
CITY OF COSMOPOLIS

**REGULAR COUNCIL AGENDA
COUNCIL CHAMBERS
1300 FIRST STREET
August 18, 2021
7:00 P.M.**

WORKSHOP – STORMWATER UTILITY 6:00 PM TO 6:30PM

PUBLIC DISCUSSION OF DISC GOLF AT MAKARENKO 6:30 PM TO 7:00PM

(Public Comments are encouraged)

1. **FLAG SALUTE – PLEDGE OF ALLEGIANCE**
2. **CALL TO ORDER – ROLL CALL**
3. **APPROVAL OF AGENDA**
4. **PUBLIC COMMENTS (Agenda Items Only)**
5. **CONSENT AGENDA**
 - a. **Claims Vouchers**
 - b. **Meeting Minutes – July 21, 2021 Council Meeting**
6. **COMMITTEE REPORTS**
7. **CITY OFFICIAL REPORTS**
8. **MAYOR’S REPORT**
9. **OLD BUSINESS**
 - a. **Ordinance 1363 (Fire Chief)**
10. **NEW BUSINESS**
 - a. **Ordinance 1364 (Stormwater Utility)**
 - b. **Ordinance 1365 (Stormwater Utility Tax)**
 - c. **Ordinance 1366 (Stormwater Utility Fund)**
 - d. **Resolution 2021-06 (General Enterprise Fund Reserves)**
11. **COUNCIL COMMENTS**
12. **PUBLIC COMMENTS (Comments are limited to three minutes)**

*To meet Social Distancing Standards, the City Council will be holding its meeting via Zoom.
Please see the information below to connect.*

[Zoom Information](#)

Meeting ID: 819 0267 9592
Passcode: 180019
(253) 215-8782

Zoom meeting id and passcode are for the workshops and regular meeting

CITY OF COSMOPOLIS
ORDINANCE NO. 1363

AN ORDINANCE PERTAINING TO THE COSMOPOLIS FIRE CHIEF, AMENDING SECTION 2.40.020 OF THE COSMOPOLIS MUNICIPAL CODE.

BE IT ORDAINED by the City Council of Cosmopolis as follows:

SECTION 1 Section 2.40.020 of the Cosmopolis Municipal Code shall be amended to read as follows:

2.40.020 –Fire Chief.

~~The Fire Chief shall be a volunteer position.~~ The Fire Chief shall be appointed by and serve at the pleasure of the mayor ~~during his/her term of office~~ , subject to confirmation by a majority of the members of the city council. The appointed fire chief shall be a current Cosmopolis volunteer firefighter or other qualified individual and may be recommended by the Cosmopolis Fire Department volunteer membership.

PASSED AND APPROVED this 16th day of June, 2021.

Mayor

Attest:

Finance Director

I, Julie Pope, Finance Director for the City of Cosmopolis, Washington do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1363 of the ordinances of the City of Cosmopolis, Washington, and that the same was passed regularly and according to law on the 16th day of June, 2021.

Finance Director

CITY OF COSMOPOLIS
ORDINANCE NO. 1364

AN ORDINANCE PERTAINING TO THE CREATION OF A STORMWATER MANAGEMENT UTILITY; AMENDING THE TITLE TO TITLE 13 OF THE COSMOPOLIS MUNICIPAL CODE; AND ADDING A NEW CHAPTER 13.65 TO TITLE 13 OF THE COSMOPOLIS MUNICIPAL CODE.

BE IT ORDAINED by the City Council of Cosmopolis as follows:

SECTION 1. The title to Title 13 of the Cosmopolis Municipal Code shall be amended to read as follows:

Title 13 – UTILITIES – WATER, STORMWATER AND SEWERAGE.

NEW SECTION. SECTION 2. A new Chapter, 13.65, is added to Title 13 of the Cosmopolis Municipal Code, to read as follows:

CHAPTER 13.65
STORM AND SURFACE WATER MANAGEMENT

13.65.010 Purpose – Findings

The city finds and declares as follows:

- (1) All real property in the city contributes runoff to the common storm and surface water problem, and all real property in the city has and will continue to benefit from the control and management of storm and surface water, either directly or indirectly.
- (2) The severity of existing drainage problems cannot be allowed to continue to escalate as a result of inadequate stormwater regulation and management.
- (3) The city's stormwater system must be funded in a manner enabling comprehensive maintenance, operation, and regulation of stormwater through formation of a storm and surface water utility while achieving reasonable equity in the fiscal burdens in relation to such activities.
- (4) Because all developed real property has and will benefit from the city's maintenance and operation of the stormwater system, all developed real property should contribute to the funding of the city's program for maintenance, operation and improvement of the stormwater system.

(5) The development of real property, as measured by equivalent stormwater units (ESU's), is an appropriate basis for the determination of an individual parcel's contribution to the problem of storm and surface water runoff.

(6) It is necessary and appropriate to utilize statutory authority granted to the city to establish and maintain a storm and surface water utility.

13.65.020 Potential hazard declared.

The city finds and declares that, absent effective maintenance, operation, regulation and control, existing stormwater drainage conditions in all drainage basins within the city constitute a potential hazard to the health, safety and general welfare of the city. The city council further finds that natural and man-made stormwater facilities and conveyances together constitute a stormwater drainage system and that effective regulation and control of stormwater through formation, by the city, of a storm and surface water utility requires the transfer to the stormwater utility of all stormwater facilities, conveyances, and related rights belonging to the city.

13.65.030 Storm and surface water management

(1) Utility Created – Responsibilities. There is hereby created and established pursuant to RCW Chapter 35A.80, 35.67, 90.03, and Article 11, Section 11 of the Washington State Constitution, a storm and surface water utility. All references to “the utility” in this chapter refer to the storm and surface water utility. The utility will have such authority and responsibility as may be granted by law, including the planning, design, construction, maintenance, administration, funding, and operation of the utility, including all city stormwater conveyances and facilities.

(2) Property Transferred to the Utility. Title and all other incidents of ownership of the following assets are hereby transferred to and vested in the utility: all properties, interests and physical and intangible rights of every nature owned or held by the city, however acquired, insofar as they relate to or concern stormwater, further including, without limitation, all properties, interests, and rights acquired by adverse possession or by prescription, directly or through another, in and to the drainage or storage, or both, of stormwaters, through, under or over lands, watercourses, sloughs, streams, ponds, lakes and swamps, all beginning in each instance at a point where stormwaters first enter the stormwater drainage system of the city and ending in each instance at a point where the stormwaters exit from that system of the city, and in width to the full extent of inundation caused by storm or flood conditions.

(3) Stormwater System. There is specified and adopted as the original system and plan of the utility, including a declaration of the estimated costs thereof, such resolution as may be adopted by the council as the city of Cosmopolis interim comprehensive stormwater management plan. This plan, as now existing or hereafter adopted, shall be subject to replacement, modification, or

supplementation by any subsequent amendment, supplement, or replacement, adopted by the council which thereafter shall be considered as controlling, to the extent such amendment, supplement, or replacement is in conflict with the interim plan.

(4) Utility Administered by City Administrator. The utility shall be administered by the city administrator or his or her designee.

(5) Separate Utility. In accordance with the provisions of RCW Chapters 35.67, 35.92 and 90.03, the storm and surface water utility is established as a separate utility, together with all additions, extensions and betterments thereof at any time made.

13.65.040 Review and Update

The public works department shall continue the review and update of the stormwater management plan and ordinances relating to the management and operation of the stormwater system, and the regulation and enforcement of any activities that may adversely impact the stormwater system and receiving waters. Whenever either the city council or the public works department determines that an amendment or modification to these ordinances is necessary or in the best interests of the city and the stormwater system, the public works department shall be responsible to present any recommendations to the city council for consideration.

13.65.050 Stormwater utility rates.

(1) Stormwater rates shall be based upon an equivalent stormwater unit (ESU). One ESU shall equal one thousand square feet of impervious area. A single-family home or duplex shall be assigned one ESU. All other parcels shall be assigned an ESU determination based upon square footage.

(2) The monthly stormwater rates effective September 1, 2021 shall be \$6.50 per ESU.

(3) The monthly stormwater rates effective January 1, 2022 shall be \$6.70 per ESU.

(4) The monthly stormwater rates effective January 1, 2023 shall be \$6.90 per ESU.

(5) The monthly stormwater rates effective January 1, 2024 shall be \$7.11 per ESU.

(6) The monthly stormwater rates effective January 1, 2025 shall be \$7.32 per ESU.

(7) Thereafter, the monthly stormwater rates shall be increased on an annual basis, effective January 1st of each subsequent year, based upon a percentage which corresponds with the CPI-W All Urban Consumers, June to June index, for that year.

13.65.060 Credits for qualified existing stormwater facilities.

The city of Hoquiam recognizes that some property owners have constructed private on-site stormwater quality and quantity mitigation facilities (“facilities”), which may aid the city in controlling the overall effects of stormwater pollution and those other problems necessitating the enactment of this chapter by the city. Properties or portions of properties with facilities that meet one of the criteria listed below, to the satisfaction of the city, shall be eligible for a reduction in the amount of twenty percent from the monthly stormwater rates charged pursuant to CMC 13.65.050, as currently enacted or hereafter amended:

(1) Any property with a properly maintained water quantity and quality facility that meets or exceeds the design requirements of the 1992 Department of Ecology Stormwater Technical Manual.

(2) Any property that has an active and valid NPDES permit. A copy of the permit and the Storm Water Pollution Prevention Plan (SWPPP) shall be provided to the city. The property owner is responsible for providing all documentation necessary to demonstrate that the design and construction of any water quality and/or water quantity facility meets the above requirements. Documentation shall be prepared by a qualified engineer licensed by the state of Washington. In the event facilities or control measures address only a portion of the total property, the credit will be applied only to the portion addressed. The property owner must maintain any water quantity and/or water quality control facility in accordance with Department of Ecology maintenance guidelines and appropriate practice to ensure proper function and effectiveness of the facility. Failure to so maintain the facilities within thirty days after receiving written notice of such failure shall be cause for termination of the credit granted in this section.

13.65.070 Credits for qualified existing stormwater facilities with special discharge permits.

Properties or portions of properties that have demonstrated compliance with the criteria listed in CMC 13.65.060, and that meet one of the additionally listed criteria below, to the satisfaction of the city, shall be eligible for a reduction in the amount of seventy percent from the monthly stormwater rates charged pursuant to CMC 13.65.050, as currently enacted or hereafter amended.

This credit shall be in the place of any credit that may apply to the property pursuant to CMC 13.65.060:

(1) Discharge of stormwater is directly into marine waters or waters under tidal influence with no connection to city stormwater systems; or

(2) Discharge of stormwater is to an infiltration facility meeting the requirements of the Department of Ecology for stormwater treatment and groundwater protection. The facility shall be capable of fully infiltrating a one-hundred-year developed storm within the subject property. Infiltration of stormwater shall not adversely affect surrounding or down-gradient properties. The design, performance, and construction shall be certified by a qualified engineer licensed with the state of Washington.

PASSED AND APPROVED this 18TH day of August, 2021.

Mayor

Attest:

Finance Director

I, Julie Pope, Finance Director for the City of Cosmopolis, Washington do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1364 of the ordinances of the City of Cosmopolis, Washington, and that the same was passed regularly and according to law on the 18th day of August, 2021.

Finance Director

CITY OF COSMOPOLIS
ORDINANCE NO. 1365

AN ORDINANCE PERTAINING TO UTILITY TAXES; AMENDING SECTIONS 3.04.020 AND 3.04.050 OF CHAPTER 3.04 OF THE COSMOPOLIS MUNICIPAL CODE TO INCLUDE TAXES ON STORMWATER UTILITY SERVICES.

BE IT ORDAINED by the City Council of Cosmopolis as follows:

SECTION 1. Section 3.04.020 of the Cosmopolis Municipal Code shall be amended to read as follows:

3.04.020 - Utility services defined.

“Utility services” means the supplying of electricity; telephone service, except interstate telephone service; and water, stormwater and sewer services within the city.

SECTION 2. Section 3.04.050 of the Cosmopolis Municipal Code shall be amended to read as follows:

3.04.050 – Utility tax on water, stormwater and sewer payers.

A. Findings. The city council of the City of Cosmopolis finds that:

1. The city’s equipment, including necessary automobiles in all city departments together with necessary equipment to maintain the safety and effectiveness of all city employees, require that the city maintain and modernize all equipment for the efficiency of the city’s crew and the public safety; and
2. The proper maintenance of all equipment will add significant service life for the city’s vehicles and equipment thus allowing the city to avoid purchasing new equipment which is growing in cost.

B. A utility tax of five per month is imposed on all water, stormwater and sewer payers.

C. All funds received from the utility tax shall be placed in the equipment reserve fund.

PASSED AND APPROVED this 18TH day of August, 2021.

Mayor

Attest:

Finance Director

I, Julie Pope, Finance Director for the City of Cosmopolis, Washington do hereby certify that the foregoing is a true and correct copy of Ordinance No.1365 of the ordinances of the City of Cosmopolis, Washington, and that the same was passed regularly and according to law on the 18th day of August, 2021.

Finance Director

CITY OF COSMOPOLIS

ORDINANCE NO. 1366

AN ORDINANCE PERTAINING TO REVENUE AND FINANCE, CREATING A STORMWATER UTILITY FUND.

BE IT ORDAINED by the City Council of Cosmopolis as follows:

SECTION 1. There is created a Stormwater Utility fund, to be designated Fund 410.

PASSED AND APPROVED this 18th day of August, 2021.

Kyle Pauley -- Mayor

Attest:

Julie Pope – Finance Director

I, Julie Pope, Finance Director for the City of Cosmopolis, Washington do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1366 of the ordinances of the City of Cosmopolis, Washington, and that the same was passed regularly and according to law on the 18th day of August, 2021.

Finance Director

CITY OF COSMOPOLIS
RESOLUTION NO. 2021-06

A RESOLUTION adopting a General and Enterprise Fund Reserves policy.

WHEREAS, the Finance Department is responsible for all financial operations, budgeting reporting and compliance, payroll processing, coordinating, and preparing for the annual audit for the City of Cosmopolis; and

WHEREAS, the Finance Director, as head of the Finance Department, has the responsibility of administering the General Fund and Enterprise Fund Reserves policy on behalf of the Finance Department and City Administration; and

WHEREAS, although the Finance Department is responsible for all financial operations, authority over the General Fund and Enterprise Fund Reserves policy remains under the auspices of the City Council; and

WHEREAS, it is necessary to adopt a policy to provide guidelines to the Finance Department in administering General and Enterprise Fund Reserves; NOW THEREFORE,

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COSMOPOLIS, WASHINGTON, IN REGULAR MEETING DULY ASSEMBLED, AS FOLLOWS:

SECTION 1. The attached General and Enterprise Fund Reserves policy is hereby adopted by reference in its entirety.

PASSED AND APPROVED this 18TH day of August, 2021.

Mayor

Attest:

Finance Director



City of Cosmopolis

General and Enterprise Fund Reserves Policy

Authority

The Finance Department is responsible for all financial operations, budgeting reporting and compliance, payroll processing, coordinating, and preparing for the annual audit for the City of Cosmopolis. The Finance Director, as head of the Finance Department, therefore, upholds the responsibility for administering the General Fund and Enterprise Fund Reserves policy on behalf of the Finance Department and City Administration.

Although the Finance Department is responsible for all financial operations, authority over the General Fund and Enterprise Fund Reserves policy remains under the discretion of City Council.

Purpose

Reserves exist to support the City during unexpected revenue shortage or unplanned, necessary expenditures. This policy is intended to specify targets for the inflows and outflows of the General Fund and Enterprise Reserves, including the quantity of resources to be held in reserves and conditions under which reserves may be used.

Policy

Reserve Levels

- The City will maintain a General Fund Reserves balance of 4.5 months of the General Fund Expenditures
 - Due to the Covid-19 Pandemic, the City's general fund reserves were nearly deleted. To get the reserves up to 4.5 months of General Fund Expenditures, the City will set aside fifteen percent of its revenues each year.
- The City will maintain an Enterprise Fund Reserves balance of 6 months of expenditures funding the Reserve.
 - To get the reserves up to 6 months of Enterprise Fund Expenditures, the City will set aside fifteen percent of its revenues each year.

- The City's annual budget surplus funds, and unencumbered sources of funds contribute to the Reserves. Conditions for the Use of Reserves
 - Any expenditure requested by the City out of the fiscal annual budget cycle is subject to the approval of City Council. General Fund Reserves are to be used to sustain the City in situations of revenue shortages or unexplained expenditures. It is under the discretion of City Council to determine whether the state of the City warrants the use of General Fund Reserves.

Authority over Reserves

- The Finance Department for the City of Cosmopolis upholds the responsibility to maintain the General Fund Reserves at the level determined by City Council.

Assigning Fund Balance

- City Council retains the authority to assign and amend the General Fund and Enterprise Fund Reserves balance, while the City Finance Department is responsible for administering the fund balance to the General Fund Reserves.

Replenishment of Reserves

- General Fund and Enterprise Fund Reserves are to be replenished annually with unencumbered funds available during the annual budget process.

Excess of Reserves

- If General Fund Reserves should exceed 4.5 months of General Fund Expenditures or the Enterprise Fund Reserves should exceed 6 months of expenditures, they are to be reviewed by both the City Finance Department along with City Council as part of their annual review. The excess reserves will remain in the General Fund Reserves until a project arises or held as operating contingency at the discretion of the City Council.

Periodic Review of the Targets

- The targets, as mentioned above for the General Fund and Enterprise Fund Reserves, will be reviewed every fiscal year during the budget planning process or whenever city conditions indicate that a policy update is necessary. Any updates to the policy will be subject to the approval of City Council.