemeteries;
   7. Barbershops and beauty shops;
   8. Bed and breakfasts as provided in CMC 20.66.080;
   9. Office for a doctor, dentist, or other practitioner of the healing arts; attorney; architect; engineer; surveyor or accountant;
   10. Public or semipublic facilities serving as a library, museum or other similar purpose;
   11. Public, private, parochial school, or other educational institution and supporting dormitory facilities.
B. Places of public assembly, including:
   1. Churches (or other places of worship);
   2. Sports arenas or stadia;
   3. Fraternal organizations and lodges; and
   4. Private clubs.

C. Public utilities and their appurtenances such as:
   1. Electrical substations;
   2. Pumping, lift stations or similar regulatory appurtenances for the transmission or
distribution of electricity, natural gas, water and sewage, oil or steam, and storage tanks
for any of the preceding, including water towers;
   3. Solid waste disposal facilities, including transfer stations, incinerators and sanitary
landfills; and
   4. Radio, television or telephone stations, exchanges, transmitting, receiving or relay
structures.

D. Public safety and emergency response facilities, including:
   1. Police stations;
   2. Fire stations;
   3. Emergency medical centers; and
   4. Hospitals.

E. Public and private transport/maintenance facilities, including:
   1. Airports, landing strips, heliports or helipads, including waterborne craft;
   2. Railroad terminals, switching facilities, maintenance or repair shops, and spurs;
   3. Bus terminals, storage or maintenance facilities;
   4. Automobile parking facilities or structures other than those specifically required in
Chapter 20.72 CMC in connection with permitted uses.

F. Limited agricultural uses in all residential zones, subject to the criteria and
conditions of this chapter in general, and CMC 20.66.065 in particular.

G. Uses which are similar or related to those uses described in subsections (A)
through (F) of this section. (Ord. 2209 § 2 (part), 2008: Ord. 2034 § 1, 1999: Ord. 2030
§ 1, 1999: Ord. 2024 § 1 (part), 1991).

20.66.030 Control of uses.
Special uses shall be subject to review in compliance with Chapter 20.87 CMC or as
otherwise noted in this chapter. (Ord. 2209 § 2 (part), 2008: Ord. 2147 § 15, 2005: Ord.
2024 § 1 (part), 1999).

20.66.040 Environmental performance standards.
A. Special uses shall comply with the environmental performance standards as
described in Chapter 20.57 CMC, and may be required to comply with stricter standards
upon a finding by the city that stricter standards are necessary and reasonable to
protect adjacent properties or the health or general welfare of the community.
B. Specific requirements are established in this chapter for certain special uses. In the event that the specific requirements are found to be in conflict with the requirements of the use district in which the special use is to be located, the requirements of this chapter shall govern. (Ord. 2209 § 2 (part), 2008: Ord. 2024 § 1 (part), 1999).

20.66.050 Design standards.
A. The design standards for permitted uses in a given district shall be the initial base of reference in determining the design standards for special uses in the same district.

B. The enforcing officer and/or the site plan review committee is authorized to alter or vary the design of the district for a special use when such alteration or variation is found to be reasonable to protect adjacent properties or the health or general welfare of the community.

C. Design standards which may be altered or varied for special uses include, but are not necessarily limited to, the following:

1. Size and shape of lots (i.e., minimum area, width, depth, setbacks and building heights);
2. Maximum building coverage;
3. Maximum development coverage;
4. Off-street parking and loading;

20.66.060 Residential care services facilities (group homes)—Permit requirements.
A. Definitions. The following terms, as used in this section, are defined as follows:

1. “Care” means room and board and the provision of planned programs of counseling therapy or other social services to groups of persons of similar circumstances. Planned treatment shall not include any program which requires on-premises medical care by either a physician or a nurse.
2. “Foster home” means a dwelling unit in which foster care is provided for unrelated persons as part of the family and the dwelling unit is governed by the state foster care home licensing provisions and conducted in accordance with state requirements.
3. “Group home” means a home for handicapped, physically disabled or developmentally disabled or dependent persons providing facilities residentially oriented in a home-like environment directed to allow a degree of community participation and human dignity not provided in an institutional atmosphere.

4. “Residential care facility” means a licensed establishment operated with twenty-four hour supervision for the purpose of serving those persons who, by reason of their special circumstances, require care while living as a single housekeeping unit and/or in a supportive family environment. Residential care facilities, for the purposes of this title, may include group homes, foster homes, congregate care facilities and the like, but
shall not include correctional facilities. For purposes of this title, residential care facilities shall also include facilities providing room, board and counseling services to homeless persons for periods of up to forty-five days per family.

5. “Residents” are those persons who, because of special circumstances, require care and/or a supportive family situation in a residential environment.

1. “Adult family home” as defined in RCW 70.128 means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

2. “Assisted living facility” as defined in RCW 18.20 means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing housing, basic services, and assuming general responsibility for the safety and well-being of the residents, and may also provide domiciliary care, consistent with chapter 142, Laws of 2004, to seven or more residents after July 1, 2000. However, an assisted living facility that is licensed for three to six residents prior to or on July 1, 2000, may maintain its assisted living facility license as long as it is continually licensed as an assisted living facility. “Assisted living facility” shall not include facilities certified as group training homes pursuant to RCW 71A.22.040, nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the department of housing and urban development.

3. “Care” means room and board and the provision of planned programs of counseling therapy or other social services to groups of persons of similar circumstances. Planned treatment shall not include any program which requires on-premises medical care by either a physician or a nurse.

4. “Enhanced services facility” as defined in RCW 70.97 means a facility that provides treatment and services to persons for whom acute inpatient treatment is not medically necessary and who have been determined by the department (Department of Social and Health Services, DSHS) to be inappropriate for placement in other licensed facilities due to the complex needs that result in behavioral and security issues. Where an enhanced services facility specializes in medically fragile persons with mental disorders, the on-site staff must include at least one licensed nurse twenty-four hours per day. The nurse must be a registered nurse for at least sixteen hours per day. If the nurse is not a registered nurse, a registered nurse or a doctor must be on-call during the remaining eight hours.

5. “Essential public facilities” means those facilities that are typically difficult to site, include those facilities that are typically difficult to site, as defined in RCW 36.70A.200 and WAC 365-196-560, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, enhanced services facilities, and secure community transition facilities as defined in RCW 71.09.020.
6. “Foster home” means a dwelling unit in which foster care is provided for unrelated persons as part of the family and the dwelling unit is governed by the state foster care home licensing provisions and conducted in accordance with state requirements.

7. “Group home” means a home for handicapped, physically disabled or developmentally disabled or dependent persons providing facilities residentially oriented in a home-like environment directed to allow a degree of community participation and human dignity not provided in an institutional atmosphere.

8. “Long-term care facility” as defined in RCW 43.190.020 means any of the following: (1) a facility which: (a) Maintains and operates twenty-four hour skilled nursing services for the care and treatment of chronically ill or convalescent patients, including mental, emotional, or behavioral problems, intellectual disabilities, or alcoholism: (b) Provides supportive, restorative, and preventive health services in conjunction with a socially oriented program to its residents, and which maintains and operates twenty-four hour services including board, room, personal care, and intermittent nursing care. “Long-term health care facility” includes nursing homes and nursing facilities, but does not include acute care hospital or other licensed facilities except for that distinct part of the hospital or facility which provides nursing facility services. (2) Any family home, group care facility, or similar facility determined by the secretary, for twenty-four hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual. (3) Any swing bed in an acute care facility.

9. “Hospital” as defined in RCW 70.41 means any institution, place, building, or agency which provides accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care, of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include hotels, or similar places furnishing only food and lodging, or simply domiciliary care; nor does it include clinics, or physician's offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which come within the scope of chapter 18.51 RCW; nor does it include birthing centers, which come within the scope of chapter 18.46 RCW; nor does it include psychiatric hospitals, which come within the scope of chapter 71.12 RCW; nor any other hospital, or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, intellectual disability, convulsive disorders, or other abnormal mental condition. Furthermore, nothing in this chapter or the rules adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denominations.

10. “Nursing home” or “skilled nursing facility” means a facility licensed by the Washington State Department of Social and Health Services under chapter 18.51 RCW which means any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the

Ordinance/2019/Zoning 20.66
operator, who by reason of illness or infirmity, are unable properly to care for
themselves. Convalescent and chronic care may include but not be limited to any or all
procedures commonly employed in waiting on the sick, such as administration of
medicines, preparation of special diets, giving of bedside nursing care, application of
dressings and bandages, and carrying out of treatment prescribed by a duly licensed
practitioner of the healing arts. It may also include care of mentally incompetent
persons. It may also include community-based care. Nothing in this definition shall be
construed to include general hospitals or other places which provide care and treatment
for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or
both. Nothing in this definition shall be construed to include any "assisted living facility,
guest home, hotel or related institution which is held forth to the public as providing, and
which is operated to give only board, room and laundry to persons not in need of
medical or nursing treatment or supervision except in the case of temporary acute
illness. The mere designation by the operator of any place or institution as a hospital,
sanitarium, or any other similar name, which does not provide care for the acutely ill and
maintain and operate facilities for major surgery or obstetrics, or both, shall not exclude
such place or institution from the provisions of this chapter: PROVIDED, That any
nursing home providing psychiatric treatment shall, with respect to patients receiving
such treatment, comply with the provisions of RCW 71.12.560 and 71.12.570.

11. "Residential care facility" means a licensed establishment operated with twenty-
hour supervision for the purpose of serving those persons who, by reason of their
special circumstances, require care while living as a single housekeeping unit and/or in
a supportive family environment. Residential care facilities, for the purposes of this title,
may include group homes, foster homes, and the like, but shall not include correctional
facilities. For purposes of this title, residential care facilities shall also include facilities
providing room, board and counseling services to homeless persons, for periods of up
to forty-five days per family.

12. "Residential treatment facility" or "RTF" as defined in WAC 246-337-005 means a
facility in which twenty-four hour on-site care is provided for the evaluation, stabilization,
or treatment of residents for substance use, mental health, co-occurring disorders, or for
drug exposed infants.

B. Where Permitted.
   a. Adult family home with less than six – all residential zoning districts
   b. Adult family home or facility with more than six – All commercial, industrial, and
      R:8, R:15, R:20 zoning districts
   c. Assisted living facility – All commercial, industrial, and R:8, R:15, R:20 zoning
districts
   d. Enhanced services facility – All commercial, industrial, and R:8, R:15, R:20
      zoning districts
   e. Foster home– all zoning districts
   f. Group home for physically or mentally disabled persons - all residential zoning
      districts
   g. Homeless persons facility - All commercial, industrial, OSPF, and R:15, R:20
      zoning districts
   h. Hospital – All commercial and industrial zoning districts

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i. Nursing home/convalescent care facility/skilled nursing facility/long-term care facility – All commercial, industrial, and R:8, R:15, R:20 zoning districts
j. Residential care facility - All commercial, industrial, and R:8, R:15, R:20 zoning districts
k. Residential treatment facility - All commercial, industrial zoning districts
l. Senior citizen centers - All commercial, industrial, and R:15, R:20 zoning districts

C. Requirements for residential care facility or adult family home with less than six residents.

A residential care facility composed of six or fewer residents, exclusive of the owner, operator or staff, shall be permitted as a matter of right in medium-density and high-density residential districts. Those residential care facilities allowed in medium- and high-density residential zone districts of the city as a permitted use without following the special use procedure shall nevertheless meet the following requirements:

1. An adult family home or residential care facility shall be composed of six or fewer residents, exclusive of the owner, operator or staff.
2. All adult family home or residential care facilities must comply with applicable state licensing regulations, building and fire codes.
3. Such adult family home or residential care facilities shall meet all of the regulations of the zone district in which it is located, including, but not limited to, yard and setback requirements, lot coverage and parking.
4. An adult family home or residential care facility shall not be located within one-fourth mile radius of another residential care facility. The administration of this standard shall rest with the city building official.

CD. Special Use Permit Required When. A residential facility composed of more than six residents, exclusive of the owner, operator or staff, or which desires to locate in a low-density or moderate-density residential zone shall require a special use permit, regardless of the district for which it is proposed.

1. All applications for residential care facilities as a special use and all residential care facilities granted a special use permit shall meet the following requirements.
2. Special Use Applications. In addition to the information required by the terms of Chapter 20.87 CMC, regarding special use applications, such applications for residential care services facilities shall also include the following:
   a. Legal description and address of the proposed facility;
   b. The number of automobiles to be operated from the residential care facility and the number of off-street parking spaces to be provided and an estimate of the parking required for visitors to the facility;
   c. A brief description of the building and/or remodeling plans for the facility;
   d. The number of resident and nonresident staff contemplated for the facility with a description of the day-to-day supervision provided for the staff and including a statement of the house rules governing the facility;

Ordinance/2019/Zoning 20.66
e. Description of the program of the facility including the goals, treatment methodology, anticipated length of stay of residents, and the types of problems being treated;

f. The number and type of persons for whom care is being provided including the type of disability suffered by the residents, the average age of the residents and other pertinent information.

**DE. Requirements for All Facilities.** All residential care services facilities allowed as a special use shall meet the following standards:

1. The authorization for such a use shall be subject to the issuance of a license and/or certification by all appropriate local, state and/or federal agencies, and the use shall be discontinued when any such required license or certification is withdrawn or expired.
2. Except as stricter standards may be required by this chapter, the lot and yard coverage requirements of the zone in which the facility is to be located shall apply.
3. The minimum open space to be located on the site shall be determined according to the following guidelines, and whichever provides for the greatest area shall be required:
   
   a. The open space requirements of the district in which the facility is to be located; or
   
   b. i. The provision of three hundred square feet for each resident exceeding the number permitted by right, which is six.  
      ii. For the purposes of this section, driveways and parking areas shall not be considered open space. Required setback yards shall not be covered with impervious surfaces, except in the case of a tennis court, swimming pool, or similar recreational uses which require a special surface.
4. Meet the requirements in CMC 20.72 Parking. The minimum off-street parking shall consist of one space for each vehicle permanently located at the facility or operated on a daily basis in connection with the facility either by residents or visitors.
5. The use of the property as a residential care services facility shall not result in a concentration of social service facilities that would result in an unreasonable interference with the enjoyment of neighboring property or substantially interfere with the residential character of the neighborhood.
6. Meet the requirements in the underlining zoning district.

**EF. Additional Requirements by City.** Upon approving a special use application, the city shall impose the following requirements:

1. Limit the transferability of the special use by limiting the permit to allow service to a specific number and class of individuals. Any change in the specific number or class of individuals shall require a new special use approval.
2. Restrict the number of vehicles permanently located at the facility or operated on a daily basis in connection with the facility.
3. Require additional review of any subsequent remodeling of the facility. Determination of the need for a public hearing shall be made by the building official.
4. Impose such other conditions or terms as may be deemed appropriate and in the public interest to prevent unreasonable interference with the use and enjoyment of

Ordinance/2019/Zoning 20.66

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20.66.065 Limited agricultural uses—Permit requirements.
A. It is the intent of this section to allow limited agricultural uses within all residential areas with a limited agricultural use permit. This use is intended to allow the hobby farmer, student agricultural projects and the part-time commercial agricultural producer while protecting the residential atmosphere of the neighborhood.

B. In addition to the information required by the terms of Chapter 20.87 CMC, regarding special use application, such applications for limited agricultural uses shall also include a site plan or narrative explanation showing how the following criteria will be met:
   1. Adequate room to provide animals with a healthy, secure and aesthetically pleasing facility;
   2. The Maximum Number and Type of Animals. All animals shall be provided housing; large animals such as horses, livestock, sheep and goats shall have access to pasture or an exercise area free of excessive mud in wet weather;
   3. All buildings, fences and other facilities must adhere to established building codes and zoning restrictions, including setbacks, landscaping and screening.

C. Common agricultural practices may not automatically be considered compatible with surrounding uses. In order to maintain residential neighborhood compatibility, special attention must be given to building design, waste management, chemicals, feed use and noise. The following factors shall be considered in review of the limited agricultural special use permit:
   1. Building Design. All buildings must adhere to Centralia city building codes.
   2. Waste Management. Animal waste shall not be stockpiled or be a source of pest or rodent problems. A management system of chemical treatment, off-site disposal, composting or incorporation into the soil shall be practiced.
   3. Chemical Use. Chemicals that threaten the purity of the potable water supply or are incompatible with common residential uses, pets and landscaping shall be prohibited.
   4. Feed. All animal feeds that attract pests and rodents must be stored and managed in such a way as to minimize or eliminate such nuisances.
   5. Noise. Animals that contribute unusually excessive noise, such as crowing, braying or barking, during late night or early morning hours must be housed in such a manner as to minimize their effects on neighbors. Continuous problems with noisy animals may be cause for revocation of the permit or removal of the offending animal. (Ord. 2209 § 2 (part), 2008: Ord. 2147 § 17, 2005: Ord. 2024 § 1 (part), 1999).

20.66.070 Special uses criteria.
A. Application. Only a property owner may file an application for a special use permit. Special uses shall be subject to the review processes of Chapter 20.87 CMC or as otherwise required by this code. It shall be presented to the public works department along with a filing fee as set by resolution of the city council. The filing fee shall not be refundable. A site plan will be attached to the application showing the existing property
and surrounding area condition(s) and the future conditions that the applicant would like to see occur. The application shall be forwarded to the city building official. The site plan review committee shall hold a site plan and application conference with the applicant prior to starting any report on the application.

B. Hearing Examiner Authority. The Centralia hearing examiner shall have the authority to approve, establish conditions or reject special use proposals. Any change in the use of, or expansion of, or contraction of, a site area, or alteration of fifty percent or more of the gross floor area of any building or structure or any change of use classified as special and existing prior to the effective date of the ordinance codified in this chapter, shall conform to the requirements of this chapter.

C. Investigation and Report. The city building official or his designee shall make an investigation of the application and shall prepare a written report to the hearing examiner with a copy of the report made available to the applicant.

D. Public Hearings. The proposed special use permit shall be considered at a public hearing consistent with Chapter 20.02 CMC. Notice of the hearing shall be given in the following manner:
1. By publication of a notice in the local newspaper at least ten days prior to the public meeting;
2. By sending notices by mail not less than ten days prior to the date of the meeting to the property owners within two hundred feet of the exterior boundaries of the property involved, not including public right-of-way, using for this purpose the names and addresses of owners as shown in the record of the county assessor. Failure to send notices to persons specified in this subsection or failure of a person to receive a notice shall not invalidate the proceedings in connection with an application for a special use;
3. Where all property located within two hundred feet of exterior boundaries of the property involved, not including right-of-way, is under one ownership, owners of all property abutting the property under the same ownership shall be notified in the same manner as provided in subsection (D)(2) of this section;
4. In permitting a special use permit, the board may impose, in addition to the regulations and standards of this chapter, other conditions found necessary to protect the best interests of the surrounding properties, neighborhood or the city. These conditions may include, but are not limited to, requirements increasing the required lot size or yard dimensions, increasing street widths, upgrading existing streets, controlling the location and the number of vehicle access points to the property, increasing the number of off-street parking or loading spaces required, limiting the number of signs, limiting the coverage or height of buildings because of obstruction to views and reduction of light and air to adjacent properties, limiting or prohibiting openings in sides of buildings or structures, establishing screening and/or landscaping standards to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area, and requirements under which any future enlargements or alterations of the use shall be reviewed by the city and new conditions imposed;
5. Criteria Governing the Special Use Permit Application.
   a. In order to grant any special use, the hearing examiner must find that the
      establishment, maintenance or operation of the use applied for will not, under
      the circumstances of the particular case, be significantly detrimental to the
      health, safety or general welfare of the persons residing or working in the
      neighborhood of such proposed use or be detrimental or injurious to the
      property and improvements in the neighborhood or to the general welfare of the
      city.
   b. The hearing examiner shall render a decision in compliance with Chapter 20.02
      CMC.
      The decision of the board shall be final unless appealed to the superior court of
      the state of Washington, Lewis County, as provided herein.
   c. A special use permit shall become void one year after approval, or after such
      greater or lesser time as may be specified as a condition of approval unless,
      within that time, the required building construction, alteration or enlargement
      has been commenced and diligently pursued, or if no such construction,
      alteration or enlargement is required, the permitted activity is being regularly
      conducted on the premises. The hearing examiner may extend the permit for a
      period of one year.
   d. When a building designed or arranged for a special use shall cease to be used
      for that particular special use for twelve consecutive months, its use shall be
      limited to those uses permitted in that particular zoning district;

6. Appeal. The applicant or any interested person may file an appeal of the decision
by making an application to the superior court of the state of Washington, Lewis County,
for a writ of certiorari, a writ of prohibition or a writ of mandamus within ten days after
the board has rendered its decision;

7. Effect of Appeal on Application and Building Permit. Until a final determination of
any appeal to the superior court is returned, all activities relating to the matter under
appeal shall halt, unless otherwise approved by the superior court. No use, building or
occupancy permits shall be issued until the determination is returned. Any permits
issued must be in accordance with the decision of the court;

8. Revocation of Special Use Permit. Upon receiving written findings outlining
violations of a special use permit, as issued by the board, from the building official, the
board shall notify the original applicant of its intention to hold a public hearing for the
purpose of revoking the special use permit for violations of standards and conditions
imposed. The applicant shall be given full opportunity to show just cause of any
violations or show city error in violation determination;

9. Frequency of and Time Limitation on Resubmittal of Unamended, Rejected
Applications. The original applicant can resubmit, for one time, the unamended
application one year after rejection by the board for no additional fee;

10. Notification to Applicant of Board Action. The applicant shall be notified in writing
of the board’s final action within ten working days of the public hearing. (Ord. 2209 § 2
20.66.080 Bed and breakfasts. 
Bed and breakfasts may be allowed as a conditional/special use in all residential zones upon issuance of a conditional/special use permit:
A. The use shall be permitted only in owner-occupied residences. “Owner-occupied residence” shall mean a residence which the fee owner, contract purchaser or life tenant resides for more than eight months per calendar year.

B. Bed and breakfast rooms shall not be located in any structure except the principal residence upon the subject premises. The proposed use shall not require exterior structural alterations of the residence. In order to preserve the residential appearance of the structure, there shall be no exterior evidence of the use other than a permitted sign, up to two hundred forty square inches in area.

C. In addition, the following factors shall be taken into consideration in determining whether to issue a conditional/special use permit:
1. Parking;
2. Impact on neighbors;
3. Aesthetics;
4. Historical nature of site;
5. Size of home;

D. Conditional use permits issued pursuant to this section shall be subject to annual review by community development, which may revoke a conditional use permit for noncompliance with the conditions of this section. (Ord. 2374 § 7, 2016: Ord. 2209 § 2 (part), 2008: Ord. 2147 § 19, 2005: Ord. 2024 § 1 (part), 1999).

Sec. 3. Interim definition added.
Centralia Municipal Code Section 20.06.305 entitled Essential Public Facilities is hereby amended to read as follows:

20.06.305 Essential public facilities.
“Essential public facilities” means those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities and inpatient facilities including substance abuse facilities, and mental health facilities. (Ord. 2209 § 2 (part), 2008).

“Essential public facilities” means those facilities that are typically difficult to site, include those facilities that are typically difficult to site, as defined in RCW 36.70A.200 and WAC 365-196-560, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, enhanced services facilities, and secure community transition facilities as defined in RCW 71.09.020.

Ordinance/2019/Zoning 20.66
Sec. 4. Public hearing on interim zoning control. Pursuant to RCW 36.70A.390 and RCW 35A.63.220, the City Council shall hold a public hearing on this interim control regulation within sixty (60) days of its adoption, or before June 8, 2019. The Council shall hold this hearing on May 14, 2019. Immediately after the public hearing, the City Council shall adopt findings of fact on the subject of this interim control regulation and either justify its continued imposition or rescind the regulation.

Sec. 5. Declaration of emergency. The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority vote plus one of the whole membership of the Council, and that the same is not subject to a referendum (RCW 35A.12.130). Without an immediately effective interim zoning regulation, applicants for such projects or uses could become vested, leading to development that could be incompatible with the regulations adopted in this interim control and which may eventually be adopted by the City. Therefore, the interim regulation in this Ordinance must be imposed as an emergency measure to protect the public health, safety and welfare, and to prevent the submission of applications to the City in an attempt to vest rights for an indefinite period of time. This Ordinance does not affect any existing vested rights.

Sec. 6. Severability - Construction.
(1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Centralia Municipal Code, this Ordinance is deemed to control.

Sec. 7. Effective date. This Ordinance shall take effect and be in full force immediately upon adoption, as long as it is approved by a majority plus one of the entire membership of the Council, as required by RCW 35A.12.130.

PASSED BY a majority plus one of the whole membership of the City Council of the City of Centralia this April 9, 2019 and signed in authentication thereof this April 9, 2019.

__________________________________________
M A Y O R

ATTEST:

__________________________________________
City Clerk
APPROVED AS TO FORM:

___________________________
City Attorney

Published: _____________, 2019

Effective Date: Immediately Upon Adoption
The City of Centralia Budget for 2019 - 2020 was approved at $127,545,319. The proposed Budget Amendment Ordinance increases appropriations for expenditures in the City’s General Fund and other funds. Changes are proposed to meet requirements initiated by legislative action and to meet other needs recognized since adoption of the 2019 - 2020 budget. The requested changes are detailed in the staff report attached and summarized on the proposed ordinance.

Since the first reading the following items have been added to the requested amendment:

The bond issue for 2019 is almost complete and the ordinance adopted by the city council created two new funds to account for the bond debt repayment and capital projects funded by the debt. For the second reading the two accounts were added to the 2019 – 2020 budget.


Added New Fund 305 – 2019 Streetscape/Fox restoration capital project fund $4,200,000.

Financial Impacts:

The proposed amendment increases the total City 2019 – 2020 budget by $6,078,108. The budgets for remaining other funds not outlined in the staff memo continue as adopted. If approved, this amendment will result in a total City budget of $133,623,427.

| Implementation | $ 6,078,108 | Annual Ongoing | $ |
|----------------|-------------|---------------|
| Funds in Current Budget | X | Appropriation/Amendment Required |

Recommendation: Accept on second reading and adopt the 1st budget amendment of the 2019 – 2020 budget.
AN ORDINANCE OF THE CITY OF CENTRALIA, WASHINGTON, AMENDING THE 2019 - 2020 BUDGET BY INCREASING THE APPROPRIATIONS IN CERTAIN FUNDS FROM WHAT WAS ANTICIPATED AT THE TIME SAID BUDGET WAS ADOPTED

WHEREAS, the City Council approved the 2019 - 2020 Adopted Budget in Ordinance No. 2416 on November 27, 2018, and

WHEREAS, since adoption of the budget, additional financing has developed, adjustments are needed to respond to legislative requirements, and a special revenue fund has been created, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF CENTRALIA, WASHINGTON, DO ORDAIN as follows:

Section 1

The estimated resources for each separate fund and aggregate expenditures for all such funds of the City of Centralia are set forth in a summary form below and are hereby appropriated for expenditure at the fund level during the years 2019 – 2020 as set forth on pages 2 and 3 of this ordinance.
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Section 2

The provisions of this ordinance are declared to be severable and in the event a court of competent jurisdiction declares any portion of this ordinance invalid, the remaining provisions shall be unaffected thereby.

Section 3

That any previously enacted ordinance, or part thereof, in conflict herewith be and the same hereby is repealed to the extent of such conflict.

Section 4

That such amendments are for the best interest of the City and the same shall take effect immediately upon its passage and publication as provided by law.

Section 5

PASSED by the City Council of the City of Centralia, Washington for the first reading on the 26th day of March, 2019 and the second and final reading on the 9th day of April 2019.

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MAYOR

ATTEST:

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City Clerk

APPROVED AS TO FORM:

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City Attorney